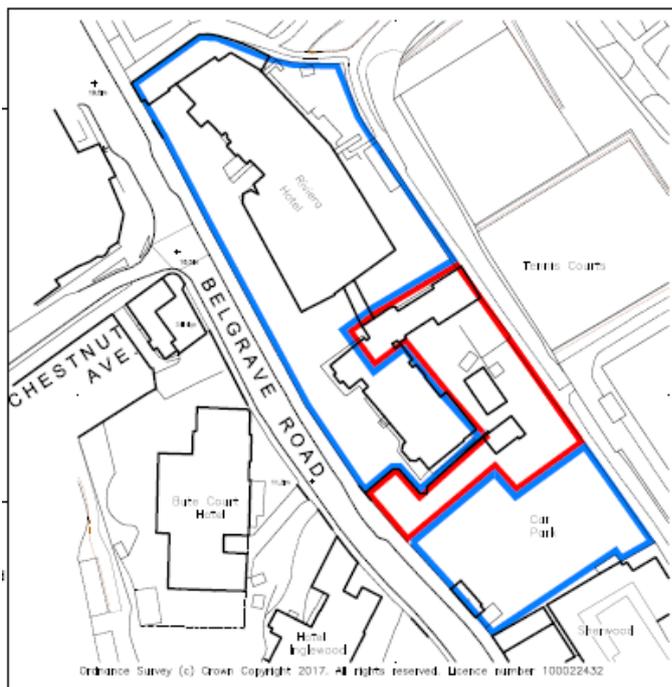


# TORBAY COUNCIL

Application Site Address	The Riviera Hotel, Belgrave Road, Torquay
Proposal	Demolition of 18 hotel rooms; replacement with 47 en-suite hotel rooms, with associated landscaping.
Application Number	P/2020/0892
Applicant	Mr. Brett Powis
Agent	Mr. Daniel Metcalfe
Date Application Valid	16.09.2020
Decision Due date	11.11.2020
Extension of Time Date	18.12.2020
Recommendation	Conditional approval
Reason for Referral to Committee	Major application
Planning Case Officer	Alexis Moran



## **Site Details**

The site, The Riviera Hotel, lies within the Belgravia Conservation Area, off the main Belgrave Road leading to Torre Abbey Sands. The original dwelling on the site dates from between 1861 and 1904. The north wing is of mid 20th century, flat roofed and rendered construction. The south wing includes part of an early villa formerly called 'San Remo' which has been engulfed by alterations including a mansard roof and large scale extensions and areas of hardstanding which have significantly altered the original building and its setting. The main hotel entrance is located within the north wing which also houses, function rooms and facilities. The car park area is located to the south of the site.

The site lies within the Core Tourism Investment Area and within Flood Zone 1. There are three Listed Building which are slightly in excess of 100m from the location of the proposed development, two to the east and one to the north.

### **Description of Development**

The application seeks permission for a 3 storey 'L' shaped extension to the rear of the existing hotel to provide 47 new guestrooms in the place of 18 sub-standard rooms in this location which are to be removed. The proposal would therefore result in an overall increase of 29 rooms.

The proposed accommodation would be split into 15 rooms on the ground floor, 16 rooms on the first floor and 16 rooms on the second floor, the overall floor space of the extension would be 1368sqm.

The height of the hotel from the lowest level, at the southern corner, would be 11.5m, the main hotel building would be a storey higher in this location plus the turret features.

The extension would predominantly be clad in white and grey render, with the elevations broken into sections in a 'major/minor' pattern with aluminium capping, windows and rainwater goods.

The car park currently has 80 parking spaces, the Riviera Centre car park, Sheddon Hill car park are within 300m of the site and there is a bus stop within 60m of the site.

Soft and hard landscaping works and ecological enhancements are also proposed within a new courtyard between the hotel and the proposed extension and to the boundary with the car park to the south of the site.

### **Relevant Planning 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")
- Torquay Neighbourhood Plan

#### Material Considerations

- 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 Representations**

None

## **Summary of Consultation Responses**

### **Historic England Advice:**

*We suggest that you seek the views of your specialist conservation and archaeological advisers, as relevant.*

*It is not necessary for us to be consulted on this application again, unless there are material changes to the proposals. If you would like detailed advice from us, please contact us to explain your request.*

### **South West Water:**

*South West Water has no objection subject to surface water being managed in accordance with submitted Flood Risk Assessment.*

### **Drainage Engineer:**

*No objections providing the surface water drainage is constructed in accordance with the submitted drawing and hydraulic design.*

### **Torbay Strategic Planning:**

*I refer to the consultation to build a rear extension to The Riviera Hotel, Belgrave Road and create 47 ensuite rooms, (29 net additional rooms and 174 total). The proposal represents a significant investment into the Harbourside, Waterfront and Belgrave Road Core Tourism Investment Area and the proposal is strongly supported by Policies TO1 and (the first sentence of) TO2 of the Local Plan. The Riviera Hotel (until recently The Rainbow) has been in need of updating and refurbishment for a number of years, and the investment in the business by the current owners is very much to be welcomed. The proposal will provide additional employment and is therefore supported by Policies SS4 and 5 of the Local Plan.*

*The proposal is within the Belgravia Conservation Area and the south wing (at one time the San Remo Hotel) is a Victorian building of significance in the CA. However, there have been numerous ad-hoc extensions and accretions to the building during the 20<sup>th</sup> Century including a flat roof rear extensions, large dormers, removal of chimneys and changes to the distinctive turrets. The proposal is on the rear of the building and does not directly affect the surviving historic features. It will replace later additions with larger but more carefully designed ones, and any visual impact will be from the tennis courts to the rear rather than from Belgrave Road.*

*It is possible that my colleagues may wish to add a more detailed response on behalf of the highway authority, but the site is well served for parking and is located very close to the seafront and other tourist facilities as well as public transport. The Transport Statement (entitled "travel plan") notes the provision of 3 electric charging points and that staff are encouraged to use sustainable means of travel. In line with Policy TA2 of the Local Plan it would be appropriate to seek a proportionate staff travel plan which sets out how staff are encouraged to walk, cycle, lift share or use public transport and the facilities made available to help them do so. However,*

*since the proposal is for a relatively modest increase in bedroom numbers on an existing hotel, this should be a proportionate requirement.*

**Torbay Council Strategic Transport:**

*The site is located approximately 1km to the west of the Torquay town centre which features a range of amenities such as a post office, a convenience shop, pubs and hair salons. There is a continuous footway connection from the site to the town centre.*

*A pair of bus stops is located adjacent to the site. Bus services 22 and 62 (provided by Stagecoach and Torbay Mini-Buses respectively) stop at these stops and allow access to Dawlish, Teignmouth, Paignton and Cockington.*

*The site is not considered to conflict with national and local policy with regards to accessibility.*

*The applicant has not provided any accident data analysis. A review of crashmap accident data has identified that, over a three year period, two accidents have occurred in the vicinity of the site, with both occurring at the Chestnut Avenue / Belgrave Road priority junction. Both were slight in nature. No accidents in the vicinity of the site access have been identified. The proposal is not considered to exacerbate an existing accident trend.*

*The development comprises the demolition of 18 sub-standard hotel rooms and erection of 47 new hotel rooms, resulting in a net increase of 29 hotel rooms, with no changes to parking or access proposed.*

*The site's existing servicing area is not affected by the proposals and it is reasonable to assume the site's existing servicing arrangement would continue.*

*The Application Form indicates that the site currently has 80 parking bays available. It is noted that the majority of these are in a Pay and Display car park on private (presumably the Hotel's) land and as such may be utilised by non-visitors to the hotel.*

*The hotel currently has 145 rooms resulting in a parking supply of 0.55 per room. The proposals will result in 28 additional rooms resulting in a parking supply of 0.45.*

*The applicant suggests that the site primarily caters for coach holidays (90% of visitors), with private vehicles likely to make up the remaining 10%. This accords with the current parking rate of 0.55 spaces per room.*

*The site currently has 6 coach spaces, although one of which can be let out to a nearby business. The applicant suggests that the proposed 174 room hotel could be serviced by 6 coaches as 30 people per coach would equate to 180 visitors. However, it is likely that the majority of rooms would be booked by groups of two or more rather than solo visitors.*

*With 90% of rooms booked for coach travel, this equates to 157 rooms. With 2/3 of these booked by couples (and 1/3 by individuals), this equates to a demand of 261*

*coach passengers. With a standard coach seating 56 passengers, there is demand for 4.6 coaches at the hotel when it is fully booked, or all 6 coach bays in use if each coach only carries 44 passengers.*

*As such, the coach parking is considered sufficient to accommodate the increased passenger demand generated by the existing and proposed development. 10% of the hotel rooms will be travelled to by private vehicle. This results in a parking demand of 18 vehicles for both the existing and proposed development, which can be accommodated on site (outside the pay and display car park).*

*Three electric vehicle charging points are proposed, representing 10% of the proposed rooms, which is considered acceptable.*

*The proposals will result in the creation of up to 10 new jobs. The site has sufficient space to accommodate an additional 10 vehicles on-site, although it is likely that a number will travel on foot, cycle or by bus to the site. No details of cycle parking have been provided, and unless the applicant can demonstrate that suitable cycle parking is already provided for the existing and additional cycle demand, cycle parking should be provided for a reasonable proportion new staff travelling to the site (2 Sheffield cycle stands for space for four cycles).*

*The parking provision provided to accommodate the proposed development is considered to be acceptable.*

*The applicant suggests that site primarily caters for coach holidays (90% of visitors), with private vehicles likely to make up the remaining 10%.*

*Based on the calculation in the parking section of this response, with 2/3 of rooms booked being by couples and 1/3 individual visitors, the net increase of 29 new rooms (of which 26 will be used by coach passengers) will result in 43 new coach visitors. With a standard coach seating 56 passengers, it is reasonable to equate this increase in bedrooms to one additional coach two way trip (although these trips may be on different days). The remaining 10% (3 rooms) results in three additional vehicles.*

*In the context of Belgrave Road, an additional three vehicle trips and one coach trips are not considered to have a significant impact on the operation of the highway network and would unlikely be discernible behind daily fluctuations in traffic on the local road network.*

*The highway authority raises no objection to the development proposals. Should permission be granted, the following condition is recommended:*

*1) Unless otherwise agreed with the highway authority in writing, 2no. Sheffield cycle stands should be provided in a secure and covered location to enable staff associated with the proposed development to cycle to the site, prior to the occupation of the development.*

**Torbay Council Community Safety:**

Further to your recent consultation regarding the above application I would confirm that that I have no objections subject to the implementation and accordance with the approved construction/demolition management plan.

**Police Liaison Officer:**

No objections to the proposal but provide advice and recommendations for consideration and implementation where possible in the design and layout of the proposed scheme.

**Torbay Development Agency:**

The investment to re-development the hotel will improve the quality of accommodation to visitors, including a new lift improving accessibility. Replacing the old buildings with modern, energy efficient forms will also reduce the hotel's expenditure on energy and reduce carbon footprint.

The proposals align to ambitions of the English Riviera's Destination Management Plan 2017-2021 to develop the visitor economy including:

- Attracting reinvestment
- Improving quality of accommodation offer
- Extending the current season beyond the school holidays
- Attracting new visitors
- Developing the all year round destination

The application makes reference to creating eight new jobs, a welcome investment in supporting the local economy and developing skills. I strongly encourage the applicant to strengthen links with South Devon College to offer skills development and accessible apprenticeships opportunities to new and also existing staff.

In addition, when conditions allow to also attend TDA's recruitment events to employ local talent.

**Torbay Council Senior Tree and Landscape Officer:**

The proposal is sustainable from an arboricultural perspective, a compliance condition for the tree protection and TCP plan and for the landscape proposals is necessary.

**Key Issues/Material Considerations**

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 key issues have been identified and will be discussed in relation to the relevant development plan policies and material considerations.

1. The principle of a hotel development
2. Economic benefits
3. Design and Visual Impact
4. Heritage Assets

5. Impact on amenity.
6. Trees and ecology.
7. Flooding and drainage
8. Highways impact

### **1. The principle of a hotel development**

Policy TO1 of the Local Plan promotes the improvement, modernisation and the addition of new tourism facilities in order to attract new visitors, particularly overnight, to increase overall spend. Proposals that make positive use of Torbay's marine environment, culture, heritage, biodiversity and Geopark are encouraged by this Policy. The Policy states that the Council wishes to see the quality of accommodation improved with a wider range of new and refurbished facilities and services. This will be achieved by supporting the principle of new tourist accommodation subject to other policies in the plan and the creation of new high quality tourism accommodation in sustainable, accessible locations.

The Policy states that Core Tourism Investment Areas are the main focus for investment in tourism which includes Torquay harbour side and waterfront. Core Tourism Investment areas are intended to focus on new high quality tourism and leisure accommodation in sustainable, accessible locations in order to provide a critical mass needed by a premier resort.

Policy TE1 of the Torquay Neighbourhood Plan states that new tourism developments will be particularly supported where they make use of brownfield land for the provision of tourism development.

The proposed development would provide modernised hotel facilities within an area allocated for such developments in the Local Plan and on an underutilised, brownfield site. Therefore the principle of the new hotel is deemed to be acceptable, subject to compliance with other relevant Local Plan & Torquay Neighbourhood Plan Policies.

The proposal is also compliant with the Torbay Economic Strategy which highlights the site as accommodating potential commercial and/or residential development.

Bearing the aforementioned points in mind, the principle of a hotel in this location is deemed to be acceptable and would accord with the relevant development plan policies identified.

### **2. Economic Benefits**

Policy SS1 states that development should reinforce Torbay's role as a main urban centre and premier resort. Policy SS4 of the Local Plan supports the regeneration of Torbay and improvement in its economic performance, with the aim of achieving a step-change in economic prosperity as set out in Torbay's Economic Strategy. The Local Plan supports existing businesses, it encourages new businesses and investment in order to create new jobs, and it enables expansion and diversification of the economy of the Bay. The Local Plan seeks to promote growth in sectors that are particularly important in Torbay, namely tourism, hotel and catering. The applicant's

supporting information states that the extension to the hotel would be likely to create 8 full time jobs directly. During the construction phase there are likely to be additional jobs created.

Policy SS11 of the Local Plan details that proposals that regenerate or lead to the improvement of social, economic or environmental conditions in Torbay will be supported in principle.

Policy TC5 states that the Council supports, in principle, development that helps create a vibrant, diverse evening and night time economy within the town centres, seafront and harbour areas of the Bay. The proposed development would result in additional hotel accommodation on brownfield land that is currently under-utilised, and would therefore contribute to the vibrancy and general visitor offer. The proposal is deemed to comply with Policy TC5 of the Local Plan.

The Torquay Neighbourhood Plan refers to a document known as 'Turning the Tide for Tourism', which along with the 'English Riviera Destination Management Plan' identify an oversupply within Torbay in the small B&B guest house sector, with significant oversupply of low quality low value-added small hotels. They also identify a significant shortage of large, modern, quality hotels and branded chains, the proposals would help to address such a shortage.

The proposed hotel would generate 8 new permanent jobs. The applicant has advised that a direct investment of approximately £2m will be made in construction and completion of the hotel extension and improvements.

It is considered that the proposal accords with the aspirations of Policies SS1, SS4, SS11 and TC5 of the Local Plan, and would bring economic benefits to the Bay especially compared to the existing situation.

### **3. Design and Visual Impact**

The National Planning Policy Framework states that one of the core land-use planning principles that should underpin decision taking is to always seek to secure high quality design. In addition it states that 'permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions'.

Consistent with these paragraphs, Policy SS11 of the Torbay Local Plan states that development must help to create cohesive communities within a high-quality built and natural environment where people want to live and work and that development proposals will be assessed according to whether they achieve certain criteria as far as they are relevant and proportionate to the development. Policy DE1 states that proposals will be assessed against their ability to meet design considerations such as whether they adopt high quality architectural detail with a distinctive and sensitive palette of materials and whether they positively enhance the built environment.

The submitted design and access statement advises that the massing and height of the proposal was developed from a spatial analysis of the site with different aesthetic options considered. The design approach has taken on the traditional vertical emphasis of nearby terraces on Belgrave Road and the proportions of the Victorian terraces to break up the mass of the proposed building. The building's major/minor grid pattern and window location and proportions reflects those within the historic buildings on Belgrave Road.

The proposed elevations would be finished in render with aluminium window frames which are appropriate for the area.

It is considered that the form and layout of the scheme would make effective use of the available space. The rear of the site is considered to have a generally tired appearance, comprising low quality and under-utilised space.

Policy DE4 states that the height of new buildings should be appropriate to the location, historic character and the setting of the development. New development should be constructed to the prevailing height within the character area in which it is located, unless there are sound urban design or socio-economic benefits to justify a deviation from this approach.

The policy goes on to state that new buildings above the prevailing height will be supported where they;

- o Enhance the vitality of an area
- o Contribute to the regeneration of Torbay
- o Strengthen the character of an area
- o Are appropriate in terms of their visual impact
- o Provide wider urban design or socio-economic benefits
- o Make a positive addition to the built form, townscape and surrounding landscape; and
- o Preserve or enhance local and long-distance view, and key vistas

The proposed building would be 3 storeys, which is in keeping with the prevailing building height and the proposal is not considered to be contrary to Policy DE4, or harmful to the local character. It is considered that the proposed hotel building would meet the criteria listed above in terms of enhancing the vitality of the area, providing socio-economic benefits and contributing to the regeneration of Torbay through providing quality tourist accommodation with improved facilities and the creation of jobs.

Policy TH8 of the Torquay Neighbourhood plan states that: - Development must be of good quality design, respect the local character in terms of height, scale and bulk; and reflect the identity of its surroundings.

For the reasons discussed above in relation to the Torbay Local Plan design policies, the proposed development is considered to accord with policy TH8.

On balance, it is considered that the proposal, given its siting, scale and design, along with the local context, would not result in unacceptable harm to the character of the area. Conditions are recommended to secure the details of materials, subject to these

conditions, the proposal is considered to be in accordance with Policies DE1, DE4 and SS11 of the Local Plan, Policies TH8, TS2 & TS4 of the Torquay Neighbourhood Plan, and the guidance contained in the NPPF.

#### **4. Heritage Assets**

Section 72 of The Planning (Listed Buildings and Conservation Areas) Act requires that special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area. Similarly Section 66 of the Act requires that in considering whether to grant planning permission, or development which affects a listed building or its setting, the local planning authority shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

Policy HE1 refers to Listed Buildings and states that development proposals should have special regard to preserving listed buildings and their setting. Policy SS10, Conservation and the Historic Environment, states that proposals will be assessed, amongst other things, in terms of the impact on listed and historic buildings, and their settings, and in terms of the need to conserve and enhance the distinctive character and appearance of Torbay's conservation areas. Policy TH8 of the Torquay Neighbourhood Plan states that development must be of a good quality design and respect local character.

The closest Listed Buildings are some 100m away from the proposed development. The proposal would not result in harm to Listed Building to the north (Cavendish Hotel) due to the level of development between the two sites and due to the siting of the proposed development.

Similarly, due to the siting of the proposed development against the backdrop of a larger building and across a distance of some 100m, including two boundaries well screened by trees, it is not considered that the proposal would result in harm to the setting of the Listed Buildings to the east.

In terms of the proposal's relationship with the Belgravia Conservation Area, the building would be visible from the immediate east where there is a footpath to the other side of the site boundary. It does not appear that this is well used. There is another footpath further to the east, beyond the tennis courts, but it is not considered that the development would be highly visible from there due to the existing tree cover.

From the north of the site on Belgrave Road the proposed extension would largely be obscured by the existing building. The extension would be visible from the south of site on Belgrave Road however it has been designed to be a subservient addition with a modern spin on the Victorian terraces in the area. the development would constitute a change in appearance from a viewpoints on Belgrave Road and one which is not considered to be of a significant level of harm to the conservation area overall, given the separation between itself and the main building and subject to a materials condition.

On balance, accounting for the tests provided within the National Planning Policy Framework where less than substantial harm to designated heritage assets is

identified the proposal is considered to be acceptable given the wider public gains in terms of regeneration benefits.

### **5. The impact on amenity**

Policy DE3 requires that all development should provide a good level of amenity for future residents or occupiers and should not unduly impact upon the amenity of neighbouring or surrounding uses.

Due to the siting of the extension, to the rear of the hotel and in an area where commercial properties are predominant there is no significant issues in terms of overlooking or overdominance to private residential properties. The properties to the east are some 100m away with significant tree screening between, it is not therefore considered that the proposal would have a detrimental impact on the privacy. And amenity of these properties.

Within the site, the extension would inevitably have a more dominant impact on the rear of the existing hotel building however suitable light levels would be retained and a new courtyard would provide a form of outlook for residents.

Torbay Councils' Environmental Protection Department have advised that they have no objection to the application being approved subject to the development according with the submitted Construction/Demolition Management Plan.

It is considered that the proposed hotel building would have an acceptable effect in relation to local and neighbouring amenity, and would therefore accord with Policy DE3 of the Local Plan.

### **6. Trees, and Ecology**

Policy C4 states that development proposals should seek to retain and protect existing hedgerows, trees and natural landscape features.

The development seeks to reinforce the eastern boundary with tree and the boundary with the car park with new tree planting as well as additional planting within the newly formed courtyard. The submitted tree protection plan provides details of protective fencing and a construction exclusion zone, this will be required throughout the construction phase and will be conditioned to be implemented and retained as such.

Policy NC1 seeks to conserve and enhance Torbay's biodiversity and geodiversity, through the protection and improvement of terrestrial and marine environments and fauna and flora, commensurate to their importance. Policy TE5 of the Torquay Neighbourhood Plan states that, where appropriate, an assessment of impacts upon any existing protected species or habitats should be undertaken and the use of necessary mitigating arrangements, in order to protect and enhance species and habitats, should be provided.

Within the supporting text of the Environment section and in Policy TE1 of the Torquay Neighbourhood Plan, it is stated that the addition of new tourism developments will be particularly supported where they make use of brownfield land for the provision of that development, thus reducing pressure on Torquay's environment.

The submitted Preliminary Ecological Appraisal states that there was no evidence of any other protected or notable species were found within the buildings to the rear. The accompanying Bat Survey confirmed no presence of bats on site and concluded that due to the urban location of the site any additional increase in artificial lighting will not be detrimental to the local bat population and no landscape habitat suitable for bats will be removed; therefore it is reasonable to conclude that the proposed works will not contravene the legislation that protects bats.

Bats often use a variety of roosts throughout the year and can inhabit buildings without detection. As a result the stripping of roof material should be carried out with caution and if bats are discovered the object under which the bat was found should be put back in position and work in the area must stop immediately and the author of this report should be contacted for advice.

The National Planning Policy Framework (NPPF) seeks to maintain and enhance biodiversity within planning policies and decisions with regards to new development. The development should incorporate bat/bird friendly features within its design to address this requirement and a suitable condition will be added to any approval.

A Habitat Regulation Assessment screening has been undertaken for the site has been undertaken by Torbay Council. This concludes that, in view of the nature of the application there is not likely to be a Significant Effect on the Annex I habitats - alone or in-combination with other proposals or projects. A Stage 2 Appropriate Assessment is not required with respect to potential effects of the development on the reef features Lyme Bay and Torbay SAC.

In light of the foregoing, the proposal's ecological impacts are considered acceptable, having regard to Policy C4 and NC1 of the Torbay Local Plan Policy TE5 of the Torquay Neighbourhood Plan.

## **7. Flooding and Drainage**

Policy ER1 states that development must be safe for its lifetime, taking account of its future use, function and government projections of how the risk of flooding may change in response to climate change. Development proposals will be expected to maintain or enhance the prevailing water flow regime on-site, including an allowance for climate change, and ensure the risk of flooding is not increased elsewhere.

The applicant proposes to deal with surface water run off by using attenuation tanks surface which would be operated in conjunction with a Flowbrake flow control device designed to limit surface water flows discharged from the site to a maximum rate of discharge of 1.25 l/s. The surface water drainage scheme would provide sufficient capacity for excess runoff to be stored and attenuated on site up to and including the 1 in 100-year storm return period with 40% allowance for increase in peak rainfall intensity over the lifetime of the development.

The Council's Drainage Engineer and South West Water have raised no objections to this method of drainage, subject to the use of conditions requiring adherence to the submitted drainage and flood risk details.

Subject to the use of the aforementioned condition the proposal is considered to be acceptable, having regard to Policy ER1 of the Torbay Local Plan, the NPPF, and the PPG.

### **8. Highway Impact**

Policies TA2 states that all development proposals should make appropriate provision for works and/or contributions to ensure an adequate level of accessibility and safety, and to satisfy the transport needs of the development. Policy TA3 states that the Council will require appropriate provision of car, commercial vehicle and cycle parking spaces in all new development. Appendix F provides figures on car parking requirements, for hotels this states that 1 space per bedroom plus appropriate provision for coaches is required.

The Council's Highways Consultant has advised that the hotel currently has 145 rooms resulting in a parking supply of 0.55 per room. The proposals will result in 28 additional rooms resulting in a parking supply of 0.45 spaces per room. However 90% of rooms are booked for coach travel which equates to 157 rooms with the remaining 10% of guests travelling by private vehicle. Based on these ratios of guest travel preference, the proposal would accord with the current parking rate of 0.55 spaces per room.

The site's existing servicing area is not affected by the proposals and it is reasonable to assume the site's existing servicing arrangement would continue. Three electric vehicle charging points are proposed, representing 10% of the proposed rooms, which is considered acceptable.

The proposal would result in an additional three vehicle trips and one coach trip which are not considered to have a significant impact on the operation of the highway network in Belgrave Road and would unlikely be discernible behind daily fluctuations in traffic on the local road network.

There is a continuous footway connection from the site to the town centre, which is approximately 1km away, and there are bus stops within close proximity. The site is not considered to conflict with national and local policy with regards to accessibility.

The highway authority have confirmed that they raise no objection to the development proposal subject to the addition of 2 covered and secured cycle stands prior to the first occupation of the development. This request will be conditioned.

Subject to the aforementioned condition it is deemed that the proposal complies with Policies TA2 & TA3 of the Local Plan and Policies THW1, THW5 and THW6 of the Torquay Neighbourhood Plan.

### **Low carbon development**

Policy ES1 of the Local Plan requires development to make clear how low carbon design is manifest within the scheme. The proposed development seeks the removal of 18 poorly insulated and energy-hungry rooms to replace these with state-of-the-art modern accommodation.

Mechanical Ventilation and Heat Recovery (MVHR) are proposed within the new rooms in order to reduce heating bills and preserve energy. This system will ensure proper ventilation is achieved for each room, without wasting heat energy that would otherwise be lost to the environment. The applicant has advised that the development is designed to perform beyond the requirements of building regulations.

Showers within the en-suite rooms will be low water consumption and baths do not feature in the design to save water. The major orient of rooms is east or west to avoid overheating from direct southerly sunlight.

### **Community Infrastructure Levy**

The proposal is not CIL liable.

### **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.

### **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**

The proposal would result in the addition of a hotel facility on an underutilised brownfield site within a Core Tourism Investment Area delivering economic and regeneration benefits. The proposal is considered to be acceptable for conditional approval, having regard to the Development Plan, and all other material considerations.

### **Officer Recommendations**

That planning permission be granted subject to the conditions detailed at the end of

this report, with the final drafting of conditions delegated to the Assistant Director of Planning, Housing and Climate Change.

And the resolution of any new material considerations that may come to light following Planning Committee to be delegated to the Assistant Director of Planning, Housing and Climate Change, including the addition of any necessary further planning conditions or obligations.

### **Conditions**

1. The approved scheme of surface water drainage shall be implemented and provided in full prior to the occupation of the development hereby approved and shall be retained and maintained as such for the lifetime of the development.

Reason: In the interests of sustainable drainage and in accordance with Policy ER1 of the Torbay Local Plan.

2. The development shall be carried out in full accordance with the approved Construction/Demolition Management Plan

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

3. Prior to the first use of the development hereby approved, 5 bat bricks and 5 bug and bee bricks shall be incorporated in to the walls of the hotel (in accordance with manufacturer's instructions for correct siting and installation) and retained at all times thereafter.

Reason: To ensure that the development duly considers protected species and biodiversity, in accordance with Policy NC1 of the Torbay Local Plan 2012-2030, and Policy TE5 of the Torquay Neighbourhood Plan.

4. The soft landscaping for the development shall be undertaken in strict accordance with the approved landscaping plan (reference 798-M2 received 15.09.2020). All planting, seeding or turfing comprised within the approved scheme shall be carried out in the first planting season following the completion of the development and any trees or plants 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.

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

5. Hard landscaping details shall be submitted for the written approval of the Local Planning Authority prior to the first use of the development. The approved scheme shall be provided prior to 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 Policies DE1 and C4 of the Torbay Local Plan 2012-2030.

6. Prior to the hotel extension being brought into use, 3 electric charging points shall be provided in accordance with the approved plans and thereafter permanently retained and maintained for the electrical charging of vehicles associated with the development hereby approved.

Reason: To ensure adequate parking facilities are provided to serve the development in accordance with policy TA2 and TA3 (and associated appendix F) of the Torbay Local Plan 2012-2030.

7. Prior to the first use of the development hereby approved, bicycle storage shall be provided in accordance with details that have previously been submitted to and approved in writing by the Local Planning Authority. The bicycle storage shall be retained for the life of the development.

Reason: In the interests of sustainable transport and in accordance with Policies TA1, TA2, and TA3 of the Torbay Local Plan, and Policy THW6 of the Torquay Neighbourhood Plan.

8. Prior to the installation/addition of any windows, external render and rainwater goods the following details shall be submitted to and approved in writing, by the Local Planning Authority;
  - Window materials and profiles
  - Render type, colour and details of render joints which shall be located to have minimal visual impact.
  - Rainwater goods

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 Policies DE1 and SS10 of the Local Plan 2012-2030.

9. The erection of the construction exclusion zone fencing (as shown on drawing 05428 TCP & TPP) shall be undertaken prior to plant, machinery and any construction activity on site and shall be retained as such throughout the construction phase of the development.

Reason: In interests of protecting the trees on site and in accordance with PolicyC4 of the Torbay Local Plan 2012-2030.

10. 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 Torbay Local Plan 2012-2030

11. No equipment, signage or plant shall be located on the roof, walls or in the grounds of the development hereby permitted unless otherwise approved in writing by the Local Planning Authority, including air conditioning units, extraction equipment, aerials, tanks, satellite dishes and external lighting.

Reason: In the interests of the visual amenities of the area, in accordance with policies DE1, DE3 and SS10 of the Torbay Local Plan.

12. The development shall be carried out in accordance with the low carbon specification outlines within the approved design and access statement (reference P2020-0892-4, received 15.09.2020).

Reason: In the interests of low carbon development and in accordance with policy ES1 of the Torbay Local Plan.

### **Relevant Policies**

#### *Torbay Local Plan*

DE1 – Design

ER1 – Flood Risk

ER2 – Water Management

ES1 - Energy

NC1 - Protected sites - internationally import

TO1 - Tourism, events and culture

TA2 - Development access

TA3 - Parking requirements

DE4 - Building heights

DE3 - Development Amenity

C4 - Trees, hedgerows and natural landscape

HE1 – Listed Buildings

SS1 - Growth Strategy for a prosperous Torbay  
SS4 - The economy and employment  
SS10 – Conservation and the Historic Environment  
SS11 – Sustainable Communities  
TC5 - Evening and night time economy

*Torquay Neighbourhood Plan*

TS2 - Master Plans  
TS4 - Support for Brownfield and Greenfield development  
TH2 - Designing out crime  
TH8 - Established architecture  
TH9 - Parking facilities  
TE1 - Tourism accommodation on brownfield sites  
TE5 - Protected species habitats and biodiversity  
THW1 - Travel Plans  
THW5 - Access to sustainable transport  
THW6 - Cycle storage and changing facilities  
TTR2 - Sustainable Communities