

Application Number

P/2015/1184

Site Address

Land Adj. Beggars Roost
Beach Road
Babbacombe
Torquay
TQ1 3LX

Case Officer

Mr Scott Jones

Ward

St Marychurch

Description

Change of use to provide car parking (19 spaces), associated landscaping and associated works

Executive Summary

The proposal is for the change of use of and physical works to a historic walled garden located at the end of the spur road that runs east off Beach Road, Torquay.

The proposed use is for a private car park for 19 vehicles to serve the Cary Arms Hotel, which is presently being expanded to provide habitable beach huts and additional holiday cottages. The proposal is necessary to meet the parking demands resulting from the expansion of the business and will directly support a tourism facility and the economy.

The site sits in the Babbacombe Conservation Area and is adjacent to the designated border of the Hope's Nose to Walls Hill SSSI. There are a number of Listed Buildings in the locality and their settings are a material consideration.

The detailed proposals are to use the existing vehicular entrance to the site and remodel the land to reduce the slope over the usable area, with the spaces and manoeuvring area finished in gravel. Additional physical works include replacing a low block boundary wall with a reclaimed stone wall, along with providing steps and timber railings to a pedestrian exit.

The visual impact of the proposals and impact upon heritage assets are, on balance, considered to be acceptable. The site will be well screened from short and long distance views and any impact upon the Conservation Area would be mitigated by the improvements to the character immediately around the site where an incongruous low block boundary wall will be replaced with a stone wall, which will enhance an area of the public footpath. The development will not affect the setting of the various listed buildings that sit off the spur road but here is less than substantial harm to the setting of the Babbacombe Cliff Listed Building that sits 230m metres to the west of the site due to a direct vista from

this site. The harm is considered limited and there are wider economic and public benefits that are considered to provide a context where the level of harm is acceptable for these reasons.

The impact upon the highway network and pedestrian safety is on balance considered acceptable subject to greater understanding on the structural integrity of the spur road, the provision of two passing places and appropriate management techniques, which will limit the impact of vehicle movement. The structural integrity should be established prior to the grant of planning permission.

The proposal is acceptable on ecological grounds subject to conditions to ensure that the development is constructed in a manner considerate to the context and in order that, post development, enhancements are achieved.

The proposal presently fails to provide satisfactory understanding of the detailed design of surface water treatment and greater detail is necessary in order to prove that flood risk would not be increased. This information is required prior to the grant of planning permission .

Recommendation

Deferred Approval: Subject to:

1. the receipt of surface water drainage details to the satisfaction of the LPA within 2 months of the date of the committee, and;
2. the receipt of an assessment of the spur road that confirms the structural integrity of the road to the satisfaction of the LPA within 2 months of the date of the committee.

Officer recommendation is one of deferred approval with resolution of the above matters being delegated to the satisfaction of the Director of Operations and Finance within the stated time period.

Should the above matters be resolved the recommendation is approval subject to necessary conditions, to include those laid out in this report, delegated to the Director of Operations and Finance.

It is recommended that failure to satisfy either of the outstanding matters (points 1 or 2 above) then the application shall be reconsidered by the Development Management Committee.

Site Details

The site is a parcel of land that sits at the end of a spur road off Beach Road, Babbacombe, Torquay, close to and within ownership of the Cary Arms Hotel.

The land is walled garden with no determinable use at present. It is accessed off the spur road through an existing vehicular entrance at its western point. The land slopes gently from south to north towards the coast and is covered with unmanaged grass and low scrub.

The existing walls to the north and south define the plot and run alongside public footpaths. Adjacent to the plot there are steps down and a public footpath route to the Cary Arms and the coastline to the north. To the south across the walled border and public footpath sits The Grove, a grade 2 listed building. To the east is woodland and the western extent of the Walls Hill SSSI. There are 3 further listed buildings accessed off the spur road in relatively close proximity of the site.

The site is located within Babbacombe Downs Conservation Area and within the undeveloped coastline designation within the Local Plan.

Detailed Proposals

The proposal is for the change of use of the land to a car park to provide 19 car parking spaces with various physical works, which include;

- Re-grading of the land to reduce the slope from south-to-north
- Provision of gravel-filled gridwork as a material surface treatment
- Replace low blockwork northern boundary wall with a higher wall finished in reclaimed natural stone
- Provide steps and timber handrails down to the north pedestrian access on to the public footpath
- Provide screen planting and landscaping

Summary Of Consultation Responses

Natural England The proposal, if carried out in accordance with the submitted detail, would not damage or destroy the interest features for which the Hopes Nose to Walls Hill SSSI has been notified.

Arboricultural Officer: The general detail of the proposed landscaping and positioning of species is supported however the choice of species should be revisited and submitted for approval, with detail provided on planting pits, staking methods and maintenance. This detail should be achieved by condition if the proposal is considered suitable for approval.

Green Infrastructure Officer: The proposal is supported by ecological survey work that recommends mitigation and enhancement during construction and post construction. In light of the context it is recommended that a grant of approval is subject to a pre-commencement CEMP (Construction and Ecological

Management Plan) condition and a post construction LEMP (Landscape and Ecological Management Plan)

Drainage Department: The proposal has explored soakaways, discounted them as a viable option, and provided details of an attenuated solution to discharge to a private surface water drainage system at a controlled rate. The FRA correctly outlines the expected controlled discharge rate however accompanying detail does not appear to accord with the expectations of the Critical Drainage Area advice that informs the LPAs expectations. Before planning permission is granted the applicant should supply detailed design of the hydraulic modelling to show that the drainage solution would not result in an increase to the risk of flooding elsewhere.

Conservation and Design Team:

Conservation and listed buildings:

The grade 2 listed "The Grove" sits immediately to the south of the site across a public footpath defined by relatively high stone walls, which act as a visual barrier between the plots due to the wall heights and land levels. The setting is unlikely to be affected.

There are three further listed buildings along the spur road. No concerns have been raised in regard to any likely impact upon setting.

Further to the west higher up Beach Road the site is visible from the grounds of the listed Babbacombe Cliff, with vistas down and across eastwards towards the site. There is a matter of setting to be considered notwithstanding the distance, which is circa 230m. The proposal is considered to result in less than substantial harm to the setting of this listed building.

Impact upon the Conservation Area is considered neutral as improvements to the borders of the site enhance the immediate area and will mitigate any impact on the few middle-distance views towards the site.

Landscape and visual impact:

The landscape and visual impact appraisal concludes that there are limited middle and long views to the site and impact would be minimal due to topography and existing and proposed screening. The evidence appears sound in this regard. Short views have not been assessed however they are also likely to be limited due to the border screening of the site and ground levels in the immediate area.

Strategic Transport and Highways Prior to any grant of permission a structural assessment to address concerns raised by neighbours about the structural integrity of the spur road and cliff face should be achieved.

In regard to broader merit the applicants are proposing additional measures to

avoid conflict with vehicles passing on the spur road, including a valet only access to the car park and one way traffic light giving priority to vehicles entering into the spur road, combined with the creation of passing spaces. These will alleviate the vast majority of conflicts between road users.

On the basis above the proposed use of the Beach Road spur to facilitate a car park is acceptable subject to the following:

- The structural survey details should be satisfactory and any works identified as needed should be carried out before commencement of the car park's use.
- The passing places should be provided prior to use of the car park
- An exit traffic light system shall be put in place before the occupation of the car park. This should be broadly in line with that suggested in Parker Associate's letter of 22nd February, but full details should be approved by the Council prior to the occupation of the car park. This should be maintained thereafter.
- The use of the car park should be limited to hotel guests via a valet controlled scheme, the details of which should be approved by the Council prior to the car park's occupation.
- Details of lighting of the footpath should be submitted before occupation of the car park.

Given the narrowness of the spur road, it would also be appropriate to require a construction statement from the applicant detailing how amenity impacts can be minimised during the car park's construction.

Summary Of Representations

A number of representations have been received both objecting to and supporting the proposal.

The following concerns are raised:

- visual impact, including the impact upon the landscape, conservation area and listed buildings
- highway safety concerns, including pedestrians in the area
- impact upon ecology
- structural integrity of the spur road and impact upon buildings
- there are better places for parking
- impact of construction traffic
- lighting impact
- inadequate passing places for vehicles

The following supporting comments were made:

- tourism benefits
- economic benefits
- supports business
- will ease pressure on the lower car park and free up space

These representations have been sent electronically for Members consideration.

Relevant Planning History

P/2013/1306: Erection of spa building to provide facilities ancillary to existing hotel (Use Class C1), together with waterside building and 6 no. beach huts to provide additional hotel accommodation (9 bedrooms), with associated decking and landscaping - Approved with parking provision condition for provision to be made prior to the occupation.

P/2012/0601/VC: Variation of condition 1 to application P/2007/1030 To comply with the wording of the Planning Obligation by Agreement made under Section 106 of the Town and Country Planning Act 1990 Para 5.1.15 - Wording to be amended to link the additional parking to occupation instead of commencement of the development as set out in the S106 Agreement.

Condition to be amended to read "The new hotel rooms are not to be occupied until the applicant has secured and provided additional parking for at least 23 vehicles in accordance with a scheme which shall have been submitted to and approved in writing by the Local Planning Authority.: Approved 09.08.2012

P/2007/1030/MPA: Alterations, Extensions And Pool At Cary Arms Hotel; Demolition Of The Glen Hotel And Construction Of 7 Dwellings. Demolition Of Cafe & Public Toilets And Construction Of New Cafe, Toilets and Dive Facility With 4 Holiday Apartments Over; Alterations And Improvements To Car Park: Approved 30.07.2009

Key Issues/Material Considerations

The key issues are:

1. Design
2. Visual / landscape impact
3. Impact on the conservation area and listed buildings
4. Impact on local highways and parking
5. Ecology
6. Impact upon local amenity

7. Flood risk

1. Design

The design of the development is considered acceptable, being sensitive of the context and responding to the character of the area and coastal hillside setting.

The ground coverage of the car park area is an informal one with gravel held in a grid network, which is considered to be an appropriate detail in the context of the coastal slopes and loose grouping of buildings and development.

The proposed vehicular and pedestrian gates are timber and are suitably designed, as is the fixed metal viewing gate that is proposed. The timber handrails that support the proposed steps to the northern pedestrian entrance/exit, which adjoins with a stone faced retaining wall aside the steps, is also considered to provide a suitable detail. The low block wall to the northern border is to be replaced with a higher wall finished in reclaimed stone, to a more contextual height with the walls locally,, which also provides a suitable detail and an enhancement to the immediate area.

This scheme includes a design specification that is considered acceptable in the context and aligned with the aims and objectives of Policy DE1 of the Local Plan.

2. Visual / landscape impact

Consideration of the wider impact of the proposals upon the landscape character, including the impact of its use, has been considered.

The site sits in the context of the Beach Road and Harbour Character Area, as identified within the Babbacombe Downs Conservation Area Appraisal. The area consists of the early hamlet and the north facing slopes that sit above the harbour, where buildings are informally grouped.

The landscape and visual impact appraisal concludes that there are some wider middle and long views to the site however impact would be minimal due to topography and the existing and proposed screening. Short views have not been assessed however they are also likely to be limited due to the screening provided by the existing and proposed border treatments, the screening from vegetation and the ground levels which inform views that are possible in to the site..

Policy C2 of the Local Plan provides guidance on proposals that may affect the coastal landscape. The Policy cites that proposals will be supported where they maintain the unspoilt character of the coastline, maintain or improve public access for recreation, and provide sensitive designed development, including tourism uses. In the developed areas of coast it cites that development will be permitted where it provides benefit to Torbay's economy and does not unacceptably harm the landscape.

The site sits in "undeveloped coast" as identified within the Local Plan, however

the character of the area is informed by the sporadic development and the loose informal group of buildings that sit in the area.

Considering the broad character of the area and the level of screening and limited views to the site the physical works, along with the resultant use of the land as a car park, is considered likely to present limited demonstrable impact upon the landscape character of the area. The proposal is considered to sit comfortably with the aims and objectives of Policy C2 of the Local Plan for these reasons.

3. Impact upon listed buildings and the Babbacombe Conservation Area

The impact upon the various listed buildings in the locality and their settings has been considered.

The closest listed building is the "The Grove" which sits immediately to the south of the site on higher land across the public footpath. Although The Grove and its curtilage sits on higher ground the height of the southern boundary wall of the site, together with the lowered height of the land adjacent that will hold the bulk of the parking spaces, will screen views. In addition the layout and planting near to the entrance of the car park will screen the development from views when approaching the listed building along the spur road. The listed building and its setting is not considered to be demonstrably affected for these reasons.

To the west three further listed buildings are set off the spur road however due to the orientation of the buildings and the local topography these buildings and their settings would also be unaffected by the development.

Further to the west over 200metres away is Babbacombe Cliff, a grade 2 listed building in use as flats. Within the curtilage of this building there is a view eastwards through foliage towards the coastal slopes, including the site of the proposed development. The Conservation Officer considers that the development, through its use, would have an impact upon the setting of the listed building however that the harm would be less than substantial. The level of harm is considered to be limited as the development will be viewed amongst other buildings and development. The NPPF states that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal. The proposal will result in public benefit by removing the incongruous block boundary wall and replacing it with a reclaimed stone wall, which will enhance the experience of the Conservation Area in the immediate area. Further it is accepted that as a private car park that will provide parking to support the expansion of the Cary Park Arms Hotel its provision will help the hotel to improve its holiday offer and its contribution to the economy.

On balance the effect upon the setting of the Babbacombe Cliff is considered limited due to the distance and the character of the view. Taking into account the

other benefits achieved by the development the impact is considered acceptable.

The proposal is considered compliant with Policy HE1 of the Local Plan in regard to its impact upon listed buildings and their settings, due to the secluded nature of the site and the level of existing and proposed screening.

In regard to the impact upon the Babbacombe Conservation Area the proposed development is considered to sit comfortably with the informally arranged holiday character of the harbour and coastal slopes, where pockets of development sit off the winding network of roads. There are only occasional views to the site and these appear secondary in places where the natural vista is aligned towards the coast and sea rather than the slopes. The screening ultimately limits any impact upon the Conservation Area.

In terms of short-view impacts upon the Conservation Area the rebuilding of the stone wall to replace the low block wall is an enhancement along the length of the northern border as indicated.

On balance subject to minor improvements to the landscape strategy to enhance the screening, with the improvements to the boundary detail the proposal is considered to have a neutral impact upon the conservation area and is compliant with Policy SS10 of the Local Plan.

4. Impact on Local Highways and Parking

The proposal seeks to provide supportive parking for the Cary Arms Hotel aligned with a condition of a previous planning permission to achieve additional parking prior to the occupation of approved accommodation.

The applicant has submitted details in support of the application that details that the Walls Hill Car Park is not a viable option for the business in terms of servicing guests due to its remote nature from the business and the complexities and impact of seeking a secured compound in this location.

The structural integrity of the spur road has been questioned in representations and the applicant has agreed to undertake an assessment of the road in terms of the impact of the additional use that is likely to result from the development. Any grant of permission should be subject to the conclusions drawn from these investigations and the implementation of any necessary mitigation works.

In terms of other highway matters movement and safety of vehicles and pedestrians has been considered.

The applicants are proposing measures to avoid conflict with vehicles passing on the spur road, including a valet only access to the car park and one way traffic light giving priority to vehicles entering into the spur road. In addition it is proposed that two vehicle passing spaces can be achieved along the spur road.

The provision of a valet service and the two measures outlined above will alleviate the vast majority of conflicts between road users.

On the basis of the detail above the highway impact is considered limited, subject to the following:

- The structural survey details should be acceptable to the Highway Authority and any works identified as needed should be carried out before commencement of the car park's use.
- The passing places should be provided through a S278 agreement prior to first use of the car park along with any works necessary to facilitate the approved management plan.
- An exit traffic light system shall be put in place before the first use of the car park with full details being approved by the Council prior to the first use of the car park (and maintained thereafter). The use of the car park should be limited to hotel guests via a valet controlled scheme, the details of which should be approved by the Council prior to the car park's occupation.
- Details of lighting of the footpath should be submitted before the first use of the car park.

Given the narrowness of the spur road it would also be appropriate to require a construction statement from the applicant detailing how amenity impacts can be minimised during the car park's construction.

On balance subject to the measures above the Council's Strategic Highways Officer and the Highway Authority are satisfied that the proposal is acceptable on highway merit.

The proposal is considered to comply with the aims and objectives of Policies TA2 and TA3.

5. Ecology

The application is accompanied by an Ecological Appraisal comprising desk study, Phase 1 Habitat Survey and subsequent Phase 2 survey for dormice.

The reports recommend the following mitigation and enhancement:

During construction

- Removal of vegetation suitable for nesting birds shall be undertaken outside the main bird nesting season of March - August or following pre-clearance confirmation from an ecologist that no breeding birds are present.
- Adherence to the Environment Agency's pollution prevention guidelines to

ensure no indirect impacts to the nearby cSAC or SSSI.

- A sloping plank to be left in any excavations deeper than 1m that will be left open overnight to avoid trapping of mammals including badgers. Pipes over 250mm to be capped or covered wherever possible to deter badgers from entering.
- Identify and remove or demarcate Japanese Knotweed on approach road to ensure it is not spread onto or beyond the site during vehicle movement.
- Dismantling of rock and wood piles suitable for reptiles during warm weather between April and September.
- Construction works to be limited to daylight hours (at least 15 minutes after sunrise and no later than 15 minutes before sunset) to avoid need for artificial lighting and light spillage into bat flight lines.

Post construction

- Sensitive lighting design post construction to minimise light spill on new and retained habitat and surrounding mature trees.
- Semi-mature trees to north and south to be retained and supplemented with additional native tree and shrub planting.
- Minimum 3 bat boxes suitable for different species to be installed on retained or adjacent trees on a southerly aspect at minimum height of 3m away from lit area.
- Minimum of 3 general purpose bird boxes to be installed on retained semi-mature trees away from lit areas.
- Creation of habitat piles suitable for basking or hibernating reptiles to be constructed

In light of the accompanying technical documents and the summary findings outlined above the ecological baseline is not considered a constraint to development subject to suitable management and mitigation measures.

The proposal is recommended for approval on ecology grounds subject to the following conditions;

- Pre-commencement submission and agreement of a Construction Management Plan to include full details of proposed ecological mitigation during construction.
- Post construction ecological mitigation and on-going management and maintenance of the new and retained habitats to be undertaken in accordance

with the Ecological Appraisal produced by Devon Wildlife Consultants in November 2015 with locations of ecological features and lighting as shown on Drawing Number 478.006 P2.

Natural England has confirmed that the adjacent SSSI does not represent a constraint in determining the application.

With suitable conditions attached the proposal is considered compliant with Policy NC1 of the Local Plan.

6. Impact upon local amenity

The impact of the proposals upon amenity, through noise and disturbance, is considered below.

The car park will be accessed directly off the highway network and although the development is likely to result in the increased vehicular use of the spur road the impact of any increased use upon adjacent occupiers of dwellings off this road is not considered demonstrable. Use of a highway for traffic should be expected and the level of increased use is not expected to be significant. Cars will be travelling at low speeds due to the nature of the road which will also help limit general noise and disturbance..

The noise and nuisance that may result from the use of the land the car park will be largely screened from adjacent plots by walls and planting. This will limit any likely impact of headlights outside the hours of daytime. In regard to noise disturbance the use as a private car park to serve the guests of a hotel is likely to result in less movement than a public car park and is unlikely to demonstrably affect local amenity.

With limited impact upon amenity the proposal is considered to comply with the aims and objectives of Local Plan Policies DE1 and DE3.

7. Flood risk

In terms of flood risk development must be safe for its lifetime and take into account the likely impact of climate change, ensuring flood risk elsewhere is not increased.

Torbay is designated as a Critical Drainage Area and hence the impact of surface water is an important material consideration.

Policy ER1 provides advice in regard to flood risk and management and identifies a hierarchy that all development must respond to, which includes the assumption that all development should be served by soakaways unless the site constraints prove this unachievable.

The development is supported by a FRA that informs that the development is not capable of being served by soakaways. The Council's Drainage Department do

not dispute this. In the absence of the ability to service the development via soakaways the proposal details that an attenuated solution will be provided. The Council's Drainage Department have highlighted that the discharge rates stated within the document are not acceptable and there is uncertainty that flood risk would not be increased.

Prior to the grant of permission certainty should be achieved on the above and additional detail on the design of the attenuation and discharge should be achieved.

Until the above concern has been sufficiently addressed the proposal is not considered suitable for approval on flood risk grounds in order to comply with Policy ER1 of the Local Plan.

S106/CIL -

N/A.

Conclusions

The applicant shall investigate and adequately satisfy the LPA that the spur road is structurally sound and capable of acceptable the additional traffic that would result from the development.

The applicant shall submit additional information to the satisfaction of the LPA in regard to the detailed design of the surface water attenuation and discharge.

Should the applicant submit further information to satisfy the LPA in regard to the two matters cited above the proposal is considered suitable for planning approval subject to a number of conditions, to include;

1. Enter in to a s278 highways agreement to achieve the two identified passing places and any other necessary works in order to facilitate the implementation of any approved management plan
2. Approval of a car parking management plan designed to achieve valet servicing and as far as practicable limit conflicting movement to and from the site
3. Submission of an amended landscape scheme including planting and maintenance details
4. Submission of a construction management plan to limit impact upon ecology
5. Submission of a post-development ecological management plan to enhance biodiversity
6. Provision of the boundary enhancements prior to its fist use

Relevant Policies

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