

Application Number

P/2016/1354

Site AddressHotel Blue Conifer
Higher Downs Road
Torquay
TQ1 3LD**Case Officer**

Mr Scott Jones

Ward

St Marychurch

Description

Demolition & Redevelopment to form 9 sheltered apartments for the elderly including communal facilities, access, car parking, and landscaping.

Executive Summary/Key Outcomes

The site is the corner plot at the junction of Babbacombe Downs Road and Higher Downs Road that is currently occupied by a two-storey interwar building, which has rendered walls under a clay-tiled multi-pitched roof. The building is in use as a small guesthouse known as the Hotel Blue Conifer.

The site is outside the adjacent designated Core Tourism Investment Area that covers the building group that fronts The Downs to the south. It also is outside of the designated boundary of the Babbacombe Downs Conservation Area, which covers the largely Victorian development to the south.

The application is a revised proposal to demolish the existing guesthouse and to redevelop the site to provide 9 sheltered apartments for the over-55s. The proposal includes the provision of a revised access point off Higher Downs Road to serve 9 car parking spaces. It follows a proposal for 9 sheltered apartments recently resolved to be refused by the Development Management Committee under planning reference P/2016/0571.

The proposed building would have an appearance derived from the principle of a pastiche of the prevailing character of the interwar estate in which it sits. The building has rendered elevations under a steeply pitched multi-planed clay tiled roof. It features traditionally formed bay, gable and dormer features and has small balcony areas enclosed by ornate metal railings. The design also includes the provision of two prominent ornate chimneys stacks. The architectural form is considered to successfully echo the local character of buildings from the interwar period in the area and is supported.

The building has been reduced in scale from the previously considered scheme (P/2016/0571) with the footprint reduced to around 444 square metres from around 494 square metres. The scale of building is considered acceptable in what is a large corner plot, as it retains suitable distances to the public realm and

adequate gaps to adjacent properties. The proposal also retains an open feel and landscape setting to the plot which is a positive local characteristic, with landscaping and amenity space softening the building.

Neighbour amenity is adequately protected. The height of building respects the prevailing form and adequate gaps to plots and properties are retained. It is not overbearing. The location and orientation of windows prevents any undue overlooking and loss of privacy, subject to obscure glazing to the upper floors adjacent to Number 6 Babbacombe Downs Road. To the rear the distances are satisfactory in order to protect privacy. There is some potential overlooking from the first floor balcony of Flat 8 and it has been requested that this area is reduced in size to take it away from the border of the plot, which would reduce any impact.

The loss of the holiday accommodation is acceptable as the accommodation sits outside of the Core Tourism Area of the frontage development along The Downs to the south and the holiday accommodation is considered of limited significance in terms of its scale and quality.

The demolition of the existing building is acceptable as the building is not listed nor does it sit within a Conservation Area, and hence it could be removed through permitted development under a prior notification process that affords the Local Authority only limited control.

Recommendation

Approval, subject to:

- the submission of additional surface water drainage design that is to the satisfaction of officers prior to the 16th February 2017, or within 8 weeks of the committee date should there be agreement of an extension of time by the applicant,
- submission of revised plans that limit the impact of the balcony of Flat 8 on the occupants of Number 6 Babbacombe Downs Road, and
- conditions delegated to the Executive Head of Business Services, to include those outlined within this report.

Statutory Determination Period

8 weeks: 16th February 2017.

Site Details

Hotel Blue Conifer is a two-storey detached building of a principally domestic scale set on a corner plot at the junction of Babbacombe Downs Road and Higher Downs Road, Torquay, close to the northern end of Babbacombe Downs. The building has a painted render exterior with a clay tiled multi-pitched roof. It sits at the southern extent of a predominantly residential estate that has a relatively strong character which was built out during the early part of the 20th

Century. This interwar estate displays a softer more open character than the grander scaled less suburban character of the Victorian development along The Downs and to the south.

The building sits in a relatively large plot and there is a soft garden setting to the north and east of the building off Higher Downs Road. There is a less verdant feel to the west and south of the building off Babbacombe Downs Road with car parking, hardstand and where extensions and outbuildings predominate within the more limited space between the building and the borders of the plot.

There is a single vehicular access off Higher Downs Road close to the junction with Babbacombe Downs Road with parking for a number of cars along the southern border of the plot.

The site sits adjacent to the northern border of the designated Babbacombe Downs Conservation Area, which extends to the road edge to the south of the plot. It also sits outside the Core Tourism Investment Area which also sits to the south and covers the linear development that fronts The Downs. There is a Blue Atlas Cedar protected under a Tree Preservation Order to the east of the building near to the corner of the plot.

Detailed Proposals

The proposal is to demolish the existing building on the site and replace it with nine sheltered apartments for the over 55s.

The scheme is for a two-storey rendered building under a red clay tiled roof. The architectural form of the building is principally a pastiche of the character of buildings of the interwar estate in the site sits. In terms of detail the building features traditionally formed bay, gable and dormer features and small balcony areas enclosed by ornate metal railings. The design also includes the provision of prominent ornate chimneys stacks and a more traditional fenestration pattern.

There are three floors of accommodation with four units provided on the ground floor, four units on the first floor and one unit together with supplementary accommodation for two of the first floor units on the second floor in the roof space.

The units are all generously scaled with the smallest providing 80 square metres of accommodation and the largest 140 square metres.

The access and parking arrangement removes the parking from the corner junction and a new access is to be formed off Higher Downs Road further away from the junction with parking for 9 vehicles. Mobility buggy and cycle storage is provided within an outbuilding set beside the car park.

Waste storage is also provided for within a small ancillary building adjacent to the

new access point set behind the boundary wall.

Summary Of Consultation Responses

Conservation and Design Team:

A less radical scheme than previously proposed with all of the modern interpretations of the architectural character of the interwar estate replaced with pastiche elements. Although much of the detail is attractive there are some less successful elements such as the elevated lift shaft topping, irregular roof lights and the two flat roofed dormers abutting the chimneys.

Natural England:

No objection in regard to any statutory designated sites or landscapes. Likely impact upon protected species should be assessed using NE standing advice. The Authority should give due consideration to securing measures to enhance biodiversity if it is minded to grant permission in accordance with Para 118 of the NPPF.

Drainage Engineer:

The treatment of surface water through a storage tank and controlled discharge is acceptable. The storage tank design has been appropriately detailed however broader elements of the design have been omitted and should be submitted and approved prior to the grant of planning permission.

South West Water:

Whilst there is no objection in principle the proposed surface water discharge rate should be reduced from the quoted 10l/s. This site may well fall within a Critical Drainage area and as such your Council may have its own requirements/policy in terms of surface water drainage which South West Water would support.

Wales and West Utilities:

Advise that plant or equipment relating to Wales and West should not be built on.

Highways / Strategic Transport:

There is no in-principle objection on traffic/transport grounds. The proposed new vehicular access is better located than the existing access and allows turning on site. The existing access should be closed or a turning area provided to ensure vehicles can enter and exit in a forward gear. The proposal provides an over-provision of parking spaces with the Local Plan standard being 1 space per 5 units. The provision of a disabled space should be included. Mobility buggy/cycle storage should be provided and with an electrical charging point, ideally with space for 1 buggy/cycle per apartment.

Green Infrastructure Officer:

Previously advised that the accompanying ecological surveys suitably consider

the impacts of the development and adequate mitigation and ecological enhancement should be achieved by condition. The submitted landscape plan is suitable for approval however a lighting scheme should be informed by an ecologist.

Arboriculture Officer:

The proposal is suitable for approval on arboricultural merit subject to tree protection measures being in place prior to commencement of development and approval of a detailed landscape scheme that softens the development and provides landscape enhancement. Updated comment on the detailed landscape scheme awaited.

Police Designing out Crime Officer

Refers to previous advice that supported the referencing of Security and Secured by Design within the design and access statement and many important factors have been incorporated within the design. Suggest that a condition requiring full compliance with Secured BY Design be attached.

Summary Of Representations

Over 50 representations objecting to the scheme and one in support. A summary of the main planning related concerns are detailed below.

- Same impact as the previous application
- type of accommodation is not needed
- poor design and harmful visual impact
- impact upon the conservation area
- impact upon the character of the Hampton Estate
- too large
- out of character
- loss of views
- loss of light
- loss of privacy and overlooking
- noise and disturbance
- loss of holiday accommodation
- lack of parking
- drainage
- loss of garden space and ecological impact of this
- set a precedent for similar redevelopments
- adds to health care.

Relevant Planning History

P/2003/0906 - site of both the Blue Conifer Hotel and Hampton House - Redevelopment to form 32 sheltered apartments, access and parking - Refused / Appeal dismissed.

P/2016/0571 - Demolition & redevelopment to form 9 sheltered apartments for

the elderly (amended from 10 by plans received 15.09.2016), including communal facilities and new access - Development Management Committee Resolution - Refusal - Current appeal against non determination by the LPA in progress.

Key Issues/Material Considerations

The main issues are considered to be:

1. The principle and planning policy - demolition, provision of a residential use and the loss of the hotel/guesthouse provision
2. Visual impact, including the setting of the Babbacombe Downs Conservation Area
3. Impact upon the residential amenity of adjacent occupiers
4. The quality of the proposed residential environments
5. Highway, parking and movement impacts
6. Flood risk and drainage impact
7. Ecological impact
8. Arboricultural impact.

1. The principle and planning policy - demolition, provision of a residential use and the loss of the hotel/guesthouse provision

The existing building is not listed nor does it sit within a designated conservation area and therefore it could be demolished under permitted development subject to a prior notification process that presents very limited control for the Local Planning Authority. As the building could be demolished under permitted development the loss of the existing building is not a central issue to consider in this context and would be hard to resist in planning terms.

The principle of residential apartments on the site is considered acceptable as it would reflect and sit comfortably with the predominant residential character of the area to the north and to the west. The location is considered to be well suited for a residential use as the site is in a sustainable central location close to shops, social and recreational infrastructure and transport links.

The principle of providing a larger building (and a greater number of units) on the site is generally supported in Local Plan policy guidance and in the NPPF, with the notion clear that development should seek to maximise the re-use of urban brownfield land, subject to other considerations. In further policy terms the provision of 9 units on the site will also aid the delivery of new homes and the Council's 5 year housing supply.

In regard to the loss of holiday accommodation Local Plan Policy TO2 (Change of use of holiday accommodation and facilities) provides key advice. Policy TO2 states that for accommodation outside of Core Tourism Investment Areas a change of use will be permitted where it does not undermine the holiday

character or range of facilities of the area and where the site is of limited significance in terms of its holiday setting, views etc. The loss of this small hotel/guesthouse will not undermine the holiday character or range of facilities of the Babbacombe Downs area which has a strong linear focus of facilities that directly front The Downs. The hotel/guesthouse is also considered to be of limited significance as although it is in close proximity to The Downs it is set away from the direct coastal frontage and in this area the character quickly moves to a residential suburban context, which limits its value and potential in terms of holiday provision.

Finally, the loss of the holiday accommodation is deemed acceptable as it would not undermine the holiday character of The Downs and it sits comfortably with the Council's Tourism Strategy (2009) "Turning the Tide for Torbay" that recommends that the oversupply of small and outmoded tourism accommodation be reduced, presenting general accordance with policy TO2 of the Local Plan.

In summary, in terms of planning policy and principle the demolition of the building is accepted. The site provides a good location for a residential use as there is a residential character to the area and the site is close to services and facilities and presents the efficient use of brownfield land that would help meet housing need and the Council's 5 year housing supply. This presents general accordance with the aims and objectives of Policies H1 (Applications for new homes), SS11 (Sustainable communities), SS12 (Housing) and SS13 (Five year housing supply) of the Local Plan.

2. Visual impact, including the setting of the Babbacombe Downs Conservation Area

The site is a prominent corner plot and the visual impact and potential effect upon the setting of the Babbacombe Downs Conservation Area is a key consideration.

In regard to scale and bulk the proposal is considered acceptable. The plot is larger than average and on plan it appears to be almost double the size of some of the other plots in the area. It is also corner plot which presents the opportunity to place a slightly stronger building to help define the corner. The current proposal covers a floor area circa 444 square metres. This a reduced footprint compared to the building recently considered by members which was circa 494 square metres. The proposed footprint permits the retention of adequate gaps to the adjacent plots and buildings in order to retain and reinforce the open character to the area. There is also sufficient space between the building and the public realm in order not to present a cramped feel when viewed from the adjacent highways. Around the building the proposal permits adequate amenity space and a landscape setting to be retained, which will reinforce the open character of the area. As the proposed building retains characteristic gaps and an open setting around the building it is considered that the plot could

successfully support the size of building proposed without undue impact upon the character of the area.

In terms of height the scheme presents a two storey building under a pitched roof and it sits comfortably aside the adjacent buildings. The proposal clearly responds to and reinforces the local building height and although there are three floors of accommodation the character is clearly that of a two-storey building, which aligns with the prevailing form. The height of the proposed building is aligned with the height of the existing building with only the chimney stacks and lift shaft slightly higher than the highest point of the existing ridge. In terms of the design the appearance of the building has been revised with a number of changes to the architectural detail previously proposed under planning reference P/2016/0571. Although the principal form is reminiscent of the previous scheme the architectural detail is now clearly pastiche and seeks to mimic the general building form that prevails within the interwar estate.

In terms of detail at roof level the dormers are appropriately scaled and are predominantly pitched in form with ornate timber detail above the glazing. The previous scheme featured flat roofed dormers throughout. Timber detail is also present in the larger gables of the main roof structure. There are two flat roof dormers set aside and behind the two chimney stacks and these stacks act to soften and reduce the prominence of these elements and, in the context, they are not unduly harmful elements upon the wider character and visual quality of the building. Within the two principal storeys there is traditional architectural detailing with more characteristic bay features with glazing set in the larger render detail, which is a change from the more vertical glazed bays inset with louvres of the previous scheme. In addition the balcony elements have been altered to be enclosed by an ornate metal railings rather than the glass of the previous scheme. In regard to the window openings the fenestration pattern displays a solid-to-void arrangement that is more traditional and the vertical glazed elements of the previous scheme have been removed to help reinforce a more traditional appearance to the building. It is noted that the clustered metal pipes of the previous scheme have been removed and the design has introduced two prominent chimney stacks. The design response is welcomed as a well considered response to the character of the area. It is accepted that the lift shaft to the rear of the building is an alien feature in the roofscape, however due to its location it will be largely obscured from public view. It is recommended that the finish of the element is carefully considered in order to limit its visual prominence and reduce its impact when viewed from the north along Higher Downs Road.

A detailed landscape scheme has been submitted and comment is awaited from the councils Arboricultural Officer. A landscape scheme that positively softens the building to help retain a verdant and spacious character is essential and could help improve the setting towards Babbacombe Downs Road which has been compromised by poorly designed deleterious extensions and outbuildings and prominent hardstand for parking.

To conclude the scheme submitted is a positive pastiche response to the context that responds well to the interwar estate and presents no harm to the setting of the adjacent Babbacombe Downs Conservation Area. The proposal is considered compliant with Policy DE1 (Design) and DE4 (Building heights) of the Local Plan and the NPPF in terms of seeking good design.

3. Impact upon the residential amenity of adjacent occupiers

In respect of amenity there are residential properties bordering the two private boundaries of this corner plot, to the northwest and west.

With the proposed building set principally within the southern half of the plot the impact upon the amenity of the occupiers of Hampton Lodge to the northwest will be limited due to the distances involved. The scheme presents parking, landscaping and two low-level ancillary outbuildings to the northwestern border and these elements would not impact amenity across the private boundary treatment. The proposed building is set between 15m and 18m from the plot border with Hampton Lodge and between 26m and 30m from the dwelling itself. At these distances there would be no undue impact upon privacy through overlooking within a suburban context, where the building-to-building distance is generous and where the building to garden space is also relatively great and where some natural surveillance across plots is common. In terms of other amenity considerations the proposed building would not prevent an overbearing impact in terms of loss of outlook or light to the northwest, due to its relatively limited scale and its location away from this border.

To the west the plot borders number 6 Babbacombe Downs Road and the side elevation of this property faces eastwards over the site of the Blue Conifer Hotel. It is noted that the side elevation of Number 6 is inset with windows over two floors within a staggered building line that affords some overlooking of the application site. In terms of amenity having considered the distance between the proposed building and Number 6 Babbacombe Road, which at its nearest point would be a 7m gap, the scale of building presented would not present an overbearing relationship or result in an unacceptable loss of outlook or light to the occupiers of this property. In terms of privacy and overlooking there are window openings at first floor and roof lights within the roof. Privacy could be protected by obscure glazing these elements by a planning condition. The rear first floor terrace to Flat 8 is somewhat un-neighbourly and the agent has been requested to reconsider the scale of this and draw it back to the lounge building line to limit overlooking towards Number 6. The scale of building and the relationship it presents with the border is ultimately not uncharacteristic and presents an acceptable side-to-side relationship and maintains suitable amenity levels for both properties.

Subject to a revision to the first floor balcony and obscure glazing to certain

windows the design is considered a good response where the site suffers from some established overlooking from the adjacent property and enables habitable rooms to be provided with good outlooks and enhanced privacy. The proposal is considered acceptable in terms of its impact on residential amenity and compliance with policy DE3 of the Local Plan.

4. The quality of the proposed residential environments

The individual apartments are all relatively large and are in excess of the minimum space standards laid out in the local plan.

The supporting text to policy DE3 of the Local Plan seeks to achieve a minimum size for dwellings and gardens and better designed homes. The unit sizes are consistent with the suggested standards as is the amount of communal garden space.

The units are all acceptable in terms of outlook, amenity and design and are considered compliant with the relevant paragraphs of the National Planning Policy Framework which refer to creating good quality living environments and policy DE3 of the New Local Plan.

5. Highway, parking and movement impacts

The scheme presents an improved access point to the current arrangement with the proposed vehicular entrance moved northwest along Higher Downs Road and thus further away from the junction with Babbacombe Downs Road. This is supported by the Council's Highway Engineers as this is likely to present a safer entry and exit point with improved visibility. It is important that the existing entrance is blocked up in order to achieve this improvement and this could be achieved through condition.

As a sheltered apartment scheme the proposal presents an oversupply of parking as Local Plan guidance seeks to achieve 1 space per 5 sheltered units. The scheme actually proposes a ratio of 1:1 which is in accordance with unrestricted apartment schemes outside of town centres. It is noted that parking pressures have been raised as a concern in representations and as it appears that adequate amenity space and landscaping can be achieved with the current extent of parking engrained within the scheme it is not considered necessary by officers to seek a reduction in the vehicular parking provision.

There is an absence of disabled parking and the layout should accord for one space being at least 3.6m wide. Once achieved the car parking arrangement provides adequate sized spaces and adequate manoeuvring space in order to enter and exit the site in a forward gear.

Cycle parking and mobility scooter storage has been engrained within the

scheme in an outbuilding adjacent to the car park in the northwest corner of the site. The provision is considered acceptable and these should be achieved by condition citing the provision prior to occupation and retention for such purposes at all times thereafter, and that this should include a charging point.

With an improved and safer access secured, together with adequate parking and cycle/mobility buggy store provision, the proposal is considered acceptable on highway, movement and parking grounds and in accordance with the aims and objectives of Policies TA2 (Development access), TA3 (Parking requirements) and Appendix F (Car parking requirements) of the Local Plan.

6. Flood risk and drainage impact

Torbay has been designated a critical drainage area (CDA) with a more rigorous surface water disposal strategy required in order to ensure that brownfield sites achieve much reduced rates of surface water runoff.

The Councils Drainage Engineer has reviewed the flood risk data and drainage strategy and it is accepted that infiltration drainage will not be viable for this site. As a result discharge into the public combined sewer at a controlled rate will be allowed subject to an acceptable design. The design of the holding tank has been agreed however there is some supporting detail that the drainage engineers require in order to ensure that the risk of flooding would not be increased as a result of the development. This detail has been requested from the applicant.

Members will be updated on the matter at the Development Management Committee and if the additional detail is agreed the scheme would accord with the aims of Local Plan Policies ER1 and ER2 or respond to the Environment Agency's CDA standing advice.

7. Ecological impact

The existing building has been surveyed for bats and it is established that there is limited occasional roosting use. Appropriate mitigation and compensation has been identified within the accompanying ecological report to avoid disturbance to roosting bats and also to provide replacement roosting potential within the site. The appropriate mitigation and compensation can be achieved by a planning condition.

More widely the site holds little ecological value beyond that typical of a maintained garden space. National and local guidance outlines that development proposals should take opportunities available to enhance biodiversity in order to respond to guidance within the NPPF (Para 118) and Policy NC1 (Biodiversity and geodiversity) of the Local Plan. A detailed landscape plan is being considered and if insufficient a revised proposal should

be sought through planning condition.

Due consideration of the site's proximity to a SSSI at Babbacombe Downs to the south has been given and having cross-referenced Natural England's Impact Risk Zone standing advice Natural England were formally consulted. The resulting consultation response identified that there was no objection as the proposal is unlikely to affect any statutory protected sites or landscapes.

8. Arboricultural impact

The proposal is considered to be suitable for approval on arboricultural merit.

The majority of trees present on the site are either small and therefore provide limited visual amenity with varying degrees of future potential amenity value, or they are of poor to fair quality and therefore also of low landscape value.

The layout and landscape proposals importantly retain the Blue Atlas Cedar that is protected under a Tree Preservation which sits close to Higher Downs Road. The scheme also provides adequate distance between the building and this tree to limit future pressure upon it.

A detailed landscape scheme has been submitted and comment is awaited from the Council's Arboricultural Officer.

Subject a condition relating to the submission of a detailed landscape scheme (if the current proposal is found to be inadequate) and a condition requiring the provision of tree protection measures during construction (which includes the protection of a protected Blue Atlas Cedar), the proposal is considered suitable for approval on arboricultural merit and aligned with Policies C4 (Trees, hedgerows and natural landscape features) and SS10 (Conservation and the historic environment).

S106/CIL -

Government advice has confirmed that contributions relating to schemes of fewer than 10 units cannot be pooled and must be related to a specific project which is directly related and necessary to the development in question.

It is not considered that contributions outlined within the Council's Planning Contributions and Affordable Housing SPD would meet the tests bearing in mind in the recent changes to the legislation.

Conclusions

The demolition of the building is accepted as it is not listed nor does it lie within a conservation area and hence it could be removed under a relatively simple prior notification process.

The loss of holiday accommodation is considered acceptable and in-line with Local Plan policy guidance as the guesthouse does not provide a significant holiday offer and it does not sit in a Core Tourism Investment Area, which are the areas where there is a particular focus and more stringent policy guidance upon the assumption of retention of holiday accommodation.

The traditional design is considered to respond positively to the context and character of the area, in relation to the interwar estate.

The proposal is considered to afford future occupiers a good level of residential amenity and would not unduly impact the amenity of adjacent occupiers as its scale, location and detailed design will retain suitable outlooks, light levels and privacy (subject to obscure glazing and a reduced balcony area to Flat 8).

The proposal will improve the access arrangement for the plot as it proposes a single access to a parking area set away from the junction, which provides a safer access and egress point for vehicular movement.

The scheme is considered suitable for approval for the reasons stated above and in this report.

Conditions to include:

- Over 55s occupancy condition
- samples of external materials and finishes
- detailed design of all glazing, louvers, vent pipes, recesses, eaves and fascias
- removal of existing parking and vehicular access and provision of new parking and access prior to the first use of the building, to include the demarcation of one disabled space no less than 3.6m wide by 4.8m long
- provision of waste and cycle/mobility scooter stores prior to the first use of the building including a charging point
- provision of any approved surface water drainage strategy prior to the first use and its retention thereafter
- obscure glazing to first floor and second floor openings on the north west elevation
- tree protection measures in place prior to the commencement of development
- Development to be carried out in accordance with the ecological mitigation strategy.
- Vegetation clearance to be restricted to periods outside of the bird nesting season (undertaken between September and end of February) or following confirmation from a suitably qualified ecologist that no breeding birds are present.
- A detailed landscape scheme to be submitted to Torbay Council for approval, to include proposed species, plant sizes, numbers/densities and

details for on-going management, designed to seek biodiversity enhancement (if not already agreed).

Relevant Policies

SS10 - Conservation and Historic Environment

SS11 - Sustainable Communities Strategy

SS12 - Housing

SS3 - Presumption in favour of sustainable dev

TA2 - Development access

TA3 - Parking requirements

TO2 - Change of use of tourism accommodation

NC1LFS - Biodiversity and Geodiversity

H1LFS - Applications for new homes

ER1 - Flood Risk

ER2 - Water Management

DE1 - Design

DE3 - Development Amenity

DE4 - Building heights