

Application Number

P/2012/1086

Site AddressLincombe Hall Hotel
Lower Woodfield Road
Torquay
Devon
TQ1 2JX**Case Officer**

Matt Diamond

Ward

Wellswood

Description

Erection of a new 11 bedroom hotel accommodation building, with glass link to existing villa (NB. Access _ car parking already have pp)

Executive Summary/Key Outcomes

The application is for a new hotel accommodation building comprising 11 bedrooms at Lincombe Hall Hotel, Lower Woodfield Road, Torquay. This building would be sited behind the existing villa building – which is separate to the main hotel building – and connected to it by a new glass link. Internal alterations to the villa building would necessitate the removal of one of the existing bedrooms, resulting in a net gain of 10 bedrooms. The application also incorporates a new car park with 20 spaces on the existing disused tennis court towards the front of the site and new vehicular access to the car park from Meadfoot Road. The car park was already approved under planning permission ref. P/2010/0738 to convert the villa building into residential flats, but a condition on this permission withdrew consent for the access until an arboricultural survey had been carried out. The site is located within the Lincombes Conservation Area and Meadfoot Road Principal Holiday Accommodation Area. It is covered by a blanket TPO (1973.17).

The principle of the development is acceptable and would generate economic growth, and create 5 full time jobs and 1 part time job. Pre-application discussions led to the original design of the building being amended to preserve and enhance the character of the Conservation Area, by pulling it back from the visible garden area to the west of the site and re-siting it further behind the existing villa building. This retains the swathe of greenery to the west, which contributes to the setting of the existing buildings and thereby the character of the Conservation Area. The building has a high quality, contemporary design with materials that help it blend into the existing landscape, including a 'green' roof. The design of the vehicular access to the car park has been resubmitted taking into account a Tree Constraints Plan and both the Highways department and Arboricultural Officer have raised no objections. The number of parking spaces in the car park complies with the Council's parking standards taking into account the number of existing spaces and total number of bedrooms. The proposals

would result in the removal of one apple tree, but a replacement apple tree would be planted in the grounds of the hotel. A sustainable transport contribution of £12,458.00 would ordinarily be required, but it is considered in this instance that this should be mitigated by investment in tourism within the PHAA, specifically through the number of jobs created.

Two public representations have been received from local residents in Torwood Close raising concerns with the proposed soakaway to deal with surface water drainage. This is because of problems with surface water drainage in the area that has led to flooding at properties in Torwood Close. An appropriately worded pre-commencement condition has been drafted accordingly, which has been agreed with the Council's Drainage Engineer.

Recommendation

Conditional Approval; with conditions to be delegated to the Executive Head of Spatial Planning (a list of conditions is provided at the end of this report, but more conditions might be required).

Site Details

The site is located in the Meadfoot area of Torquay, on the corner between Meadfoot Road and Lower Woodfield Road. The area of the site is 1.06 ha. The site abounds Meadfoot Road and Lower Woodfield Road to the south, Sydore Hotel to the west and residential properties to the north and east. The site is located within the Lincombes Conservation Area and Meadfoot Road Principal Holiday Accommodation Area, and is covered by a blanket TPO (1973.17). Sydore Hotel is Grade II listed.

The site comprises Lincombe Hall Hotel, with the main hotel building to the east and separate villa building to the west. These buildings are connected by a covered, raised walkway. Both buildings are used for hotel accommodation. The grounds are well landscaped and include areas of lawn and many mature trees and shrubs. The main site entrance is off Lower Woodfield Road next to the junction with Meadfoot Road. Adjacent to the site entrance is a tennis court and behind the covered walkway there is an outdoor swimming pool and pool building. Car parking is available on an area of hardstanding adjacent to the tennis court and villa building, and in front of the covered walkway as you enter the site. Some additional car parking is available off the driveway leading up to the main hotel building. In total, there are 28 car parking spaces and 1 coach space, which doubles as 6 car parking spaces.

Detailed Proposals

The proposal is to erect a new hotel accommodation building comprising 11 bedrooms behind the existing villa building on an area of grass. The new building would be connected to the villa building by a new glass link. The new building would have a contemporary design, with a flat roof. It would be single storey and largely hidden from view behind the villa building, except for a small section to

the west. It would be built partly sunken into the existing landscape. It would be made from timber cladding, local stone and painted render, with a sedum roof. The windows and doors would be powder coated aluminium.

Six of the bedrooms in the new building would have private patios. New landscaping would be carried out around the new building, including new stone retaining/boundary walls and a new pathway leading around the swimming pool to the restaurant. An existing timber store to the rear of the villa building would be removed. Some minor alterations would be carried out to the interior of the villa building to enable the proposed development. This would result in the loss of one bedroom in the villa building.

The application includes the conversion of the existing tennis court into a car park with 20 additional spaces and a new vehicular access onto Meadfoot Road. This necessitates the removal of a section of the stone wall along the front boundary to create the access, with new rubble stone walls and piers created to frame the access. The car park already has planning permission under ref. P/2010/0738, but the access does not due to a condition requiring a detailed scheme of access which has regard to the findings of the arboricultural survey.

Summary Of Consultation Responses

Environment Agency: No objections to the proposal as the Flood Risk Assessment advises it is the intention to drain surface water runoff to a soakaway and the proposed use of sedum roofs, both of which are examples of good practice.

South West Water: No comments, as no apparatus will be affected.

Drainage Engineer: Contradiction between information on the application form stating surface water drainage will be to the mains and the flood risk assessment which states that it will be dealt with via a soakaway. No details provided of trial holes and infiltration tests to confirm the ground is suitable for a soakaway. No detailed design of soakaway or surface water system to the soakaway provided, which must show how they will cater for the 1 in 100 year storm event plus an allowance for climate change. The applicant must also demonstrate how the soakaway will not increase the risk of flooding to surrounding buildings, roads and land, and, if flooding is predicted, how the floodwater/overland flow will be dealt with in order not to increase the risk of flooding to surroundings buildings, roads and land.

Agreed to a planning condition requiring the submission of these details prior to commencement of development.

Highways/Strategic Transportation: Requires a sustainable transport contribution of £1,329.44, following mitigation for employment. 20 new car

parking spaces for a net gain of 10 additional hotel bedrooms exceeds the parking standards in Policy 25 of the Adopted Torbay Local Plan. The parking levels should therefore be reduced to accord to the current proposals. Opportunities to undertake trips by sustainable transport modes should be provided; in this case the bus stop on Meadfoot Sea Road within approximately 30-40m of the site should be enhanced.

Highways Raise no objection to the access to the proposed car park, as it was agreed on the previous application. As before though, they request that improvements are made to the Lower Woodfield Road/Meadfoot Road junction to improve safety. This would be via a Section 278 Agreement or financial contribution of £10,000 secured by a Section 106 Agreement.

English Heritage: Stated it has no comments on this occasion. Recommended the application should be determined in accordance with national and local policy guidance, and on the basis of [Torbay Council's] specialist conservation advice.

Arboricultural Officer: The proposals are likely to require the removal of at least one mature apple tree, which is one of a number of trees un-plotted in the tree report. The tree report is out of date and was prepared to support the previous application. This plan does not detail any tree protection measures for the mature trees to the west. However, the scheme is suitable for approval, subject to the following conditions:

1. Prior to any recommendation for approval a detailed submission in line with B.S5837 2012 Trees In Relation to Design, Demolition and Construction Recommendations should be submitted to define an area for root protection.
2. A landscaping plan should be submitted that addresses the loss of the Apple tree.

Building Control: Stated the proposal will require building regulations consent. At this stage, the architects should consider the following issues:

- How this extension will be accessed in line with the guidance in Building Regulation Approved Document Part M, specifically paragraphs 0.5 to 0.8 incl. This requires compliant access to the extension as a stand alone building if full compliant access cannot be achieved through the existing building. This may affect external landscaping/access provisions.

- The internal walls separating bedrooms will need to satisfy Part E for Sound Insulation as they are classed as "rooms for residential purposes". This may affect room sizes slightly.

- The size of the extension may require consequential improvements in the

existing hotel building. This is to help aid the conservation of fuel and power as required by Part L2a/b of the Building Regulations. Unlikely to affect Planning though.

- Access and facilities for Fire Service Access needs to be considered in accordance with Building Regulation requirements B5, specifically Section 16. May affect external landscaping/access provisions.

Community Safety: Stated no formal comments.

Summary Of Representations

Two public representations received from neighbours in Torwood Close raising the following issues:

- The owners of Lincombe Hall Hotel have removed boundary protection between the hotel and 9 Torwood Close, which is considered a safety issue by the owners of 9 Torwood Close and the proposed development would increase the risk associated with this safety hazard.

- Object to proposed soakaway, as it would increase existing flooding problems to properties in Torwood Close.

- Welcome appropriate development that provides jobs in the area, but concerned by increased surface water runoff from the proposals.

- Will planning conditions be imposed to ensure water runoff does not add to existing run off problems in Torwood Close? If so, this will require appropriate studies to be carried out and submitted to Torbay council. This needs to consider re-emergence of water run off if soakaways are used.

These are re-produced at Page T.200.

Relevant Planning History

ZP/2008/0614: Demolition of Old House and Redevelopment to Provide Apartments (pre-application enquiry): Split decision 22.07.2008

ZP/2008/0738: Annexe (pre-application enquiry): Split decision 13.08.2008

ZP/2008/0822: Annexe (pre-application enquiry): Refuse 13.10.2008

ZP/2009/0545: Refurbish main hotel, convert villas into apartments (pre-application enquiry): Approve 12.10.2009

ZP/2010/0331: Redevelopment of annexe and new build dwellings in

grounds (pre-application enquiry): Split Decision 09.06.2010

- P/2010/0738: Demolition works; alterations and conversion of 19 hotel rooms within an existing villa to 8 residential units; formation of additional 4 residential units; replace tennis courts with car park and new vehicular access: Approved 01.02.2011
- P/2010/0739: Demolition works: Approved 12.11.2010
- P/2011/0675: Erection of owner's accommodation: Refused 28.07.2011: Appeal dismissed 07.03.2012
- ZP/2012/0224: Extra Bedroom Accommodation (pre-application enquiry): Approve 12.09.2012.

Key Issues/Material Considerations

The key issues are:

1. The Principle of the Development
2. Impact on Character and Appearance of the Conservation Area
3. Impact on Biodiversity
4. Impact on Highways
5. Parking
6. Surface Water Drainage
7. Trees
8. Fire Service Access

1. The principle of the development is acceptable. The proposed development would result in a net increase in hotel accommodation on the site by 10 bedrooms. It would therefore support the existing business and help maintain the Principal Holiday Accommodation Area in which it is located. The proposed development would provide new employment and generate economic growth in accordance with the NPPF. Five full time jobs and one part time job would be created.

2. The site is located in the Lincombes Conservation Area. Policy BE5 of the Local Plan only permits development within a Conservation Area where it will preserve or enhance the character or appearance of that area. In addition, the NPPF states the desirability of new development making a positive contribution to local character and distinctiveness (Para 131) and when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (Para 132).

In this case, the special character of the area is defined by large buildings set in dominant landscape settings. The proposal preserves the character of the Conservation Area by siting the new accommodation building behind the villa

building to the west, so that it is largely not visible from the public realm in Meadfoot Road. This retains the swathe of greenery to the west of the site, which is important as it contributes to the landscape setting of the buildings and thereby the character and appearance of the Conservation Area. The original proposals incorporated a building that extended into this area effectively urbanising this part of the site, but following pre-application discussions, the building was re-sited and redesigned and is now considered acceptable.

The proposed design of the building is contemporary. It would be set into the landscape behind the villa building and incorporate local materials and a 'green' roof. It is considered to represent high quality architecture reflecting the current time period. Whilst stylistically it is different to the existing buildings, it is considered that this would contrast successfully with the existing buildings highlighting their own quality. Therefore, it is considered that the proposals would make a positive contribution to local character in line with the NPPF and also enhance the character and appearance of the Conservation Area.

3. Whilst the site is not located in a designated nature conservation/wildlife site, the NPPF encourages opportunities to incorporate biodiversity in and around developments (Para 118). The proposed development would lead to the loss of an area of grass behind the villa building, but this would be mitigated by the proposed sedum roof. The sedum roof is likely to have more ecological value than grass; therefore, the proposals have taken the opportunity to incorporate and enhance biodiversity in accordance with the NPPF.

4. The application includes the conversion of the existing tennis court into a car park with 20 additional spaces and a new vehicular access onto Meadfoot Road. The car park already has planning permission under ref. P/2010/0738, but the access does not due to a condition requiring a detailed scheme of access which has regard to the findings of the arboricultural survey.

The Highways department does not object to the proposed site access, which has been designed taking into account the submitted Tree Constraints Plan. However, they have made a request that the development pays £10,000 for improvements to the Meadfoot Road/Lower Woodfield Road junction to improve safety. The applicant has stated that this amount seems unreasonable when the development would result in a net gain of only 10 bedrooms, and it would also make the scheme financially unviable when taking into account the repair works required to the existing buildings, which were conditioned on the previous planning permission. In addition, it is officers considered view that, as the works are not necessary to make the development acceptable in planning terms, they cannot be imposed as a planning condition or sought as a planning obligation because this would fail the tests in the NPPF and the CIL Regulations. The proposed development is therefore acceptable in highways terms in the absence of a contribution.

It is noted that access to the car park is not possible from within the site, due to a 1.5m level change that would require a ramp of some 18m. This would use up most of the space in the car park and have a detrimental impact on the character and appearance of the conservation area.

Strategic Transportation has calculated a sustainable transport contribution of £1,329.44 following the methodology in the Council's Planning Contributions and Affordable Housing SPD Update 3 and applying mitigation for jobs created. However, this was calculated based on an incorrect floor area for the development and has been recalculated below.

5. Strategic Transportation has raised an objection to the number of car parking spaces in the proposed car park, as 20 spaces exceeds the maximum standards set out in Policy T25 of the Local Plan for the new accommodation. Notwithstanding that the car park already has permission under the previous consent, the applicant has confirmed that the intention is the car park would be used by all guests of the hotel, not just the guests of the new accommodation. Therefore, the proposals comply with Policy 25, which requires a maximum of 1 space per letting bedroom and 1 coach space per 15 bedrooms, as there would be a total of 54 bedrooms and the applicant has confirmed that there would be a total of 48 car parking spaces and 1 coach space. The applicant confirmed that the information on the application form stating there are 40 existing car parking spaces was incorrect and approximated when the application was submitted. They have submitted a drawing showing the existing car and coach spaces demonstrating the proposals comply with Policy T25.

6. The applicant has confirmed that surface water drainage shall be dealt with via a soakaway. Public representations have been received expressing concerns with this due to local flooding problems in Torwood Close. The Council's Drainage Engineer has requested further information demonstrating that the ground conditions are suitable for a soakaway and requesting details of the design of the soakaway and surface water drainage system to cater for the 1 in 100 year storm event plus an allowance for climate change. The applicant has requested that this information is conditioned. The Council's Drainage Engineer has agreed to this and a suitably worded condition has been drafted.

7. The site is covered by a blanket TPO. The proposals would result in the removal of an apple tree, but the drawings show a replacement apple tree in the area to the west of the villa building. The proposed site access has been designed taking into account the submitted Tree Constraints Plan. This shows the access sited at the point which would have the least impact on trees along the front boundary. The arboricultural officer has raised no objections, but recommended two standard conditions covering tree protection during construction and landscaping.

8. Building Control raised a number of issues that the architects should consider

at this stage. The applicant took these points into consideration and as a result amended the car park layout and landscaping slightly to allow for fire engine access to the proposed new building, in order to comply with Part B of the Building Regulations.

S106/CIL -

In accordance with the Council's Planning Contributions and Affordable Housing SPD Update 3, a sustainable transport contribution of £12,458.00 is required. However, it is considered in this case that this should be mitigated by the tourism investment and particularly the jobs created to the sum of £12,370.00. This leaves a residual sum of £88.00. As this amount is negligible, a sustainable transport contribution will not be sought and a S106 Agreement is not required.

Conclusions

The principle of the development is acceptable, as it is in a Principal Holiday Accommodation Area, and would support economic growth, creating 5 full time jobs and 1 part time job. Following pre-application discussions, the proposal has been designed to a high quality and would not have a detrimental impact on the character and appearance of the Conservation Area. The proposal incorporates a 'green', sedum roof, which, subject to detailed design, is likely to have more ecological value than the area of grass that would be lost to the development. Therefore, the proposals have taken the opportunity to incorporate and enhance biodiversity in accordance with the NPPF. An apple tree would be removed, but a replacement apple tree would be planted in the grounds of the hotel. There are no highways issues and the proposed car park would serve the hotel as a whole meaning it complies with the Council's parking standards. Local residents have raised concerns with the proposed soakaway due to problems with surface water drainage in the area that has led to some localised flooding. To address this, a suitably worded condition has been drafted in agreement with the Council's Engineer. The application is recommended for approval subject to conditions.

Condition(s)/Reason(s)

01. The development hereby permitted shall be carried out in complete accordance with the approved drawings, listed at the end of this decision notice.

Reason: For the avoidance of doubt and to ensure a satisfactory completion of development.

02. No development shall take place until an External Materials Schedule has been submitted to and approved in writing by the Local Planning Authority showing full details of all external building materials, including specification and images. Samples of materials shall be agreed on site by the Local Planning Authority as required.

Reason: In the interests of design and the Conservation Area, and in order to comply with saved Policies BE1 and BE5 of the Adopted Torbay Local Plan 1995-2011 and paragraph 58 of the NPPF.

03. The development hereby permitted shall be constructed in accordance with detailed drawings, which shall previously have been submitted to and approved by the Local Planning Authority, showing the datum level at which it is to be constructed in relation to an agreed fixed point or O.S. datum.

Reason: To safeguard the Local Planning Authority's rights of control over these details in the interests of design and the Conservation Area, and in order to comply with saved Policies BE1 and BE5 of the Adopted Torbay Local Plan 1995-2011 and paragraph 58 of the NPPF.

04. No development shall take place until a Construction Method Statement has been submitted to and approved in writing by the Local Planning Authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:

- (1) the parking of vehicles of site operatives and visitors
- (2) loading and unloading of plant and materials
- (3) storage of plant and materials used in constructing the development
- (4) the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate
- (5) wheel washing facilities
- (6) measures to control the emission of dust and dirt during construction
- (7) a scheme for recycling/disposing of waste resulting from construction works

Reason: To safeguard the Local Planning Authority's rights of control over these details to ensure that the construction works are carried out in an appropriate manner to minimise the impact on residential amenity and in the interests of the convenience of highway users.

05. No development shall take place until an Arboricultural Method Statement and Tree Protection Plan in accordance with BS 5837:2012 are submitted to and approved in writing by the Local Planning Authority. This shall include location and details of protective fencing, which must be erected before development commences and retained until the completion of the development. No vehicles, plant or materials shall be driven or placed within the areas enclosed by the fences. The approved Arboricultural Method Statement and Tree Protection Plan shall be adhered to throughout the construction period.

Reason: To protect the trees which are to be retained in the interests of the amenities of the area and in order to comply with saved Policies L9 and L10 of the Adopted Torbay Local Plan 1995-2011.

06. The new hotel accommodation building hereby permitted shall not be brought into use until details of the replacement apple tree, proposed hedge planting and all hard landscaping, including retaining walls and replacement front boundary wall, have been submitted to and approved in writing by the Local Planning Authority. In regard to the soft landscape, this shall include: planted size, method of staking, watering volumes and management post planting. The replacement front boundary wall must be made from materials that match the existing to create a seamless transition between the existing and replacement wall. Detailed drawings of the stone piers either side of the new access shall also be submitted to and approved in writing by the Local Planning Authority before the new hotel accommodation building is brought into use.

Reason: In the interests of design, the Conservation Area and the amenities of the area, and in order to comply with saved Policies L10, BE1, BE2 and BE5 of the Adopted Torbay Local Plan 1995-2011 and paragraph 58 of the NPPF.

07. All new planting shown on the Proposed Site Plan (Drawing No. 4320.02E) hereby permitted shall be carried out in the first planting season following the occupation of the hotel accommodation building or completion of the development, whichever is the sooner, or in earlier planting seasons where practicable; and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species. All hard landscaping and means of enclosure shall be completed before the hotel accommodation building is brought into use.

Reason: In the interests of the amenities of the area and in order to comply with saved Policies L10 and BE2 of the Adopted Torbay Local Plan 1995-2011.

08. No development shall take place until a scheme for the planting and future maintenance of the green roof on the hotel accommodation building hereby permitted has been submitted to and approved in writing by the Local Planning Authority. The roof shall be completed and thereafter maintained in accordance with the approved details.

Reason: In the interests of design and the Conservation Area, and in order to comply with saved Policies BE1 and BE5 of the Adopted Torbay Local Plan 1995-2011 and paragraph 58 of the NPPF.

09. No development shall take place until the following information has been submitted to and approved in writing by the Local Planning Authority:

(1) Evidence that trial holes and infiltration tests have been carried out in the location(s) of the proposed soakaway(s) demonstrating that the ground conditions are suitable for a soakaway(s). Trial holes and infiltration tests must

be carried out in accordance with Building Research Establishment Digest 365. In addition, evidence demonstrating that the use of soakaways at this location will not result in an increased risk of flooding to surrounding buildings, roads and land. This should take into consideration re-emergence of surface water onto surrounding properties after it has soaked away.

In the event that the evidence submitted under (1) above demonstrates that the ground conditions are suitable for a soakaway and will not result in an increased risk of flooding to surrounding buildings, roads and land:

(a) Detailed design of the soakaway(s) in accordance with Building Research Establishment Digest 365, including how it has been sized and designed to cater for the 1 in 100 year critical rainfall event plus an allowance for climate change.

(b) Details of the surface water drainage system connecting the new building to the soakaway(s), which must be designed to cater for the 1 in 100 year critical rainfall event plus an allowance for climate change.

In the event that the evidence submitted under (1) above demonstrates that the ground conditions are not suitable for a soakaway or will result in an increased risk of flooding to surrounding buildings, roads and land:

(a) Evidence of how surface water will be dealt with in order not to increase the risk of flooding to surrounding buildings, roads and land.

The above details shall be carried out as approved before construction commences on the building hereby permitted and maintained thereafter, unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests to adapting to climate change and managing flood risk, and in order to comply with saved Policy EPS of the Adopted Torbay Local Plan 1995-2011 and paragraph 103 of the NPPF.

10. The new hotel accommodation building hereby permitted shall not be brought into use until the car park and access thereto shown on the approved drawings has been built and made available for use. The car park shall be kept permanently available for parking to serve the hotel at all times thereafter.

Reason: To ensure that adequate off-street parking in the interests of highway safety and the amenities of the area, and in order to comply with saved Policies T25 and T26 of the Adopted Torbay Local Plan 1995-2011.

Relevant Policies

TUS Tourism strategy

TU5 New holiday accommodation
CF6 Community infrastructure contributions
IN1 Water, drainage and sewerage infrastructure
L9 Planting and retention of trees
L10 Major development and landscaping
EP1 Energy efficient design
BES Built environment strategy
BE1 Design of new development
BE2 Landscaping and design
BE5 Policy in conservation areas
BE6 Development affecting listed buildings
T25 Car parking in new development
T26 Access from development on to the highways