

Application Number

P/2015/0962

Site Address

Torquay Pavilion And Marina Car Park And
Office And Adjoining Land
Vaughan Parade
Torquay
TQ2 5EL

Case Officer

Mr Alexis Moran

Ward

Tormohun

Description

Refurbishment of building including repairs to corroded structure and works to prevent water penetration. Internal and external works to listed Pavilion to enable use as hotel foyer, including function rooms, bars, restaurant and spa. Construction of linked access from first floor level to proposed waterfront hotel (proposal revised 5 July 2016).

Executive Summary/Key Outcomes

The Pavilion is a Grade II listed building prominent within the Torquay Harbour Conservation Area. It was constructed as a theatre although it has been put to a range of alternative uses since.

It was last used for retail purposes but been vacant for several years and is now in a very poor condition

Its restoration and conversion to provide a front of house facility for the 60 bed hotel included in the partner application P/2015/0961 would be considered a clear public benefit of the wider development proposals.

The proposal includes repair and restoration of the building and use for hotel reception, restaurants, bars, pool and spa.

The application relates only to the physical works to the building to facilitate the use for hotel purposes and includes works to the listed quayside.

The removal of the retail units opens up the central auditorium in a more sympathetic way and allows the original quality of this space to be better appreciated.

The use of the Pavilion for a front of house for the hotel is a good use for the

building and is 'applauded' by Historic England. It delivers a sustainable use that will guarantee public access and secure its long term maintenance.

There are some practical and technical matters that require resolution which can largely be dealt with by condition. The only matter of substance that should be dealt with in advance of a decision being issued is confirmation that the ventilation and extract systems that the uses will demand can be sympathetically included.

Recommendation

That listed building consent be granted subject to a) the receipt of details which demonstrate that the extract and ventilation requirements of the pool, spa and restaurant uses within the building can be accommodated without harm to the internal character of the building or to its external appearance and that the impact of warm humid air on the stability of the plasterwork can be mitigated and b) to the following conditions.

* To secure an agreed and specified schedule of works to fully repair and restore the Pavilion based on the submitted specialist engineers report and the schedule of works and reinstatement included with the application drawings. The agreed schedule of works to be implemented in full prior to any occupation of the proposed flats included in the sister application P/2015/0961.

* Submission of a Conservation Management Plan to provide relevant detail with regard to internal and external works of repair and reinstatement of key features as secured in the schedule of works pursuant to condition 1 and as described in the application drawings. This document to include large scale details as appropriate of all works of repair and reinstatement of external and internal features along with a timetable for delivery. It should also include measures to deliver a 30 year maintenance programme.

* Details of all partitions showing final position and relationship to the internal structure of the building and showing inclusion of glazed panels as appropriate to maintain the open character of the main auditorium.

* Submission of a structural survey to confirm that the long term stability of the quay side can be assured.

* Submission of a full photographic record of all key features along with any exposed during conversion.

* Full details of the proposed relocation of the traditional bollards along the quayside.

Statutory Determination Period

The statutory determination period expired on the 3rd August 2016. There is an agreement to an extension of time in relation to the wider development.

Site Details

The Pavilion is a Grade II listed building. It is prominent within the Torquay Harbour Conservation Area and was constructed in 1911 on the newly reclaimed land of Princess Gardens. It was designed to form a backdrop to the pleasure gardens. Its most recent use was for retail purposes but it has been vacant for several years.

It was an innovative building at the time of its construction, conceived as a complete steel frame from the foundations upwards. The steel frame was then built into the external walls which were constructed of faience blocks and brickwork. The building now suffers from severe water penetration which has led to the steel work becoming corroded and damage to the faience tiles.

It is now in a very poor condition and its restoration has been a key driver in pursuing development proposals on the wider site. These are also for consideration today and comprise the construction of a hotel and 43 flats on the harbour side with use of the Pavilion as a front of house for the hotel, including a spa, bars and restaurants.

Detailed Proposals

This application relates to the physical works to the structure of the Pavilion to facilitate its use as a front of house facility for the hotel and for works to the quay side to construct the new hotel and flat complex on the listed quay walls. It also includes removal of the existing bollards. A schedule of works to the building to achieve its restoration is included but requires further detail and clarification.

Summary Of Consultation Responses

The Statutory consultees, which comprise Historic England, the Victorian Society, Devon Garden History Society and the Theatres Trust have commented on the wider redevelopment proposals for the site and only Historic England and the Theatres Trust have commented specifically on the detail of the listed building application.

Historic England applaud the intention to provide a long term sustainable future for this listed building but question the need to introduce further subdivision to separate the restaurant, spa and hotel lobby. They would prefer the use of part

solid divisions that include glazed panels to better preserve the internal quality of the building. It is suggested that this detail could be secured by condition.

The Theatres Trust raise significant concerns regarding the use of the southern end of the building as a pool and spa facility particularly the impact of warm and humid air on the stability of the internal plasterwork. They would encourage the enlargement of the central void and question the location of function room doors. They question the design of the bedroom bridge link and wish to see a condition imposed in the event that listed building consent is granted to secure a full internal photographic record of the building.

The Victorian Society only comment that the harm of the wider development is not outweighed by the benefit of proposals to secure the future of this listed building.

Summary Of Representations

Similarly in respect of representations, the majority of comments received relate to the wider proposals for the site and few letters comment on the specifics of this particular application.

The comments that have been made relate to the impact on the internal quality of the building, on the character of the quay walls and whether they can withstand the impact of construction works, the suitability of the building for the proposed use and the impact of the bedroom link on the architectural and historic character of the listed building.

Relevant Planning History

This application is partnered with P/2015/0961 which deals with the planning aspects of this proposal.

The history of its inclusion within wider development proposals for the site is explained in the accompanying planning report.

Its most recent use was for retail purposes.

Key Issues/Material Considerations

In terms of policy and principle, s 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 imposes a duty on LPAs to give considerable

weight and importance to the desirability of preserving listed buildings and any features of special architectural or historic interest and their the settings.

Paragraphs 131-134 in the NPPF and Policy HE1 in the Adopted Local Plan translate this statutory position to national and local planning guidance.

The key issues are the impact of the conversion to hotel use on the internal quality of the building, the impact of the spa use on the internal layout and on plasterwork, the impact of ventilation and extract systems, the adaptation of the eastern facade to accommodate the bedroom link, the scale of restoration work and the impact of construction on the quayside.

Each matter will be addressed in turn.

1. The impact of the change of use on the internal quality of the listed building.

The internal character of the building is compromised by the works carried out in converting the Pavilion to retail use in the 1980's. These will largely be removed and there will be a greater ability to read original form and quality of the central auditorium.

Historic England have questioned the need for some of the proposed partitioning but have suggested this matter could be resolved via a condition to ensure that where partitioning is shown to be necessary it could be mitigated by the inclusion of glazed panels. It is thought this represents an appropriate way forward in terms of ensuring that the character of the space is preserved.

2. The location of the pool and spa and impact on the internal plasterwork.

The pool and spa are proposed to be located in the southern end of the building. This location does impede access through the building to a public space to be located between the Pavilion and the Promenade. However, it is an important facility within the hotel offer and there are limited alternatives available.

What is of more concern is the potential impact on the elaborate internal plasterwork from the humid atmosphere.

This could be remedied through appropriate extraction and ventilation systems being in place but this would obvious impacts on both the internal character of the building and on its external appearance if it demands external vents. This aspect of the scheme does need further consideration.

3. Impact of extract and ventilation systems on the internal and external character of the building.

The inclusion of restaurant and spa uses will require the inclusion of appropriate extract and ventilation systems. These could have quite a profound effect on the internal and external quality of the building.

Despite requests a full M&E study has not been carried out to enable a proper understanding of what this would mean for the architectural and historic character of the building. Whilst some additional information has been made available more recently, this shows where the expected plant will be located but does not clarify what impact this will have on the internal or external qualities of the building.

Clearly there needs to be a balance between protecting the listed building and ensuring that uses can function within the building which will give it a sustainable future. It is likely that an appropriate solution can be found but it may be expensive if the impact on the listed building is to be minimised.

It is therefore recommended that some evidence is supplied prior to the decision being issued to show that the inclusion of the restaurant and spa uses can be dealt with in a way that protects the internal features of the building and does not harm the external appearance of the building.

4. The adaptation of the eastern facade to accommodate the bedroom link. All that requires listed building consent is the works to the eastern facade to accommodate the bedroom link to the proposed hotel on the harbour side. The bedroom link itself requires planning permission and it is through this process that its impact on the setting of listed building is evaluated. This facade is not original and dates from the 1980s when the proposal to use the Pavilion for retail purposes was implemented. The creation of an opening in the structure to accommodate the link in this more modern part of the building does not harm the integrity of the listed building.

5. The scale and quality of restoration work.

This broadly falls into two categories, the works required to achieve the buildings long term structural stability and the works required to restore its internal and external quality.

In respect of the former, the works that are required to prevent continued corrosion of the steel framework are detailed in a specialist structural survey and this needs to be translated into an agreed schedule of works.

In respect of the latter, detailed plans have been supplied as part of the listed building application which demonstrates a sympathetic reinstatement of lost and degraded features.

Again, this needs translating into a schedule of works so that delivery can be guaranteed. These matters can be dealt with by condition.

6. The impact of construction on the listed quayside.

Concerns have been expressed about the impact of construction on the possibly fragile listed quayside and the impact of the new harbour side walkway on the architectural and historic character of the quayside through the removal of the traditional bollards and extension of the timber walkway over the harbour edge thus obscuring the robust quay stones.

In terms of structural stability, this matter has been investigated by specialist engineers Ove Arup who were consultants when the car park was constructed in the 1980's. The construction of the existing MDL car park necessitated pile foundations and it is these which will largely be re-used in the proposed redevelopment.

Despite requests, a copy of this report has not been submitted but can be required by condition.

In terms of the loss of bollards and the impact on the listed quay side, an option has been put to the applicant which could help mitigate this harm.

This suggestion is fully detailed in the accompanying planning application and involves relocating the bollards to the southern quay of the harbour and introducing a more cohesive contemporary edge to the quayside alongside the development site and marrying up to the new bridge.

Whilst agreement has been reached on this detail is limited and further information is required.

S106/CIL -

All S106 matters are picked up in the accompanying planning application.

Conclusions

The use of the Pavilion for a front of house for the hotel is a good use for the building and is 'applauded' by Historic England. It delivers a sustainable use that will guarantee public access and secure its long term maintenance. There are some practical and technical matters that require resolution which can largely be dealt with by condition. The only matter of substance that should be dealt with in advance of a decision being issued is confirmation that the ventilation and extract

systems that the uses will demand can be sympathetically included.

Recommendation.

That listed building consent be granted subject to a) receipt of details which confirm that the extract and ventilation requirements of the pool, spa and restaurant uses within the building can be accommodated without harm to the internal character of the building or to its external appearance and that the impact of warm humid air on the stability of the plasterwork can be mitigated and b) to the following conditions.

* To secure an agreed and specified schedule of works to fully repair and restore the Pavilion based on the submitted specialist engineers report and the schedule of works and reinstatement included with the application drawings. The agreed schedule of works to be implemented in full prior to any occupation of the proposed flats included in the sister application P/2015/0961.

* Submission of a Conservation Management Plan to provide relevant detail with regard to internal and external works of repair, reinstatement of key features. This document to include large scale details as appropriate of all works of repair and reinstatement of external and internal features along with a timetable for delivery. It should also include measures to deliver a 30 year maintenance programme.

* Details of all partitions showing final position and relationship to the internal structure of the building and showing inclusion of glazed panels as appropriate to maintain the open character of the main auditorium.

* Submission of a structural survey to confirm that the long term stability of the quay side can be assured.

* Submission of a full photographic record of all key features along with any exposed during conversion.

* Full details of the proposed relocation of the traditional bollards along the quayside.

Condition(s)/Reason(s)

01. Prior to commencement of any development on the site, full details of a schedule of works and materials to the Pavilion building shall be submitted to and approved in writing by the Local Planning Authority. The schedule of works and materials shall be based on an updated conditions survey of the building carried out by a competent and suitably qualified specialist surveyor and shall confirm

the detailed condition of the building and the works necessary to deliver a minimum 30 year future for the listed Pavilion building. Any such survey shall reflect the advice contained in the report of Alan Baxter Associates, plan references 'P20150961-31 Alan Baxter Part 1', P20150961-32 Alan Baxter Part 2' and 'Alan Baxter Part 3' received 30th May 2017 regarding the scale and nature of the works necessary to remedy the particular defects of the listed Pavilion building. The schedule of works shall reflect plan reference 'P20150961 Pavilion Repairs July 2013' received 30.05.2017 and include a delivery of the works as shown on plan references '3152 PL (32)06 04', '3152 PL(32)07 03', '3152 PL(32)08 03' and 3152 PL(32)09 04 received 5th May 2017. It shall also include the implementation of the range of reinstatement works to the internal and external fabric of the building as detailed in the approved plan references:

- o Plan reference 'P20150961-8 SoW to Windows' received 30th September 2015
- o Plan reference 'P20150961-7 SoW Doors' received 30th September 2015
- o Plan reference 'P20150961-4 Bandstands Copper Domes' received 30th September 2015
- o Plan reference 'P20150961-6 UG Decorative Ceilings' received 30th September 2015
- o Plan reference 'P20150961-5 GF Decorative Ceilings' received 30th September 2015

All the works comprised within the schedule of works shall be completed in full in strict accordance with the approved details prior to the occupation of any of the residential units approved under planning permission P/2015/0961 unless alternative provision for delivery is otherwise agreed as part of the wider phasing strategy to be secured through the discharge of condition No 3. Reason: To ensure that this listed building is appropriately restored in line with policy HE1 of the Torbay Local Plan 2012-2030. These details are required prior to commencement as the development is only acceptable as the scale of public benefit outweighs the harm to the historic environment. Confirmation of these restoration works is therefore required to be submitted to and approved in writing by the Local Planning Authority to ensure certainty of the delivery of the works before any works are commenced.

02. Prior to the commencement of the development, a detailed phasing agreement for the delivery of the overall scheme permitted through this listed building consent and planning permission P/2015/0961 shall be submitted to and approved in writing with the Local Planning Authority. This shall reflect the delivery of the fully repaired listed Pavilion building prior to any occupation of the development and the full delivery of the hotel shell and core prior to occupation of the 20th residential unit. The detailed phasing agreement shall also include a timetable for the delivery of the public realm enhancements as included in plan reference '3152-1-17-SK2 R3 Masterplan' received 5th May 2017 and shaded blue on plan reference '3152-1-17-SK3 1 Public Realm' received 30th May 2017 and include the timetable for the making good of the quay walls and relocation of the traditional bollards to South Quay or an alternative scheme for their relocation submitted pursuant to condition 34. The works to the listed building shall proceed in strict accordance with the approved details. Reason: The wider Pavilion development is only acceptable as the scale of public benefit outweighs

the harm to the historic environment. A key benefit is the renovation of the Pavilion and regeneration of the harbour side through delivery of improvements to the public realm. It is important therefore that they are delivered in their entirety and in a timely fashion. This is necessary to meet the tests in paragraph 134 of the NPPF and to comply with policies SS10, HE1 DE1 and DE4 of the Torbay Local Plan 2012-2030 that would be otherwise compromised. These details are required prior to commencement as the development is only acceptable as the scale of public benefit outweighs the harm to the historic environment. Confirmation of delivery of these public benefits is therefore required to be submitted to and approved in writing by the Local Planning Authority to ensure certainty of the delivery of the works before any works are commenced.

03. Prior to any works being carried out in relation to the repair of the listed Pavilion building, a detailed Conservation Management Plan (CMP) shall be submitted to and approved in writing by the Local Planning Authority. A written scheme of investigation ('WSI') is to be appended to the CMP. The WSI will govern the recording of the Pavilion before and during development, and conform to the Chartered Institute for Archaeologists' published 'Standard and Guidance for the Archaeological Investigation and Recording of Standing Buildings or Structures' (December 2014). The CMP shall be based on the advice contained in the report of Alan Baxter Associates 2013, plan references 'P20150961-31 Alan Baxter Part 1', P20150961-32 Alan Baxter Part 2' and 'Alan Baxter Part 3' received 30th May 2017 submitted to inform the nature of the repairs needed to the fabric of the listed building and on the supporting plans which detail the scope and range of works to be carried out to the internal and external fabric of the listed building to ensure its appropriate restoration as detailed in condition 1. The CMP shall provide relevant detail with regard to internal and external works of repair, reinstatement and new works as set out in the schedule of works and materials. Detailed drawings at a scale of 1:5, 1:10, 1:20; or as appropriate shall be included. The CMP shall also include a timetable for delivery for these works and include details of a 30 year maintenance programme. The works to the Listed Building shall proceed in strict accordance with the approved details. Reason: The development is only acceptable as the scale of public benefit outweighs the harm to the historic environment. A key benefit is the repair and refurbishment of this key listed building and securing its robust future use. It is important therefore that appropriate repairs are secured and that refurbishment of the building is carried out in a sensitive manner. This is necessary to meet the tests in paragraph 134 of the NPPF and to comply with policies SS10, HE1 DE1 and DE4 of the Torbay Local Plan 2012-2030 that would be otherwise compromised. These details are required prior to commencement as the development is only acceptable as the scale of public benefit outweighs the harm to the historic environment. Confirmation of these restoration works and their delivery is therefore required to be submitted to and approved in writing by the Local Planning Authority to ensure certainty of the delivery of the works before any works are commenced.

04. Full details of all partitions showing their final position and relationship to the internal structure of the building and showing inclusion of glazed panels as appropriate to maintain the open character of the main auditorium of the listed Pavilion building shall be submitted to and approved in writing with the Local Planning Authority prior to any works taking place in connection with the conversion of the internal space within the listed Pavilion building. The works shall proceed in accordance with the approved details and be carried out in full prior to the occupation of the listed Pavilion building. Reason: To ensure that the internal space of the building can be appreciated in line with Historic England's advice and to accord with policy HE1 of the Torbay Local Plan 2012-2030.

05. The Pavilion shall not be bought into use as a front of house for the hotel until a report following post-investigation assessment and subsequent analysis, has been prepared in accordance with the WSI and submitted to and approved in writing by the Local Planning Authority. Reason: To ensure that there is a full record of existing features of the building along with any exposed during works in the interests of maintaining a record of this listed building in line with policy HE1 of the Adopted Local Plan 2012-2030.

06. Prior to the use of the Pavilion for restaurant, bars or spa purposes full details of the proposed plant and extract systems (to include drainage runs and ducting) required for the operation of that use shall be submitted to and approved in writing by the Local Planning Authority. This shall include details of its external appearance and shall be based on plan references '3152(20)PV1 04(GF&LGF plant location)' received 29th May 2017, '3152(20)PV2 03 (FF&SF Plant)' received 24th May 2017, '3152(42)PV1 03 (Plant location)' received 24th May 2017 and '3152-PLANT B (Plant Strategy)' received 24th May 2017. The plant and extract systems shall proceed in accordance with the approved details and be implemented prior to the use of the Pavilion for restaurant, bars or spa purposes. Reason: To ensure that any necessary plant or extract system is visually acceptable in the context of its position in relation to listed buildings and within the Conservation Area and that it effectively deals with emissions from the site without affecting the integrity of the listed building in accordance with policies SS10, HE1 and DE1 of the Torbay Local Plan 2012-2030.

07. The Britannia statue which was removed from the roof of Pavilion due to concerns about its stability shall be reinstated on completion of the roof repairs and prior to any occupation of the residential units approved under planning permission P/2015/0961. Reason: This is a fixture of the listed building and its removal is not acceptable except for the duration of the roofing works. Its reinstatement is required on completion of the roof repairs in order to comply with policy HE1 of the Torbay Local Plan 2012-2030.

Relevant Policies

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