

**Application Number**

P/2016/0305

**Site Address**Shedden Hall Hotel  
Shedden Hill Road  
Torquay  
TQ2 5TX**Case Officer**

Mrs Ruth Robinson

**Ward**

Tormohun

**Description**

Refurbishment of former hotel and demolition of modern extensions. Conversion to provide 4 residential apartments. New build residential accommodation within grounds comprising 3 two storey garden cottages, 4 four storey town houses and 1 four storey coach house. Provision of 19 car parking spaces. Reconnection to public footpath and reinstatement of stone boundary wall.

This application relates to the change of use and extension of the former Shedden Hall Hotel for residential purposes.

It now includes 11 dwellings following deletion of one of the proposed 'garden cottages' due to its impact on the setting of the Villa.

The main Villa on the site is to be converted to 4 units, within the grounds it is proposed to construct 4 town houses, 2 cottages and a coach house. There are 19 car parking spaces to be provided. The vehicular access to the site is from Shedden Hill.

In 2012, planning permission was granted for a broadly similar package of development to provide 14 units overall. This application become time expired in May 2016.

The loss of the hotel was then considered favourably due to the poor condition of the building and the limited range of facilities. Whilst these tests are still relevant, the scheme now falls to be judged against the 'new' policies in the recently Adopted Local Plan and policy TO2 requires that when such changes of use are acceptable in principle (which this is) then buildings should be returned to their 'original historic form' and later extensions and clutter removed.

In order to fund the restoration of the villa, which is in a very poor condition, it is argued that compliance with TO2 would render the scheme unviable and it is essential not only to retain (albeit in a remodelled form) existing extensions to the Villa but to include wholly new interventions in the garden area.

A viability study (as is allowed for in the justification for this policy) to confirm this has been commissioned and the preliminary feedback confirms that the viability is very marginal.

The scheme does deliver a well restored villa which is stripped of more recent unsympathetic alterations. Extensions that currently detract from its setting and appearance are extensively remodelled with a distinctive and attractive art deco theme to provide 'distance' between the original building on the site and more recent additions.

The new block of 3 cottages in the garden was thought to intrude too closely on the restored Villa and the applicant has agreed to delete one of these units to achieve a more acceptable relationship and to improve the outlook of the adjacent flat.

The future health of a prominent category A Turkey Oak tree, is a key priority. It would have been seriously compromised by the 2012 approval on the site, largely due to inaccuracies in relation to plotting of the tree in relation to the proposed garden cottages. Whilst the relationship is even now not ideal, amendments to the layout and relationship have reduced the risk to the tree.

Landscaping proposals to mitigate for the loss of much of the existing planting on the site need to be upgraded to reinstate softening and screening to this prominent hillside and to compensate for the impact on biodiversity.

The scheme is otherwise acceptable in terms of access, parking, flood risk and relationship to neighbours and subject to delivering greenspace, lifelong learning and sustainable transport contributions (possibly as deferred contributions if the viability is shown to be only marginal) and securing a phasing agreement to ensure restoration of the Villa complies with national and local planning policy requirements.

It is proposed to impose a condition limiting the permission to two years to encourage implementation.

This is justified by the need to deliver new homes and, importantly, to secure a speedy restoration of the Villa in the interests of repairing the street scene in such a prominent and sensitive location in the conservation area and overcoming the blight on the neighbourhood created by the prolonged neglect of the site.

### **Recommendation**

Approve: subject to amended landscape proposals, an Arboricultural Method Statement, conditions as detailed below and to the conclusion of a s106 agreement at the applicants expense to secure the restoration of the main villa in line with an agreed phasing plan and greenspace, lifelong learning and sustainable transport contributions in accordance with the adopted SPD

'Planning Contributions and Affordable Housing'. This to be secured as 'deferred contributions' if marginal viability is confirmed through the IVA.

### **Statutory Determination Period**

This is a major development which should have been determined by the 22nd June 2016.

There has been a significant delay in determination due to the need to obtain an IVA to show that the scale of development proposed is necessary to secure the restoration of the main villa on the site.

As there is a s 106 to negotiate an extension of time has been agreed by the applicant until the 1st March 2017.

### **Site Details**

The Shedden Hall Hotel is an extended Victorian Villa situated on the western side of Shedden Hill most recently in use as a 26 bed hotel.

It is set within a prominent sloping site within the Belgravia Conservation Area with views towards the sea. It is currently boarded up, in a very poor, semi derelict condition and has been for several years.

It has been extensively altered and extended during its use as a hotel. Due to the change in levels across the site, the villa is two storey adjacent to the public highway increasing to four stories within the site. A three storey flat roofed terrace building extends from the front elevation of the Villa to the entrance of the site. Beyond the building envelope are overgrown gardens and a swimming pool.

There is a large mature Turkey Oak tree set within the garden area which is of strategic importance being classified as a Grade A tree.

A footpath skirts the site along its northern and western boundary. This forms an important link between Belgrave Road and the seafront. It is overgrown and appears to be little used.

The surrounding area is mixed in terms of character, to the south and west are predominantly commercial uses with the east being largely residential in nature.

The Shedden Hill public car park lies immediately to the west of the site as does the Torquay Tennis Club.

### **Detailed Proposals**

The application comprises the removal of all the more recent extensions to the main villa on the site and its refurbishment to a high standard. This involves reroofing in natural slate and replacing more recent UPVC windows with double glazed timber sliding sash. It is to be converted to provide 1 two bed, 2 three bed

and 1 four bed apartments.

The scheme also involves the demolition of the flat roofed terrace building that extends from the front elevation of the villa and its replacement with a series of 4 3 bed town houses.

Within the garden area it is now proposed to construct 2 (rather than 3) three bed garden cottages.

An existing extension to the northern end of the Villa is to be remodelled to provide a 3 bed coach house.

19 car parking spaces are provided in garages and car ports.

Design references in respect of the new build elements are drawn from the modernist/art deco architectural styles.

### **Summary Of Consultation Responses**

*Historic England:* No objection.

*Strategic Transport:* No objection.

*Highways:* No objection.

*Conservation Officer:* Whilst supportive of the form and massing of the town houses he considers that it would be preferable if more space between the retained Villa and the new block of building were available either through deletion of one unit or by being constructed at a slightly lower level. The proximity of the garden cottages to the Villa is of concern.

*Drainage Engineer:* No objection subject to the scheme being implemented in accordance with the submitted Flood Risk Assessment.

*South West Water:* Similarly raises no objection subject to being in accordance with the FRA.

*Arboriculturalist:* Has concerns regarding impact on Turkey oak and on capacity of landscape scheme to mitigate for loss of existing planting and to screen the site.

*Green Infrastructure Coordinator:* Considers the Ecological Appraisal to be a fair assessment of the site and confirms that bat occupation unlikely. The use of conditions to protect bats if found during construction, bird nesting habitat and to secure bird boxes recommended. Considers that the landscape scheme does not adequately mitigate for the loss of biodiversity and should be amended to reflect more native species. Due to limited on site provision of garden space a

green space contribution towards improvements at Abbey Park should be sought.

*Police Architectural Liaison Officer:* Recommends that the footpath which borders the site be properly overlooked but with safe lockable gates and that the car ports should be open to view.

*E.H.O.:* Has some concerns about the potential for disturbance to residents arising from noise from Appleby's bar and from noise from traffic on Shedden Hall Hotel and recommends that the applicant meets the requirements for internal ambient noise levels as required by BS 8233:2014 Guidance on sound insulation and noise reduction.

### **Summary Of Representations**

Two letters of representation have been received. Whilst both broadly welcome the scheme, one raises concerns about the height and intrusiveness of the extension adjacent to 'Westcombe' and possible loss of light and privacy. The architectural style in relation to the new build elements of the scheme is also questioned. The second letter points out that the footpath running along the rear of the property is private land and not public highway. These representations have been sent electronically for Members consideration.

### **Relevant Planning History**

Since the hotel use ceased there has been an approval for residential conversion of the hotel to provide 7 flats along with 7 new build apartments in similar locations to those included in the current application.

This application was P/2011/0227 which became time expired on the 2nd May 2016.

### **Key Issues/Material Considerations**

The key issues are:

1. The conversion of the former hotel to provide residential accommodation and its compliance with Policy TO2 of the Local Plan.
2. The design of the scheme and its relationship to the character and appearance of the Conservation Area.
3. The impact on the Turkey Oak and the adequacy of the landscape scheme.
4. Car parking and access, the improvements to the adjacent footpath.
5. Biodiversity.
6. Drainage.
7. Impact on neighbouring amenity.

### **Principle and Planning Policy -**

The most relevant policies are TO2 in relation to the principle of the change of

use and the scale of new development included in the scheme, SS10 which relates to the impact of the proposal on the character of the Conservation Area, DE1, DE2 and DE3 which relate to the design quality, the residential environment created and the impact on amenity, TA1, TA2 and TA3 which relate to accessibility, access and adequacy of parking levels, C4 which relates to the protection of trees and ER1 which governs flood risk.

Each of the key issues will be addressed in turn.

*1. Compliance with Policy TO2 regarding the change of use from hotel to residential use.*

Planning permission has previously been granted for a change of use of the hotel to residential accommodation. The building was located in an 'Amber' area under the now superseded SPD 'Revised guidance for PHAAs' where changes of use of hotels that lacked an adequate range of facilities or where the condition of the building meant there was little likelihood of it being restored for hotel use were considered acceptable in principle. This application was not implemented and is no longer extant.

The proposal now falls to be judged against the replacement tourism policies in the newly adopted Local Plan. Whilst the tests in relation to the range of facilities and the condition of the building are still relevant, Policy TO2 represents a material change in position in relation to such applications inasmuch as it now requires that where changes of use are acceptable in principle (and it is considered this change of use is) that:

'There will be a requirement to restore land and buildings to their original historic form by the removal of unsightly features, signage, clutter and extensions'

In this case, whilst the original Villa on the site is to be restored to its original historic form, there is a substantial amount of new development to help fund delivery.

The justification to the policy does allow viability arguments to be taken into account in reaching a conclusion on the degree to which the 'historic form' can reasonably be realised and to inform a judgment about whether more 'in keeping' replacements of existing buildings may be more appropriate than removal.

To this end, a viability study has been commissioned to establish that in broad terms the restoration of the villa does require the scale of development included in the current scheme. The results of this are not available at the time of writing and Members will be updated at the meeting.

Within this context, it is necessary to consider the merit of the scheme, the degree to which the design approach improves upon a scheme that has become

time expired and the condition of the building and its impact on the wider neighbourhood.

There is no doubt that the existing building is in a very fragile condition and will require substantial investment to restore to the standard specified in the submitted plans. It is imperative that a solution is found to prevent continuing decay and to avoid continuing vandalism to the building and risks of arson.

Providing the viability study confirms the need for this scale of development, it is considered that the scheme satisfies the requirements of policy TO2 of the Adopted Local Plan.

## *2. Design of the scheme and its relationship to the character of the Conservation Area.*

The Design and Access Statement describes a clear strategy to fully restore the Victorian Villa in an authentic manner and to achieve clear separation between it and the new development.

As part of this strategy, the new elements will have a distinctive art deco character comprising, in respect of the town houses and coach house, the use of white render, blue brick plinth, grey aluminium windows all in simple clean lines. The theme carries through to the parking and garden areas including the use of dark timber and blue brick detailing.

The Queens Hotel, Seaway Court, the Lescaze houses at Dartington are cited as inspiration for this and it is a common architectural theme in seaside towns as the 1920's was a period of growth and prosperity. The style and palette of materials has been recently used to good effect in the recent Abbey Sands development.

The scheme is broken down into 4 packages of development.

A is the coach house to the north of the Villa. This is remodelled from an existing poorly designed extension to the north end of the Villa to a more contemporary design and forms a much more subservient feature in the street scene than currently exists.

B is the original Villa which is stripped of all more recent extensions and restored to its former condition.

C comprises 2 garden cottages which are to be located in the garden to the north of the Turkey Oak. They have a steeply pitched slate roof with tall, narrow dormer windows, dark timber cladding and stone plinth.

D comprises four town houses which replace an existing lower level poorly designed structure. This, being higher, does impact more on views and on the

street scene than the existing structure. It has a flat 'green' roof, steps down the site, has a curved form and highly glazed 'lightweight' elevations.

There are two issues to consider. The overall design approach comprising the modernist/art deco architectural style for the new build elements of the scheme and the scale of new development on the site and the degree to which this impacts on key features of the site.

In terms of the design approach, it is considered appropriate to seek to introduce a different architectural style to provide a clear distinction between the restored villa and the new build. This is reinforced by increased physical separation which is achieved particularly through remodelling of the coach house. The art deco modernist theme is relevant to Torbay as some of the town's good quality buildings date from this period. It is also well executed in terms of the architectural detail and finish.

Whilst the town houses are more intrusive than the existing structure they are to a significantly better design and are in themselves visually appealing and of architectural merit.

Whilst it might be better if they were positioned slightly lower in the site and reduced from 4 to 3 units to allow greater separation from the Villa and to reduce their impact on views from the seafront and along Shedden Hill, this would seriously affect viability.

Although the town houses are taller than the existing building on the site, they are significantly lower than the recently expired scheme which would have been quite intrusive within strategic views from Shedden Hill out to sea and from the sea front.

Photomontages confirm that views from Shedden Hill would be only minimally affected by the proposed town houses.

The stone wall bordering this part of the site, currently under layers of render is to be exposed or replaced in natural stone depending on its condition.

In respect of the garden cottages, which are entirely new structures, the footprint, in the submitted scheme, did extend to within 3 metres of the main Villa. This proximity coupled with the height of the cottages would have resulted in an adverse impact on the setting of this building and it would have been intrusive in views of the site.

It would also have seriously affected the outlook of the ground and first floor bay windows in the affected elevation which further counted against it.

The applicants have agreed to delete one of these cottages which overcome

these concerns.

Given the viability position and the condition of the buildings it is considered that the scheme is acceptable in terms of design and its impact on the wider conservation area and as such is compliant with policies SS10, DE1, DE2 and DE3 of the Adopted Local Plan.

### *3. The impact on the Turkey Oak and the adequacy of the landscape scheme.*

Set within the garden area and of strategic significance in terms of its amenity value is a grade A Turkey Oak. It is a large healthy tree which screens views of the site from the seafront and adds considerable softness to this hillside. The tree was incorrectly plotted on the previous approval and buildings shown to be outside the canopy would, if constructed, have been within it leading to its destruction.

Even now the cottages are correctly plotted in relation to the tree, there are concerns that the provision of any residential accommodation to the north of this large tree will put it under risk. It will create significant overshadowing, obscure light, views across to the sea and create nuisance through leaf litter.

The reduction to two rather than three dwellings will help as will moving the footprint as close to the northern boundary of the site as possible. This amendment is already reflected in recently revised plans.

Whilst it would be preferable if these units could be relocated, there are limited options within the site. If the viability study identified any slack it would be beneficial if these units could be deleted from the scheme. However this is unlikely based on preliminary feedback and the site was purchased with expectation of achieving development in this location as it was shown in the approved plans which were extant when the site was purchased.

The Arboriculturalist also has concerns about how the dwellings can be constructed without damage to the tree, the provision of service runs and the amount of excavation proposed within the canopy. A Method Statement to cover these aspects of the scheme has been requested.

On the plus side, the roots of the tree are currently exposed through use of the site for car parking which will in the long term cause harm to the tree. The current scheme includes measures to rectify this and to ensure continued health.

Although much of the existing garden character is lost through remodelling, construction and to provide car parking and access the apparent quality of the design and finish helps mitigate the impact of this. It has been stressed however that the detailing, quality of materials and clarity about boundary treatments does need to be confirmed and secured by condition.

The 'concept' landscape scheme submitted to accompany the application also needs 'beefing up' to provide an adequate setting to this building and to help reinstate the soft garden character which is largely eroded as a result of this scheme.

Improved landscaping is also needed to screen the rear of the Heritage Hotel which is particularly unattractive in terms of the outlook of future residents of the site. An amended scheme is awaited.

#### *4. Car parking and access, the improvements to the adjacent footpath.*

The site is constrained in terms of access and provision of parking.

The existing narrow access suffers poor visibility particularly from traffic approaching from the seafront and the gradient is steep. Opportunities to improve the quality of the access are limited. Advice from Strategic Transport and highways is that in view of the steepness of Shedden Hill which precludes high speeds and the previous use of the site as a 26 bed hotel then its use by 12 dwellings is acceptable.

19 car parking spaces are provided in garaging tucked beneath the town houses, in car ports which are screened under terraces and with 3 surface spaces. This provides a ratio of over 1:1 and includes 3 visitor spaces. A public car park is immediately close by which would easily provide for any overspill car parking.

A little used footpath borders the northern and western boundary of the site. It forms an important link between Belgrave Road and the seafront. The design of the scheme recognises the value of this and seeks to overlook and integrate with it. Sustainable transport funding could be used to upgrade and improve the value of this route subject to clarification on ownership.

#### *5. Biodiversity.*

The scheme is acceptable in terms of impacts on bats and nesting birds subject to conditions designed to protect both from the impacts of construction.

The implementation of this scheme will however lead to a loss of habitat for wildlife and it is recommended that the mitigation measures include in the Preliminary Ecological Appraisal are secured by condition and that the existing landscape scheme is improved and reflects more robust native planting. An amended landscape scheme to reflect the advice of the Arboriculturalist and the Green Infrastructure Coordinator has been requested.

#### *6. Drainage*

The Flood Risk Assessment is considered acceptable and no objections are raised by either the Councils Drainage Engineer or South West Water providing

the scheme is constructed in accordance with its provisions.

### *7. Amenity*

The neighbour to the site has expressed concerns relating to loss of light and intrusiveness arising from the remodelling of the coach house (package A). This sits at an oblique angle to the neighbouring property overlooking its side elevation.

The new building is reduced in height from that which exists on the site so it is unlikely that any impacts would be appreciably worsened as a result of this development. The existing structure contains some windows and whilst there is an increase in the size and number of windows, it is not again considered that overlooking would be appreciably worsened.

### **S106/CIL -**

The scheme should provide for sustainable transport, greenspace and lifelong learning contributions as required by the SPD 'Planning Contributions and Affordable Housing'.

This would amount to £39,710 in relation to sustainable transport, £26,070 in relation to Greenspace and £5170 in relation to lifelong learning. This is justified by the need to upgrade the adjacent footpath which will increase the sustainability of the site and the close proximity of Abbey Park, which will experience additional pressures as a consequence of this development and where there is a specific project to upgrade the quality of the landscaping.

In the event that the viability precludes these contributions it may be that some form of deferred contribution could be considered in the event that the scheme is more profitable than anticipated.

It also needs to secure a phasing plan to ensure timely restoration of the Villa and that it is restored in tandem with the new development within the grounds. This can be achieved by restrictions on occupation until key stages in the restoration of the Villa are implemented.

### **Conclusions**

Planning permission, now time expired, has been previously granted for a broadly similar package of development to provide 14 units overall.

The loss of the hotel was then considered favourably due to the poor condition of the building and the limited range of facilities. Whilst these tests are still relevant, the scheme now falls to be judged against the 'new' policies in the recently Adopted Local Plan and policy TO2 requires that when such changes of use are acceptable in principle (which this is) then buildings should be returned to their 'original historic form' and later extensions and clutter removed.

In order to fund the restoration of the villa, which is in a very poor condition, it is argued that compliance with TO2 would render the scheme unviable and it is essential not only to retain (albeit in a remodelled form) existing extensions to the Villa but to include wholly new interventions in the garden area.

A viability study (as is allowed for in the justification for this policy) to confirm this has been commissioned and the preliminary feedback confirms that the viability is marginal.

The scheme does deliver a well restored villa which is stripped of more recent unsympathetic alterations. Extensions that currently detract from its setting and appearance are extensively remodelled, and to a distinctive and attractive art deco theme to provide 'distance' between the original building on the site and more recent additions.

The three cottages in the garden, which were thought to intrude too closely on the restored Villa have been modified by the deletion of one of the units to achieve a more acceptable relationship and to improve the outlook of the adjacent flat.

The future health of a prominent category A Turkey Oak, is a key priority. It would have been seriously compromised by the 2012 approval on the site, largely due to inaccuracies in relation to plotting of the tree in relation to the proposed garden cottages. Whilst the relationship is even now not ideal, amendments to the layout and relationship have reduced the risk to the tree.

Landscaping proposals to mitigate for the loss of much of the existing planting on the site needs to be upgraded to reinstate softening and screening to this prominent hillside and to compensate for the erosion of biodiversity.

The scheme is otherwise acceptable in terms of access, parking, flood risk and relationship to neighbours and subject to delivering green space, lifelong learning and sustainable transport contributions (if shown to be viable to do so) and securing a phasing agreement to ensure restoration of the Villa complies with national and local planning policy requirements.

It is proposed to impose a condition limiting the permission to two years to encourage implementation. This is justified by the need to deliver new homes and, importantly, to secure a speedy restoration of the Villa in the interests of repairing the street scene in such a prominent and sensitive location in the conservation area and overcoming the blight on the neighbourhood created by the prolonged neglect of the site.

### **Recommendation**

Approve: subject to amended landscape proposals, an Arboricultural Method Statement, conditions as detailed below and to the conclusion of a s106

agreement at the applicants expense to secure the restoration of the main villa in line with an agreed phasing plan and greenspace and sustainable transport contributions in accordance with the adopted SPD 'Planning Contributions and Affordable Housing' as 'deferred contributions' if shown to be necessary via the viability study.

1. Implementation of scheme within 2 years.
2. Schedule of works/Phasing/Delivery.
3. Large scale details and specification/samples of materials.
4. Detail of landscape proposals and implementation.
5. Implementation of parking and bike storage.
6. Detail of waste enclosure and time frame for implementation.
7. Implementation of biodiversity measures.
8. Implementation of Arboricultural Method Statement and Tree protection measures.
9. Detail and implementation of all boundary treatments.
10. Sound proofing measures.
11. Implementation of Drainage strategy.

### **Relevant Policies**

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