

**Application Number**

P/2018/1216

**Site Address**Suite Dreams Country Hotel  
Steep Hill  
Torquay  
TQ1 4TS**Case Officer**

Mr Alexis Moran

**Ward**

St Marychurch

**Description**

Conversion of existing hotel into 10 self-contained apartments, including an increase in ridge level of 400mm, and demolition of rear extension.

**Executive Summary**

This planning application proposes the conversion of the existing building, which was last in use as a hotel, into 10 residential flats. The site is within the Maidencombe Conservation Area, the Countryside Zone and the Maidencombe Village Envelope.

The proposal includes an increase to the existing ridge height of 400mm and the addition of two pitched roof dormers to the southern elevation. The internal and external amenity spaces to be provided would comply with Policy DE3 and the alterations to the roof are deemed to have an acceptable impact on the character and appearance of the conservation area.

The proposal is considered appropriate for conditional approval, having regard to all national and local planning policies and all other relevant material considerations.

**Recommendation**

Conditional approval, with the final drafting of conditions, and addressing any new material considerations that may come to light, to be delegated to the Assistant Director of Planning and Transport.

**Site Details**

The site, Suite Dreams County Hotel, is located on Steep Hill, Torquay and comprises a former hotel building and its curtilage. The building is a two-storey rendered building with concrete roof tiles. The last use of the building was as a hotel but it is currently vacant.

In terms of designations, the site is within the Maidencombe Conservation Area, the Countryside Zone and the Maidencombe Village Envelope. There is an area Tree Preservation Order which covers the site and there are Grade II Listed

Buildings adjacent to the south and west.

### **Detailed Proposals**

The proposal is for the conversion of the existing building, which was last used as a hotel, into 10 residential flats. In order to provide sufficient internal floor areas and accommodation in the roof space, the roof of the existing building is to be raised by 400mm and by providing two pitched roof dormer extensions to the southern elevation.

Part of an extension to the north of the building is to be demolished to provide room for additional external amenity space for future occupiers of the proposed development. The existing boundary hedgerows are to be retained. The proposal would provide ten parking spaces. A cycle and bin storage area for each unit would also be provided.

There is an extant permission on the site for its redevelopment to 10 flats and it is therefore designated as a committed site in the Local Plan Policies Map.

### **Policy Context**

Section 38(6) of the Planning and Compulsory Purchase Act 2004 places a duty on local planning authorities to determine proposals in accordance with the development plan unless material considerations indicate otherwise. The following development plan policies and material considerations are relevant to this application:

#### Development Plan

- The Adopted Torbay Local Plan 2012-2030 ("The Local Plan")

#### Material Considerations

- Emerging Torquay Neighbourhood Plan
- National Planning Policy Framework (NPPF)
- Planning Policy Guidance (PPG)
- Published standing Advice
- Planning matters relevant to the case under consideration, including the following advice and representations, planning history, and other matters referred to in this report.

### **Summary Of Consultation Responses**

South West Water - No Objection

Drainage Engineer - As the development is located in Flood Zone 1, there will be no increase in impermeable area and the application relates only to alterations and refurbishment of an existing building, I have no objections on drainage grounds to planning permission being granted.

Senior Historic Environment Officer - No objections.

Strategic Highways - Sufficient parking spaces are provided on site to meet with the policy requirements. Access to sustainable transport in Maidencombe is on Teignmouth Road.

There is one less parking space than previously approved, but that was provided as a back to back space that did not make it generally available. Therefore there is no substantive change.

There is no on-site capacity for visitor parking, or for the occupants to own more than one vehicle, and this would inevitably result in some on-street parking. There is a public car park within a short walking distance that could be utilised.

It is not clear whether electric charging points are proposed but it appears not. Given that there is no additional capacity to create a specific charging space, a supply cable capable of powering charging points, should be provided around the car park to enable the individual occupant to install a charging unit if they choose to at a later date.

Cycle parking is provided within the site, one for each apartment. This is sufficient to meet the policy requirement though it is not clear if these are covered as required by the policy. Five of the spaces appear to be located at the rear of a gated bin store. This has the potential to be an undesirable, and potentially inaccessible, location to park a cycle. It would be welcomed if the siting of these five could be reconsidered.

In terms of vehicular access it should be noted that vehicles exiting the site must make a left turn given existing restricted access point. This does not have an impact on the use of the site.

Arboricultural Officer - No objection

RSPB - Cirl buntings

The application site is adjacent to Lower Gabwell Fields (Labrador Bay) County Wildlife Site, designated for farmland bird interest, including cirl buntings. The site is within 200m of a cirl bunting breeding territory recorded in the last national survey in 2016. Given this proximity, and the nature of the boundary hedge/bramble habitat, that habitat could potentially be used by nesting cirl buntings (they have been recorded nesting in garden hedges that are adjacent to suitable farmland habitat). Cirl buntings are specially protected under Schedule 1 of the Wildlife and Countryside Act, making reckless or intentional disturbance of nesting birds as well as destruction of active nests an offence). Therefore, it is recommended that the following conditions be placed on any planning permission to safeguard any nesting cirl buntings:

- o Retention of boundary vegetation (we understand from the Planning, Design and Access Statement (Philip Bailey Architects Ltd, undated) that this is intended).
- o No removal of any potential nesting habitat including bramble in the months March to mid September (cirl buntings can still have chicks in the nest into early September, and other hedge/bramble nesting species such as robins and blackbirds can be nesting in March).
- o Boundary hedges/bramble to be protected by Heras type fencing during construction to avoid risk of damage or removal.

#### Urban biodiversity enhancement

A minimum of 9 internal swift 'nest bricks' and the same for bat boxes should be provided. Boxes should be c. five metres above ground level in locations sheltered from prevailing weather and direct sunlight, and sited close to the eaves or barge boards, ideally not above windows (if used by house sparrows, some nesting material or droppings may be visible from the exterior or fall below the nest).

#### Lighting

Controls on external lighting to avoid spill onto the adjacent hedge and other vegetation and into the County Wildlife Site will be appropriate as maintaining dark flyways is important for many bat species. Light spill should also be avoided onto locations of bat boxes.

#### **Summary of Representations**

None

#### **Relevant Planning History**

P/2011/0356 - Extend time limit - redevelopment to form 10 flats - application P/2008/0832/MPA; APPROVED 19.09.2011.

P/2008/0832 - Redevelopment to form 10 flats; APPROVED 08.09.2008

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

The key issues are:

1. The Principle of the Proposed Development
  2. Visual Impact
  3. Amenity
  4. Impact on the Landscape Character
  5. Highways and Access
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1. The Principle of the Proposed Development

The site is located within the Maidencombe Village Envelope and the designated Countryside Zone. The key Policy in respect of these designations is therefore Policy C1 (Countryside and the rural economy). This Policy states that

development outside the main urban areas and Strategic Delivery Areas will normally only be permitted within the established boundaries of villages and hamlets, provided that it is of an appropriate modest scale and consistent with relevant Local Plan Policies. The Policy advises that suitable infill development, refurbishments and conversions will be permitted within these settlements in order to meet the day-to-day needs of local communities, to promote the retention and development of local services and to help maintain their sustainability.

The proposal is for the conversion and refurbishment of an existing building and is deemed to comply with the Village envelope aspect of Policy C1 of the Torbay Local Plan 2012-2030. Policy H1 (Applications for new homes) supports schemes for new housing on allocated/committed sites such as this, subject to compliance with other Local Plan Policies.

The site is located outside a Core Tourism Investment Area, Policy TO2 (Change of use of tourism accommodation and facilities) states that the change of use of holiday accommodation or facilities outside Core Tourism Investment Areas will be permitted where:

1. The holiday character of the area and range of facilities and accommodation are not undermined; and
2. One or more of the following apply: the site is of limited significance in terms of its holiday setting, views and relationship with tourism facilities; or it can be demonstrated that there is no reasonable prospect of the site being used for tourism or related purposes, or; the redevelopment or change of use will bring regeneration or other benefits that outweigh the loss of holiday accommodation or facilities.

Policy TO2 also requires that where a change of use away from tourism is permitted, there will be a requirement to restore buildings or land to their original historic form by the removal of unsightly features, signage, clutter and extensions relating to the holiday accommodation use. Additionally, a high priority will be given to restoring the character and appearance of buildings within conservation areas.

The conversion from holiday accommodation to residential would not affect the holiday character of the area and the range of holiday facilities would not be significantly undermined. The proposal has the potential to enhance the original property by restoring some of its past character, this will be assessed in further detail later in this report. In principle, the proposed change of use is acceptable subject to compliance with the aforementioned stipulations of Policy TO2.

## 2. Visual Impact

Policy SS10 of the Torbay Local Plan 2012-2030 states that developments within the conservation area should preserve or enhance its character; this is in compliance with the NPPF. Indeed Paragraph 193 states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. Policy DE1 states that development should be well designed, respecting and enhancing Torbay's special qualities and the character of the natural built environment including areas and buildings of historic interest.

The proposal would involve removing unsympathetic UPVC windows and replacing them with windows appropriate to the character of the original property and wider conservation area. In order to ensure an adequate form of development, it is considered necessary that a condition is added which requires the replacement of the UPVC windows with timber, prior to the first occupation of the dwellings.

The site is not highly visible in the wider conservation area as it is set back from the road and flanked by buildings to the north and south. Given the topography of the road (Steep Hill), the site is partially obscured from wider views by the existing neighbouring buildings and the existing natural environment in terms of trees, boundary hedges etc.

The alterations to the roof including the increase in ridge height and the addition of the dormers are considered to be of an acceptable scale and, on balance with improvements to the windows, are considered to preserve the character of the conservation area. The proposal is considered to be in accordance with Policies DE1 and SS10 of the Local Plan, and the guidance contained in the NPPF.

There are Grade II Listed Buildings to the south and south-west, it is not considered that the alterations to the application site would be of detriment to the character or setting of the Listed Buildings. The proposal would not result in harm to heritage assets and is therefore in accordance with Policies HE1 and SS10, and the guidance contained in the NPPF.

Given that the proposal would result in relatively modest changes to an existing building, and the relationship the proposal would have to its surroundings, it is considered that it would not result in unacceptable harm to the character of the area. The proposal is in accordance with Policy DE1 and the guidance contained in the NPPF.

### 3. Amenity

Policy DE3 (Development amenity) of the Torbay Local Plan details that all development should be designed to provide a good level of amenity for future residents or occupiers and should not duly impact upon the amenity of neighbouring and surrounding uses.

The proposal includes the addition of windows and dormers to the southern elevation. It is considered that the additional windows would have an acceptable impact on the privacy and amenity of neighbouring occupiers to the south.

The Thatched Tavern and Little Thatch, to the south, are in excess of 20m from the site, a distance considered to be sufficient enough to result in acceptable levels of intervisibility. The additional windows would have a limited impact on the privacy of Lilly Cottage to the south-west of the site as the orientation of the two properties provides limited angles for overlooking between windows and private amenity spaces.

The additional windows to the north of the site would have a limited impact on Rose Vine (to the north) given the height of the existing boundary wall and foliage.

The proposed ground floor units would have private external amenity spaces with the first and second floors having balcony/terrace areas. Given the close proximity to green spaces and Maidencombe Beach, the amenity areas proposed are considered to be acceptable.

Sufficient off road parking (one space per unit) is provided for the proposed units and there is sufficient space on the site for bin and cycle storage. A condition requesting final design of covered bin and cycle storage is proposed in order to ensure a suitable form of development. The provision of the parking spaces will also be conditioned to ensure suitable parking is provided prior to the occupation of the flats.

The internal amenity spaces of the proposed flats comply with the internal space standards set out in Policy DE3 of Local Plan and all are considered to provide a good quality of living environment.

Given the scale, siting and design of the proposal it is deemed to provide a good quality of accommodation for future occupiers and would have an acceptable impact on the amenity of existing neighbouring occupiers. The proposal is therefore deemed to comply with Policy DE3 of the Local Plan.

#### 4. Impact on the Landscape Character

Policy C1 (Countryside and the rural economy) states that new development should protect, conserve or enhance the distinctive landscape characteristics and visual quality of a particular location.

The proposal shows the retention of the existing boundary hedgerows. Existing trees on site are also to be retained with further landscaping added. Although the landscaping proposals are minimal, the landscape character of the area is considered to be retained.

## 5. Highways and Access

In terms of vehicular access, vehicles exiting the site must make a left turn given existing restricted access point. This does not have an impact on the use of the site.

The proposal provides 10 parking spaces which accords with Policy TA3 of the Local Plan.

A condition requiring the provision of the parking spaces prior to the first occupation of the dwellings is deemed necessary in order to ensure that suitable parking is available to future occupiers.

A condition requiring further details of covered cycle storage and the addition of an electrical power cable, capable of powering electric car charging points is deemed necessary in order to ensure compliance with Policy TA3 of the Local Plan.

## 6. Other Considerations - Neighbourhood Plan

The Torquay Neighbourhood Plan has recently completed its Independent Examination. Section 70(2) of the Town and Country Planning Act 1990 (as amended) provides that a local planning authority must have regard to a post-examination draft neighbourhood development plan, so far as material to the application. The relevant policy for this application is Policy TH8 (Established Architecture). This policy requires development to be of good quality design and to respect the local character in terms of height, scale and bulk and reflect the identity of its surroundings. Policy TH9 (Parking Facilities) requires that all housing developments meet the guideline parking requirements. Policy TH11 - Rural village conservation areas, the proposal is deemed to conserve the character of the conservation area. The proposal is therefore considered to be in accordance with the Torquay Neighbourhood Plan.

Drainage - The development is located in Flood Zone 1, there will be no increase in impermeable area and the application relates only to alterations and refurbishment of an existing building. The proposal will not therefore have an impact on flood risk/drainage and accords with Policy ER1 of the Local Plan.

Ecology - The RSPB have advised that the site is within 200m of a Cirl Bunting breeding territory and have recommended conditions to safeguard nesting Cirl Buntings, subject to the addition of these conditions, the proposal is deemed to be in accordance with Policy NC1.

Conditions with regards to the provision of bat and swift boxes are considered to be necessary. A condition with regards to the siting of external lighting to ensure it does not have a detrimental impact on bats roosting in the boundary hedge and



bat boxes is also deemed necessary.

### **CIL**

Community Infrastructure Levy

The land is situated in Charging Zone 3 in the Council's CIL Charging Schedule. Despite this proposal being a conversion, as the building has not been occupied for its lawful use for 6 continuous months over the last 36 months, the proposal dwellings are likely to be CIL liable at a rate of £70/sqm.

Statement on 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.

EIA

Due to the scale, nature and location this development will not have significant effects on the environment and therefore is not considered to be EIA development.

Proactive Working

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.

### **Conclusions**

Bearing the above points in mind, it is deemed that the proposal is appropriate for conditional approval, having regard to all national and local planning policies and all other relevant material considerations.

### **Condition(s)/Reason(s)**

1. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) 2015, Article 3, Schedule 2, Part 2, The erection, construction, maintenance, improvement or alteration of a gate, fence, wall or other means of enclosure shall take place within the application site unless permission under the provisions of the Town and Country Planning Act 1990 has first been sought and obtained in writing from the Local Planning Authority.

Reason: In interests of visual amenity and in the interests of protected species in accordance with Policies DE1 and DE3 of the Adopted Torbay Local Plan 2012-2030.

2. Prior to the commencement of development a tree protection plan which shall include the proposed positioning of tree protection fencing to protect trees and hedges along the northern and eastern boundaries, and details of any special methodology for tree protection shall be submitted to the Council for its approval in writing. The approved tree protection methods shall be carried out in full during the construction phase.

Reason: This information is required prior to commencement in order to ensure trees are protected in the interests of biodiversity and visual amenity in accordance with Policies SS8, NC1, C4 and C5 of the Torbay Local Plan 2012-2030.

3. No removal of hedgerows, trees or shrubs shall take place between 1st March and 31st August inclusive in any given year, unless prior to the commencement of works a detailed biodiversity survey by a competent ecologist has been submitted to and approved in writing by the Local Planning Authority. The survey shall include the details of the check of vegetation for active birds' nests immediately before the vegetation is cleared and provided written confirmation that no birds will be harmed and/or that there are appropriate measures in place to protect nesting birds on the site. The development shall then be carried out in accordance with the details submitted.

Reason: In the interests of protected species and in accordance with Policy NC1 of the Adopted Torbay Local Plan 2012-2030

4. All planting, seeding or turfing comprised within the landscaping scheme shown on Proposed Layout Plan ref: A103-P (received 03.12.2018) shall be carried out in the first planting season following the completion of the development and any trees or plants (including existing specimens to be retained) which within a period of 5 years from completion of the

development die, are removed or become seriously damaged or diseased shall be replaced in the next available planting season with others of a similar size and the same species. The approved hard landscaping details shall be provided within four weeks of the development being brought into use, and shall be retained for the life of the development.

Reason: In the interests of visual amenity and in accordance with Policy DE1, C4 & NC1 of the Torbay Local Plan 2012-2030.

5. Prior to the first occupation of the development hereby permitted, the scheme of boundary treatment as shown on Proposed Layout Plan ref: A103-P (received 03.12.2018), shall be fully installed and thereafter retained as such for the life of the development.

Reason: In interests of visual and residential amenity and in accordance with Policies DE1 and DE3 of the Adopted Torbay Local Plan 2012-2030.

6. No development, other than demolition, shall take place until a scheme of external lighting has been submitted to and approved in writing by the Local Planning Authority. The submitted scheme shall include a lighting assessment with measures to prevent light-spill into the surrounding area and harm to protected species. The development shall be undertaken in accordance with the approved scheme and shall be retained as such for the life of the development.

Reason: In the interests of amenity/biodiversity and in accordance with Policies DE3 and NC1 of the Adopted Torbay Local Plan 2012-2030.

7. No development, other than demolition, shall take place until details of the proposed cladding materials (walls and roofs) and openings have been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be constructed in accordance with the approved details, and shall be retained as such for the life of the development.

Reason: In the interest of visual amenity and in accordance with Policy DE1 & SS10 of the Adopted Torbay Local Plan 2012-2030.

8. Prior to the first occupation of the development hereby permitted, provision shall be made for covered cycle storage, an electrical power cable capable of powering electric car charging points and covered storage of refuse and recycling, awaiting collection, according to details which shall previously have been submitted to and agreed in writing by the Local Planning Authority. Once provided, the agreed storage arrangements shall be retained for the life of the development.

Reason: In interests of visual amenity and in accordance with Policies DE1 & TA3 of the Torbay Local Plan 2012-2030.

9. The dwellings hereby approved shall not be occupied or brought into use until the parking spaces and manoeuvring areas detailed on the approved plans have been provided. These elements shall thereafter be retained for the use of the associated dwellings for the life of the development.

Reason: In accordance with highway safety and amenity, and in accordance with Policy TA3 of the Adopted Torbay Local Plan 2012-2030.

10. Prior to the first occupation of the development hereby permitted, details of a minimum of 9 internal swift 'nest bricks' and 9 bat boxes shall be submitted to and approved in writing by the Local Planning Authority. The agreed nest bricks and bat boxes shall be installed prior to the first occupation of the development, and retained indefinitely thereafter.

Reason: In the interests of protected species and in accordance with Policy NC1 of the Adopted Torbay Local Plan 2012-2030

11. Prior to the first occupation of the development hereby permitted, all existing UPVC windows shall have been replaced with timber windows in accordance with a revised plan which shall have been submitted to and approved in writing by the Local Planning Authority. Once installed, the approved timber windows shall be retained thereafter.

Reason: In the interest of visual amenity and in accordance with Policy DE1 & SS10 of the Adopted Torbay Local Plan 2012-2030.

12. Prior to the first occupation of the dwellings hereby approved, the single storey extension on the northern side of the building shall be partially removed in accordance with Proposed Layout Plan A103-P (received 03.12.2018).

Reason: In the interest of visual amenity and in accordance with Policy DE1 & SS10 of the Adopted 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.

02. Community Infrastructure Levy (CIL).

This development is liable for contributions under the CIL regulations to provide essential infrastructure to support development in the Borough. CIL next steps required under the CIL Regulations 2010 (as amended): Where planning permission has been granted for development, the Council (as the collecting authority) requires the developer, landowner or another interested party to assume liability for the levy by submitting an assumption of liability form. The Council, as the collecting authority, will then as soon as reasonably practicable, issue a Liability Notice to the applicant, the developer, and/or whoever has assumed liability for the scheme, which sets out the charge due and details of the payment procedure. Any claims for exemption or relief can only be considered from parties who have already assumed liability, prior to commencement of development. The relevant liable person(s) must then submit a notice to the Council setting out when development is going to start - a Commencement Notice. The Commencement Notice must be submitted to the Council for their written acknowledgement at least 48 hours prior to the start of any development on the site. No development must commence without written acknowledgement of receipt of a Commencement Notice. The Council will then issue a demand notice to the landowner, or whoever has assumed liability, setting out the payment due dates in line with the payment procedure. On receipt of the demand notice and commencement of the development, the landowner, or whoever has assumed liability, should follow the correct payment procedure. Failure to inform the Council of Commencement or to follow the CIL process and payment procedure correctly may result in the addition of surcharges and/or late payment interest. It must be noted that it is an offence for a person to 'knowingly or recklessly' supply false or misleading information to a charging or collecting authority in response to a requirement under the levy regulations (Regulation 110 as amended by the 2011 Regulations). Further CIL information and Forms can be found at <https://www.gov.uk/guidance/community-infrastructure-levy#forms-and-template-notices>

**Relevant Policies**

DE1 - Design

DE3 - Development Amenity

H1 - New housing on identified sites

NC1 - Protected sites - internationally important

SS10 - Conservation and Historic Environment

HE1 - Listed Buildings

C1 - Countryside and the rural economy

TO2 - Change of use of tourism accommodation

TA3 - Parking requirements

C2 - The coastal landscape

C4 - Trees, hedgerows and natural landscape