

Application Number

P/2013/0046

Site AddressHeadland Hotel
Daddyhole Road
Torquay
Devon
TQ1 2EF**Case Officer**

Mrs Ruth Robinson

Ward

Wellswood

Description

Excavation of land up to a depth of a metre to create a 20 space car park in the Daddyhole Plain public open space opposite the Headland Hotel and to include coach parking facilities

Executive Summary

The proposal involves the excavation of an area of Daddyhole Plain to create a 20 space car park and coach parking to serve the Headland Hotel. The site is sensitive. It is Urban Landscape Protection Area, Conservation Area, within an Area of Great Landscape Value, Coastal Preservation Area and County Wildlife Site. It abuts a SSSI.

A similar proposal was considered by DMC in November 2012 but was recommended for refusal as it was not considered that the package of mitigation to the wider area was sufficient to compensate for the erosion of landscape quality through creation of car parking spaces along the verge way.

Members were asked at that meeting for a 'steer' on the scheme as officers felt there might be some merit in the proposal if it:

- a) demonstrably underpins the future viability of the hotel,
- b) delivers an adequate and appropriate mitigation strategy to upgrade the coastpath network and the quality of adjacent 'higher value' landscape on the headland, and
- c) delivers replacement public parking and achieves some resolution of the ongoing problems of coaches reversing down Daddyhole Road.

An acceptable package has now been negotiated which delivers a comprehensive scheme to upgrade the SWCP, upgrades the quality of the wider landscape on the major part of the headland, delivers replacement public car parking, and achieves resolution of the coach reversing problems that have caused the residents of Daddyhole Road concerns over the years.

The proposal is supported by the TCCT, the SWCP, and Torbay Civic Society. At the time of writing there has been no adverse comment from the public unlike the previous application.

Other funding streams are available to supplement the contribution to be made by the owner of the Headland hotel including European funding and unspent S106 money from the Dorchester hotel scheme, which will allow a comprehensive upgrade of the SWCP from Meadfoot, along Rock Walk to the Imperial Hotel.

Recommendation

Site Visit; Conditional Approval; delegated to the Executive Head of Spatial Planning (to resolve detailed wording of conditions); subject to the conclusion of a S106 Agreement to pay SWCP £20,000 to carry out the works detailed in the body of the report and to secure the maintenance works, to TCCT specification, to be carried out over the area described for a period of time commensurate with the terms of the lease. The s106 agreement to be completed within 3 months of the date of this committee meeting or the application be refused for reasons of the lack of a s106 agreement.

Conditions will be required in relation to the laying out of the coach turning area in the forecourt of the hotel, landscape details and implementation of approved scheme, samples of stone and construction detail of wall, tree protection measures and implementation of extended public highway to facilitate coach turning prior to use of car parking spaces.

Statutory Determination Period

The statutory determination period for this application is 8 weeks and it expires on 14 March 2013. However, in this case it is likely that more time will be required to reach agreement on the 106 provisions and, provided this can be resolved within 3 months from the date of this committee it is considered to be acceptable in this case to allow the application to be determined over time. This is due to the desire to deliver the commensurate benefits that the scheme proposes.

Site Details

The site comprises an area of land approximately 44 m long and 6 m wide located opposite the Headland Hotel, within Daddyhole Plain. The application site is within the Lincombes Conservation Area, it is an Urban Landscape Protection Area, an Area of Great Landscape Value and it is within a County Wildlife Site. It abuts a SSSI which is designated for its vegetation which is mainly unimproved grassland. The South West Coast Path [SWCP] passes the eastern boundary of the site. It currently has an attractive landscape character with scrub, grassland trees and hedges. Public car parking is currently available along the public

highway which forms the northern boundary of the site. The land is Council owned. The SSSI is managed by TCCT.

Detailed Proposals

The scheme proposes to excavate the area of land to create car parking for 20 cars and to include an area for coach parking. The depth of excavation varies from around a meter at the western end of the site to some infill at the eastern end. It is proposed to enclose the car parking area with a Devon Bank topped with native hedging and to surface it with 'grasscrete' or similar. There is some loss of existing planting including a Larch tree and Hawthorn. The proposals include some minor extension of public highway to facilitate coach turning within the front forecourt of the hotel.

Summary Of Consultation Responses

English Heritage: Does not wish to comment.

Natural England: Obs awaited.

Torbay Coast and Countryside Trust: Support the proposals.

South West Coast Path: Support the proposal.

Torbay Development Agency: Support the principle as it would support the future viability of the Hotel.

Drainage: Want details of drainage system to be used.

Highways: Are satisfied that the scheme will secure a solution to the coach reversing problem. Are satisfied with the replacement public car parking to be included within the scheme but will need a car parking agreement to be entered into.

Summary Of Representations

There have been only letters of support on the basis that there is a guaranteed wider benefit to the SWCP and to local landscape character to mitigate for the car parking area, and on the basis that the scheme helps secure a solution to the reversing coaches saga that has plagued the road. Support comes from the Torbay Coast and Countryside Trust, the South West Coast Path Association, the Community Partnership, Torbay Civic Society and local residents. Copies of these are re-produced at Page T.202.

Relevant Planning History

Permission has been granted in the past to allow more car parking on the site.

P/2006/0661: Construction of 17 space car park to forecourt of hotel:
Approved February 2006.

This followed 2 earlier refusals of planning permission for a 19 space car parking area due to the impact on trees.

A large stone planter which formed the front boundary to the hotel was demolished several years ago without Conservation Area Consent. This area now forms an unauthorised addition to the existing car park.

Key Issues/Material Considerations

The key issues were rehearsed in some detail in the previous Committee report which is attached for information. They were in summary:

1. Impact on landscape character.
2. Need for additional car parking.
3. Loss of public spaces.
4. Use of existing public car parks to serve the hotel.
5. Whether it is justified to use public land to provide private car parking.
6. Impact on users of SWCP.
7. Likelihood of resolving coach reversing problems.

The conclusion of the report was that a scheme to provide car parking in this location was only likely to be acceptable if the following were satisfied.

1. The need for the additional spaces is justified and the contribution of nearby public car parks to satisfying the need for additional spaces addressed.
2. The loss of public car parking spaces is mitigated through inclusion of an equivalent number of spaces to be available for public use and a Management Plan is in place to secure proper use of the facility.
3. The scheme is properly detailed and the spaces adjacent to the SWCP are deleted or relocated and the land remaining properly landscaped.
4. Of prime importance, that a package of works to mitigate for the impact on landscape character/ecology and to enhance the SWCP is secured through a S106 agreement.
5. The car parking spaces on the forecourt of the hotel in the position of the demolished stone planter are removed and the space clearly marked as being available for coach turning only.

Members agreed that negotiations should continue to try and find an acceptable package of benefits to offset the impact of the car parking proposal.

The applicant is to pay £20,000 to the SWCP via a S106 or unilateral undertaking and a package of works has been specified by the TCCT to be carried out to upgrade the degraded footpaths, open up 2 viewing points near the hotel that have become very overgrown and inaccessible, to replace seating and to erect signage/ information boards about the SWCP and the ecology of the area. The applicant has agreed to maintain the whole area of land up to Daddyhole car park to a specification to be drawn up by TCCT which will be designed to reinforce the grassland character which has been overwhelmed by invasive species and scrub. This he has agreed to for the term of the lease to be granted to use the land for car parking.

The car parking scheme itself is more suitably detailed and will involve a natural stone faced bank with a native hedge to prevent falling and to provide not only a more aesthetically pleasing edge to the scheme but one that will have ecological benefits and compensate for the loss of Hawthorn. Maintenance of this to produce a dense hedge will be specified by TCCT and included in the maintenance schedule. The spaces adjacent to the SWCP that were thought to be damaging to the enjoyment of that route have been relocated to the western end of the car park. This does extend the car park beyond that previously considered but it does not raise any particular concerns.

Public spaces are to be included in the scheme and a Car Park Agreement will be needed to ensure they are managed in a way that benefits public users.

Finally, the applicant has agreed to mark out a specified area of the forecourt of the hotel to be reserved for coach turning only. This is shown on the submitted plans. This will be secured by condition and it will require the area to be kept free of parked cars at all times. Whilst it cannot guarantee an end to abuse of the public highway by coach drivers it does mean that sufficient space is freely available for turning and if it is not kept clear breach of condition notices can be served to ensure compliance. Highways have 'tracked' a coach turning and it is demonstrated to be adequate. It does require a small extension to the extent of public highway adjacent to the proposed car park bay and this will be required to be in place prior to use of the car parking spaces.

European funding can be secured by the SWCP to match fund the contribution by the applicant. There is some £18,000 unspent s106 money that can be added to the pot and cumulatively this provides enough money for a comprehensive upgrade of the SWCP from Meadfoot through to the Imperial Hotel. This is a significant benefit which does bring real improvements to the enjoyment of this beautiful area and its coast walks. The maintenance agreement which covers an extensive area of land and will secure an improvement to its ecological character not only mitigates for impact on wildlife but will reduce demands on the public purse.

S106/CIL -

A S106 agreement will be required to secure the £20,000 funding for the proposed works included in the TCCT specification, the implementation of the maintenance agreement to an agreed specification for the duration of the lease and entering into a Car Park Agreement for the management of the spaces.

Conclusions

The revised scheme achieves a package of improvements to the wider landscape and to the SWCP to offset the localised impact of the car parking, the scheme itself is improved in terms of detail and offers a more sympathetic response to the character of the site. Public car parking is achieved to offset the loss of public verge side spaces and space is made available within the forecourt of the hotel to allow a coach to turn and the availability of this can be secured by condition.

Relevant Policies

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PREVIOUS COMMITTEE REPORT

Application Number

P/2012/0647

Site Address

Headland Hotel
Daddyhole Road
Torquay
Devon
TQ1 2EF

Case Officer

Mrs Ruth Robinson

Ward

Wellswood

Description

Excavation of land up to a depth of a metre to create a 19 space car park in the Daddyhole Plain public open space opposite the Headland Hotel and to include coach parking facilities

Executive Summary/Key Outcomes

The proposal involves the excavation of an area of Daddyhole Plain to create a

19 space car park and coach parking to serve the Headland Hotel. The site is sensitive. It is Urban Landscape Protection Area, Conservation Area, within an Area of Great Landscape Value, Coastal Preservation Area and County Wildlife Site. It abuts a SSSI. It has generated objections from residents concerned about its impact on the quality of the natural landscape.

There may, however, be some merit in the proposal if it a) demonstrably underpins the future viability of the hotel, b) delivers an adequate and appropriate mitigation strategy to upgrade the coastpath network and the quality of adjacent 'higher value' landscape on the headland, and c) delivers replacement public parking and achieves some resolution of the ongoing problems of coaches reversing down Daddyhole Road.

As it stands, these objectives are not delivered. It is therefore recommended for a refusal of planning permission. Members are requested to offer guidance in relation to a revised scheme that does deliver a more suitable package of improvements.

Recommendation

Site Visit; Refusal: due to adverse impact on landscape character and parking in the absence of an agreed mitigation strategy. Members are requested to provide a steer as to the likelihood of support for a revised proposal that delivers items 1-5 at the end of this report.

Site Details

Comprises an area of land approximately 44 m long and 6 m wide located opposite the Headland Hotel, within Daddyhole Plain. The application site is within the Lincombes Conservation Area, it is an Urban Landscape Protection Area, an Area of Great Landscape Value and it is within a County Wildlife Site. It abuts a SSSI which is designated for its vegetation which is mainly unimproved grassland. The South West Coast Path [SWCP] passes the eastern boundary of the site. It currently has an attractive landscape character with scrub, grassland trees and hedges. Public car parking is currently available along the public highway which forms the northern boundary of the site. The land is Council owned.

Detailed Proposals

Is to excavate the area of land to create car parking for 19 cars and to include an area for coach parking. The depth of excavation varies from around a meter at the western end of the site to some infill at the eastern end. It is proposed to enclose the car parking area with a bank of varying height and to surface it with 'grasscrete' or similar. There is some loss of planting including a Larch tree. There is some minor demolition of the front boundary wall of the Headland Hotel

to facilitate coach turning and loss of a short extent the public footpath.

Summary Of Consultation Responses

English Heritage: Does not wish to comment.

Natural England: Obs awaited.

Torbay Coast and Countryside Trust: Offer support subject to a range of works to be carried out to the SWCP and adjoining landscape and have been involved in discussions to negotiate a package of mitigation.

South West Coast Path: As Above. European funding is apparently available to match fund the contribution derived from the hotel.

Torbay Development Agency: Support the principle as it would support the future viability of the Hotel.

Drainage: Want details of drainage system to be used.

Highways: Considers that there are existing opportunities for coaches to turn and that this represents more of a case of increasing car parking provision. Does not however object to the scheme providing that there is no net loss of public car parking and so would like to see 5-6 spaces reserved for public use.

Summary Of Representations

There have been many representations. The majority of residents are opposed to the scheme for the following reasons:

1. Adverse impact on landscape character/trees/loss of natural habitat.
2. Such a proposal is unnecessary due to the availability of public car parking in close proximity to the Hotel.
3. It would not solve the problem of coaches reversing down Daddyhole Road.
4. Public land should not be used for private profit.
5. It would lead to the loss of existing public car parking currently available on the public highway.
6. The Hotel should use its own land to meet the needs of its customers.
7. Increased traffic hazards would be caused to pedestrians using the SWCP.

In terms of support for the proposal, there is a minority view that it will bring to an end the ongoing problems of coaches reversing down Daddyhole Road as it will allow coaches and lorries the opportunity to turn providing that a condition is imposed requiring the forecourt of the Hotel to be kept clear of parked cars.

Relevant Planning History

Permission has been granted in the past to allow more car parking on the site.

P/2006/0661: Construction of 17 space car park to forecourt of hotel:
Approved February 2006.

This followed 2 earlier refusals of planning permission for a 19 space car parking area due to the impact on trees.

A large stone planter which formed the front boundary to the hotel was demolished several years ago without Conservation Area Consent. This area now forms an unauthorised addition to the existing car park.

Key Issues/Material Considerations

The key issues are: 1) the impact on the natural landscape character of the area and on wildlife habitat and the degree to which this can be mitigated by the improvements to the design of the scheme and to the adjacent SWCP and associated landscape, 2) the need for additional spaces for the Hotel and the contribution that these would make to the long term viability of the hotel, 3) whether the loss of public car parking can be mitigated, 4) whether existing public car parking facilities could be used to resolve the needs of the Hotel, 5) whether it is justified to use public land to provide private car parking, 6) whether the proposal would detract from or enhance the experience of SWCP users and 7) whether the scheme is likely to resolve the long standing problem of coaches reversing along Daddyhole Road. Each will be addressed in turn.

Would the proposal adversely impact on the Natural Landscape Character of the Area?

The site is prominently located within the Lincombes Conservation Area and the Daddyhole Plain Urban Landscape Protection Area; it is within an Area of Great Landscape Value, within a Coastal Preservation Area and it is in the Daddyhole Plain County Wildlife Site. It is also within the Coastal Protection Zone. It abuts a SSSI. This policy protection reflects the importance of its natural landscape and ecological character and the contribution it makes to the quality of the coastal area. It has an undeniably attractive character which is much appreciated by locals and walkers alike.

However it is a strip of roadside land and does not enjoy the same 'value' in terms of visual quality as areas more central to Daddyhole Plain. This suggests that this scheme could be acceptable if the benefits to the wider and 'higher value' protected landscape on the adjacent headland are of a sufficient scale and quality to mitigate the impact of the introduction of the car parking bay.

An acceptable scheme would also be required to be very sympathetically designed itself in order to ensure integration with the character of the wider

landscape. The SWCP team and TCCT have been engaged in discussions with the applicant about a package of improvements to the SWCP footpaths and to manage and improve the quality of the headland landscape. These two organisations consider that there is a package which would offer adequate compensation for the impact on the scheme. Unfortunately this package was not fully worked up and included in the application.

In terms of the design of the existing proposal, it is not well detailed, it needs some 'strategic' landscaping and the arrangement of spaces would be better if drawn back from the SWCP and proximity to the SSSI. As it stands, the scheme could be improved and the package of benefits needs to be agreed and included in a S106 agreement.

In terms of ecology, the impact of the development is capable of being mitigated by a 5 year management plan in relation to adjacent land.

Is the need for additional car parking spaces justified?

Planning permission has been granted in the past for additional spaces within the grounds of the hotel and these have largely been implemented. The applicant contends that he needs more spaces and is losing custom due to the lack of spaces. He currently has around 20 spaces on site, there is freely available public car parking along Daddyhole Road and there are two public car parks, one on Daddyhole Plain and one on the Meadfoot Beach end of Daddyhole Road which are generally underused and both within easy walking distance.

In comparison to many hotels in the Bay, this is well served by car parking. There is little justification included within the application relating to the need for car parking.

Should the scheme include mitigation for loss of public car parking?

Highways have commented that they expect the loss of public car parking, which currently occurs on the public highway to be mitigated by the inclusion of an equivalent number of spaces within this scheme. This would be equivalent to around 5-6 spaces leaving the balance as private spaces for the hotel. It is unknown at the moment how this would be managed and whether the number of spaces remaining for the hotel would render the scheme viable.

Is it justified to use public land to provide private car parking?

The land in question is owned by the Council and is currently public open space. There is a concern that a public asset should not be used to benefit a single business, however, highways have asked that public spaces be accommodated within this scheme so that there is no net loss of public car parking. As previously explained, this scheme is only likely to be acceptable if the 'public benefit' i.e. the wider mitigation, is sufficient to outweigh the impacts that arise on the local

environment. This has yet to be demonstrated.

Could Existing Car Parks be used to provide improved car parking opportunities for the Hotel?

There are two public car parks that are not well used in close proximity to the hotel. Use of CCTV and other management improvements would allow these to be used more effectively to serve local hotels. This needs to be explored as part of the justification and consideration of an alternative scheme.

Would the Scheme enhance or detract from the public enjoyment of this well used pedestrian route?

Although the SWCP's defined route borders the seaward side of the application site, this is elevated, in a poor state of repair and not ideal for those with limited mobility. As a consequence many walkers use Daddyhole Road as part of the SWCP as it provides a level access along the route. Again, the acceptability of this depends on how attractive the defined route can be made. It also depends on the quality of the scheme and the degree to which its visual intrusion can be mitigated. As a minimum, the spaces that are shown immediately abutting the SWCP need to be deleted and appropriate landscaping introduced.

Is this likely to resolve the long standing problem of coaches reversing along Daddyhole Road?

There has been a long standing problem of coaches reversing down Daddyhole Plain. This action is contrary to the Highway Act and the drivers are liable to prosecution. It is a cul de sac and residents have for some time pushed for a turning circle to be provided to discourage drivers from carrying out this illegal action. The applicant recently demolished a large stone planter that formed a front boundary to the hotel and if the space freed up had been reserved as a turning circle it would have been sufficient to resolve the problem. Whilst the plans show the coaches turning using an existing access to the side of the hotel, this manoeuvre is possible now and has not brought about an end to the practice. For this reason, and to enable a greater degree of certainty about the likelihood of coaches turning it is suggested that this space should be clearly marked as a turning circle and cars denied the opportunity to park. It would mean the loss of 4 existing spaces. This arrangement would also be better aesthetically and for pedestrians as it would obviate the need to demolish the stone boundary wall and to remove part of the footpath.

S106/CIL -

A S106 agreement would be required to secure the appropriate mitigation in the event that an acceptable scheme is forthcoming. This would need to mitigate for the landscape impact and the loss of on street parking spaces.

Conclusions

The scheme as it stands will primarily achieve more private car parking to serve the hotel. There is widespread concern that the proposal would be damaging to the character and appearance of Daddyhole Plain. There is some limited support from residents of Daddyhole Road if it secures an end to the illegal manoeuvre of coaches reversing down Daddyhole Road. The site is heavily constrained by policies designed to protect the landscape, visual and ecological character of the site. On that basis, the scheme is only likely to be acceptable if:

1. The need for the additional spaces is justified and the contribution of nearby public car parks to satisfying the need for additional spaces addressed.

2

. The loss of public car parking spaces is mitigated through inclusion of an equivalent number of spaces to be available for public use and a Management Plan is in place to secure proper use of the facility.

3. The scheme is properly detailed and the spaces adjacent to the SWCP are deleted or relocated and the land remaining properly landscaped.

4. Of prime importance, that a package of works to mitigate for the impact on landscape character/ecology and to enhance the SWCP is secured through a S106 agreement.

5. The car parking spaces on the forecourt of the hotel in the position of the demolished stone planter are removed and the space clearly marked as being available for coach turning only.

As the current proposal does not achieve these objectives, it is recommended that planning permission be refused but Members are asked to offer a steer as to their views on a revised application that achieves items 1-5 above. This would enable the applicant to have some understanding about the residual viability of the scheme and a degree of 'comfort' about the outcome prior to investing resources in assembling an appropriate package of improvements.

Condition(s)/Reason(s)

01. In the absence of an agreed management plan for use of the car park area, the proposal would lead to a loss of public car parking which currently takes place along the adjacent public highway. As such the proposal is contrary to policy T25 of the Saved Torbay Local Plan 1995-2011.

02. The excavation of the land within Daddyhole Plain public open space to create the car and coach parking would adversely affect the special landscape

character of the area. The site is prominent within the Lincombes Conservation Area and is designated as an Urban Landscape Protection Area, Area of Great Landscape Value, Coastal Preservation Area, Coastal Protection Area, County Wildlife Site and is adjacent to a SSSI. In the absence of a satisfactory level of mitigation in terms of the detail of the design and enhancement of the wider landscape, the scheme is contrary to policies BE5, BES, BE1, BE2, L5, L2 and L3 of the Saved Torbay Local Plan 1995-2011.

Informative(s)

01. You are advised that a revised scheme that delivered an improved and fully detailed design, a satisfactory level of mitigation in relation to the SWCP and the wider landscape character and a Management Plan demonstrating how the proposed development could deliver a solution to the coach turning and mitigate the impact on the loss of public car parking on the highway would be more likely to be acceptable.

Relevant Policies

- BE5 Policy in conservation areas
- L5 Urban Landscape Protection Area
- L2 Areas of Great Landscape Value
- L3 Coastal Protection Areas
- NC2 Protected sites - nationally important si
- BE1 Design of new development
- BES Built environment strategy
- BE2 Landscaping and design
- T25 Car parking in new development