

Application Number

P/2017/0751

Site Address

Rutland Hotel
Daddyhole Road
Torquay
TQ1 2ED

Case Officer

Mr Robert Pierce

Ward

Wellswood

Description

Conversion of former Rutland Hotel into 5 flats, partial demolition of existing buildings and construction of 1 no. 3- bed house and 2 no. 4 bed houses.(Revised Scheme 24/10/17).

Executive Summary

This is a full planning application which seeks permission to remove a number of late-20c insertions and convert the Victorian Villa (former hotel) into 5 no apartments and construct 3 no new houses. The property has most recently been in use as a hotel. It has been vacant since March 2016.

The conversion of the hotel will involve the removal of an unsightly large extension on the front elevation. The proposed dwellings would replace further modern extensions and additions to the side and rear of the villa and take the form of a modern wing attached to the main villa with a subservient link. A modern palette of materials has been selected which respect the original Victorian architecture. Vehicular access to the site would utilise the existing access off Daddyhole Road.

The principle of the change of use of the main villa from a hotel to residential use is acceptable and would be consistent with Policy TO2 in the Torbay Local Plan 2012-30. The character of the surrounding area is predominantly residential and therefore the proposed use would be appropriate in this location. The loss of the hotel would not undermine the tourism industry by reason of the size of the hotel and the facilities that it offered.

The proposed conversion of the villa would be sympathetic to the character of the building and would include removal of visually harmful extensions to the building, particularly a conservatory at the front of the building. Three new dwellings would be constructed within the curtilage of the property which would be ancillary in scale and location to the main villa. The proposed development would not harm the appearance and character of the Lincombes Conservation Area.

The proposal would deliver eight new dwellings on a brownfield site, and is considered to be an appropriate form of development in this location, that would make effective use of the site. As such it is recommended for conditional approval.

Recommendation

Conditional Approval (conditions at end of report) final drafting of conditions to be delegated to the Executive Head for Assets and Business Services.

Reason for Referral to Development Management Committee

The number of objections received to the proposed development.

Statutory Determination Period

22nd November 2017. The applicant has agreed to an extension of time until 20th December 2017.

Site Details

The Rutland Hotel comprises an original Victorian Villa of three storeys, it has a four-storey service wing and a rear interwar two-storey extension with a further floor added in the 1990's. There is also a large single storey conservatory-style extension to the front elevation and a detached two storey annexe to the side. The property stands on a large level site and is well set back from the road frontage to Daddyhole Road. It is positioned in close proximity to its rear boundary from where the land drops steeply away down onto a small development of houses on St Marks Drive to the rear.

There are two mature trees on the site which are protected by a Blanket Tree Preservation Order (TPO 1972.15)

The site is in the Lincombes Conservation Area and the Critical Drainage Area as designated by the Environment Agency.

Date of Officer Site Visit:

16th August 2017

Detailed Proposals

The proposal is to provide 8 no residential units on the site. The plans indicate that 5 of the units would be located in the main villa which would be sub-divided to provide a 2 bedroomed apartment on the lower ground floor, a two bedroomed apartment at the front of the building over the lower ground and ground floor, a 3 bedroomed apartment within the rear half of the ground floor, a two bedroomed apartment to the front of the first floor and a 2 bedroomed unit laid out over the first and second floors at the rear.

Three new dwellings would be contained within an attached 3-storey building which would replace the modern extension and annex building. The plans indicate that the two outer units have been designed as a symmetrically divided modern block each with "mirrored" accommodation comprising a kitchen/dining room and family room on the ground floor, two en suite bedrooms on the first floor and an en suite master bedroom on the second floor each with access leading out onto full width roof decks to the front and rear. These two units would have a shallow

pitched roof to reflect the main villa. The third unit would comprise a two storey subservient flat roofed link between the main villa and the other two new units with its 3 storey element being attached to the rear elevation of the villa. The accommodation would comprise an open living space on the ground floor, three bedrooms on the first floor and a fourth bedroom on the second floor with access out onto a roof deck to the side and rear. A modern palette of materials is indicated including rendered masonry, a zinc effect single ply membrane roof, and selected composite window frames and wooden doors. A covered cycle and communal bin storage shelter is also indicated adjacent to the side boundary in front new dwellings. As a result of negotiations with the agent a detached dwelling to the front has been removed and the design of the extension has been modified to include a shallow pitched roof which would be more in keeping with the style of a Victorian Villa.

Summary Of Consultation Responses

Arboricultural Officer : Observation Awaited

Senior Historic Environment Officer: Has had extensive involvement and negotiations with the agent in achieving a suitable scheme. The design of the development meets the advice given to the applicant and also meets the aspirations for the site to be open at the front.

Highway Engineer: No objections.

Summary Of Representations

Publication type: Neighbour notification letters, Site notice and Newspaper advertisement.

Objections to the proposal have been submitted. The main issues raised were as follows:

- 1) Impact of the height of roof onto property on St Marks Drive
- 2) Overdevelopment
- 3) Problems with parking
- 4) Design not in keeping with the Conservation Area
- 5) Loss of light to properties on St Marks Drive to the rear.

One of the above letters in part also supported the design of revised scheme.

Relevant Planning History

DE/2016/0469 Development enquiry for residential redevelopment. Generally supportive 16.01.2017

Extensive planning history over last 30 years relating the previous hotel use. Nothing immediately relevant.

Key Issues/Material Considerations

1. Principle of the change of use

The principle of the change of use from hotel to residential is considered acceptable.

Policy TO2 (Tourism, events and culture) of the Torbay Local Plan 2012-2030 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 with 27 bedrooms within a largely residential context will not undermine the holiday character or range of facilities of the area. The hotel is also considered to be of limited significance which limits its value and potential in terms of holiday provision.

The loss of the holiday accommodation is deemed acceptable as 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.

New dwellings and large apartments are demonstrably needed in the Bay and the location, with its proximity to the town centre and to local beaches is ideal for such a form of development. It is likely that they would also be attractive as holiday lets given the size and location.

2) Impact on the character and appearance of the conservation area.

Policy SS10 (Conservation and the historic environment) of the Torbay Local Plan 2012-2030 states that development within conservation areas needs to conserve and enhance their distinctive character and appearance.

The unsympathetic extensions to the villa and the two storey annexe are to be removed. The conversion of the main villa has much that is positive and its subdivision into 5 apartments in line with the original fabric as detailed in the submitted Historic Building Appraisal which will inform the conservation of the Victorian Villa. The three new houses will be accommodated in the modern extension. This has been designed with a shallow pitched roof which together with a central bay reflects the style of the main villa. It also incorporates a subservient flat roofed link attached to the side of the villa. The windows are in proportion to those in the villa and the proposed palette of materials is considered to be sympathetic. It is therefore considered that the proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm has been weighed against the public benefits of the proposal, including securing an optimum viable residential use. It is therefore considered that the proposal complies with the requirements of Policy SS10.

3) Development Amenity

Policy DE3 (Development Amenity) requires that all development should be designed to provide a good level of amenity for future residents and should not unduly impact on the amenity of the neighbours.

The plans indicate that the proposed modern extension which will accommodate the 3 new houses will be no closer to the rear boundary than the structures to be demolished. Indeed the main element will be pulled slightly further back. The houses to the rear on St Marks Drive are set well below the level of the grounds to the Rutland Hotel and it is not considered that the proposed development will have any adverse impact by way of loss of light or overlooking. Due to the height of the proposed roof terraces, the line of vision will tend to be directed over the roofs of properties to the side and rear and therefore it is not considered that direct overlooking will be a problem. Due to a significant drop in levels and the fact the main element of the new extension will be set further back than the existing annexe it is not considered that the "new build" will have any adverse impact by way of being overbearing or lead to a loss of light.

The occupants of the new residential development will enjoy a large area of communal gardens and all of the units will have generous internal floorspace areas ranging from 97square metres to 120 square metres. This is above the requirements that are set out in Table 23 (Dwelling Space Standards) in Policy DE3

It is therefore considered that the proposal complies with the requirements of Policy DE3.

4) Design

Policy DE1 (Design) require development to be well-designed, respecting and enhancing buildings of historic interest.

The design of the development has evolved during a series of negotiations with the architect with specific input from the Senior Historic Environment Officer. The proposed scheme has resulted in the removal of unsightly 20th Century intrusions. The design is considered to be a modern interpretation of a subservient wing to a Victorian villa which has incorporated a two storey link to achieve 3 additional houses. The architectural proportions reflect the Victorian idiom and the scheme will use a sensitive yet modern palette of materials.

It is therefore considered that the proposal complies with the requirements of Policy DE1.

5) Parking

Policy TA3 requires development proposals to meet guideline requirements (2 spaces per dwelling and 1 space per flat plus visitors parking). Provision of secure and covered cycle storage is required for two cycles per house and 1 per flat.

The plans indicate that there will be 13 allocated parking spaces laid out around the entrance drive. This provides 2 spaces per dwelling, 1 space per flat and two visitors spaces. There is also a bike and bin store indicated. This arrangement meets the criteria of the guidelines and is therefore considered to comply with Policy TA3.

6) Ecology

A Bat and Protected Species Survey accompanied the application and this concluded that the existing buildings support a bat roost and the proposed works are unlikely to result in disturbance to bats or to significantly affect the distribution or abundance of the local bat populations. Likewise no current, or former bird nest sites were identified in association with the surveyed buildings. The survey did recommend as a biodiversity gain that at least four inbuilt bat roosting units should be provided along with at least four bird nesting provisions. Also amphibians and reptiles should be protected during the construction works by maintaining the grassland lawn. Subject to incorporating the above measures the proposal is considered acceptable and accords with Policy NC1 of the Torbay Local Plan 2012-2030.

The site is in close proximity to Sites of Special Scientific Interest (SSSI), Daddyhole and Dyers Quarry. However the proposal falls outside the type of development that is likely to impact on the SSSI in relation to the Impact Risk Zone (IRZ) map established by Natural England.

7) Flood Risk

The plans indicate that surface water drainage will be dispersed by a soakaway and a rainwater garden. The proposal is considered acceptable and accords with Policy ER1 and ER2 of the Torbay Local Plan 2012-2030.

8) Landscape

The site is located within the boundary of a Blanket TPO (1972.15.1) however the submitted Landscaping Plan indicates the mature trees on the site will be retained. A condition will be imposed which will require tree protection measures during the construction period.

Human Rights and Equalities Issues -

Human Rights Act: The development has been assessed against the provisions of the Human Rights Act, and in particular Article 1 of the First Protocol and Article 8 of the Act itself. This Act gives further effect to the rights included in the European Convention on Human Rights. In arriving at this recommendation, due regard has been given to the applicant's reasonable development rights and expectations which have been balanced and weighed against the wider community interests, as expressed through third party interests/the Development Plan and Central Government Guidance

Equalities Act: In arriving at this recommendation, due regard has been given to the provisions of the Equalities Act 2010, particularly the Public Sector Equality Duty and Section 149. The Equality Act 2010 requires public bodies to have due regard to the need to eliminate discrimination, advance equality of opportunity and foster good relations between different people when carrying out their activities. Protected characteristics are age, disability, gender reassignment, pregnancy and maternity, race/ethnicity, religion or belief (or lack of), sex and sexual orientation.

Local Finance Considerations

Construction of the houses and apartments will make a positive contribution to the local economy both in terms of employment and increasing the supply of housing in a sustainable location.

S106/CIL

S106:

S106 contributions are not required from this development.

CIL:

The Rutland Hotel is within CIL charging zone 2. As a proposal for 8 units, if it were to create more than 100 sq m gross internal floorspace of new development, CIL would be charged at £70 per sq m.

The proposal would not result in any net increase in floorspace and therefore no CIL contribution is required.

Conclusions

In conclusion, the principle of the change of use to residential use is acceptable in this location. The change of use of the hotel to residential use will not have a detrimental effect on the tourism industry. The proposal will improve the appearance of the building through the removal of unsympathetic extensions. The design of the three new dwellings would be appropriate for the location.

The proposals are considered to accord with the provisions of the Torbay Local Plan 2012-2030 and all other material considerations.

Conditions

- 1) Prior to the first occupation of the building the waste storage building and covered and secure cycle parking facility shall be completed in accordance with the approved plans and made available for their respective purposes and the facilities shall be maintained in full for their respective purposes at all times thereafter.

Reason: To secure appropriate cycle parking and waste storage facilities for the development in accordance with Policies DE1, TA3, W1 and Appendix F of the Torbay Local Plan.

- 2) The development shall proceed fully in accordance with the Recommendations (Section 6) outlined within the accompanying "Bat and Protected Species" Survey (Ecologic: August 2017).

In accordance with the recommendations if any bats or nesting birds or evidence of bats or nesting birds are found then works should stop immediately and a suitably qualified ecologist should be contacted for further advice.

Prior to the occupation of the development at least four bat roosting boxes and four bird nesting boxes should be installed (as indicated at Appendices 2 and 3) of the "Bat and Protected Species" Survey.

Reason: To ensure against harm to protected species and to achieve a positive biodiversity gain in accordance with Policy NC1 of the Torbay Local Plan 2012-2030.

- 3) Prior to the commencement of development (excluding demolition) the following details, to a scale between 1:1 and 1:5 where appropriate, shall be submitted to and approved in writing by the Local Planning Authority:

- (i) samples or and illustrative sample chart of all external materials and hard surfacing identifying colour and form of materials,
- (ii) reveal details
- (iii) window colour and cross section
- (iv) door colour and cross section
- (vi) all means of enclosures, including balcony railings or enclosures.

The development shall proceed fully in accordance with the approved detail.

Reason: To secure appropriate form of development in accordance with Policies TO2 and DE1 of the Torbay Local Plan 2012-2030. These details are required prior to commencement in order to establish a suitable detail of development.

- 4) Prior to the first occupation of the building the car parking facilities hereby approved shall be completed in full and made available for the purposes of parking incidental to the occupation of the building. The car parking facilities shall be maintained in full for such purposes at all times thereafter.

Reason: To secure appropriate parking facilities for the development in accordance with Policies TA2, TA3 and Appendix F of the Torbay Local Plan.

- 5) The approved landscaping scheme shall be implemented in full in the first available planting season following completion of the development or

occupation whichever is the sooner. Any trees, plants or shrubs that become diseased, die, are damaged or removed within 5 years of implementation shall be replaced with others of a similar size and species in the next available planting season.

Reason: To ensure that the site is suitably landscaped and trees that are lost replaced with those of a suitable species and to conform with Policy DE1 of the Torbay Local Plan 2012 to 2030.

- 6) In accordance with the submitted flood risk assessment surface water and dwg 4D 2017.12/01:20171124 drainage shall be provided by means of a soakaway and rainwater garden within the site which shall comply with the requirements of BRE Digest 365 for the critical 1 in 100 year storm event plus 30% for climate change unless an alternative means of surface water drainage is submitted to and agreed in writing by the Local Planning Authority prior to the commencement of development.

Reason: In the interests of adapting to climate change and managing flood risk, and in order to accord with saved Policy ER1 and ER2 of the Torbay Local Plan 2012-2030 and paragraph 103 of the NPPF.

- 7) Notwithstanding the provisions of Article 3 of the Town & Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no development of the types described in Classes A, B, and C of Part 1, Schedule 2 (which includes enlargement, improvement or other alteration, shall be constructed (other than hereby permitted, or unless the prior written consent of the Local Planning Authority has been obtained).

Reason: To ensure that the character and appearance of the locality are protected and to avoid overdevelopment in the interests of local amenity. This is in accordance with Policies H1, DE1, and DE3 of the Torbay Local Plan 2012-2030.

- 8) No demolition, site clearance or building operations shall commence until tree protection measures are agreed in writing with the Local Planning Authority following B.S.5837 2012 Trees In Relation to Design, Demolition and Construction Recommendations. Such protection shall be maintained to the satisfaction of the Local Planning Authority during the course of development operations. Any tree(s) removed without consent or dying or being severely damaged or becoming seriously diseased during the period of development operations shall be replaced in the next planting season with tree(s) of such size and species as shall have been previously agreed in writing with the Local Planning Authority.

Reason: To protect the tree which is to be retained in order to enhance the

development, biodiversity and the visual amenities of the area in accordance with Policies DE1, SS10 and NC1 of the adopted Local Plan 2012-2030 and the registered Area Tree Preservation Order 1972.01.

Condition(s)/Reason(s)

01. Prior to the first occupation of the building the waste storage building and covered and secure cycle parking facility shall be completed in accordance with the approved plans and made available for their respective purposes and the facilities shall be maintained in full for their respective purposes at all times thereafter.

Reason: To secure appropriate cycle parking and waste storage facilities for the development in accordance with Policies DE1, TA3, W1 and Appendix F of the Torbay Local Plan.

02. Prior to the first occupation of the building the car parking facilities hereby approved shall be completed in full and made available for the purposes of parking incidental to the occupation of the building. The car parking facilities shall be maintained in full for such purposes at all times thereafter.

Reason: To secure appropriate parking facilities for the development in accordance with Policies TA2, TA3 and Appendix F of the Torbay Local Plan.

03. Prior to the commencement of development (excluding demolition) the following details, to a scale between 1:1 and 1:5 where appropriate, shall be submitted to and approved in writing by the Local Planning Authority;(i) samples or and illustrative sample chart of all external materials and hard surfacing identifying colour and form of materials,(ii) reveal details (iii) window colour and cross section(iv) door colour and cross section (vi) all means of enclosures, including balcony railings or enclosures. The development shall proceed fully in accordance with the approved detail.

Reason: To secure appropriate form of development in accordance with Policies TO2 and DE1 of the Torbay Local Plan 2012-2030. These details are required prior to commencement in order to establish a suitable detail of development.

04. The approved landscaping scheme shall be implemented in full in the first available planting season following completion of the development or occupation whichever is the sooner. Any trees, plants or shrubs that become diseased, die, are damaged or removed within 5 years of implementation shall be replaced with others of a similar size and species in the next available planting season.

Reason: To ensure that the site is suitably landscaped and trees that are lost replaced with those of a suitable species and to conform with Policy DE1 of the Torbay Local Plan 2012 to 2030.

05. In accordance with the submitted flood risk assessment surface water and dwg 4D 2017.12/01:20171124 drainage shall be provided by means of a soakaway and rainwater garden within the site which shall comply with the requirements of BRE Digest 365 for the critical 1 in 100 year storm event plus 30% for climate change unless an alternative means of surface water drainage is submitted to and agreed in writing by the Local Planning Authority prior to the commencement of development.

Reason: In the interests of adapting to climate change and managing flood risk, and in order to accord with saved Policy ER1 and ER2 of the Torbay Local Plan 2012-2030 and paragraph 103 of the NPPF.

06. Notwithstanding the provisions of Article 3 of the Town & Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no development of the types described in Classes A, B, and C of Part 1, Schedule 2 (which includes enlargement, improvement or other alteration, shall be constructed (other than hereby permitted, or unless the prior written consent of the Local Planning Authority has been obtained).

Reason: To ensure that the character and appearance of the locality are protected and to avoid overdevelopment in the interests of local amenity. This is in accordance with Policies H1, DE1, DE3 of the Torbay Local Plan 2012-2030.

07. The development shall proceed fully in accordance with the Recommendations (Section 6) outlined within the accompanying "Bat and Protected Species" Survey (EdcoLogic : August 2017). In accordance with the recommendations if any bats or nesting birds or evidence of bats or nesting birds are found then works should stop immediately and a suitably qualified ecologist should be contacted for further advice. Prior to the occupation of the development at least four bat roosting boxes and four bird nesting boxes should be installed (as indicated at Appendices 2 and 3) of the "Bat and Protected Species" Survey.

Reason: To ensure against harm to protected species and to achieve a positive biodiversity gain in accordance with Policy NC1 of the Torbay Local Plan 2012-2030.

Informative(s)

01. In accordance with the requirements of Article 35(2) of the Town and

Country Planning (Development Management Procedure) (England) Order, 2015, in determining this application, Torbay Council has worked positively with the applicant to ensure that all relevant planning concerns have been appropriately resolved. The Council has concluded that this application is acceptable for planning approval.

Relevant Policies

DE1 - Design

DE3 - Development Amenity

SS10 - Conservation and Historic Environment

NC1 - Protected sites - internationally important

W1 - Waste management facilities

TA2 - Development access

TA3 - Parking requirements

TO2 - Change of use of tourism accommodation