

**Application Number**

P/2015/0524

**Site Address**Lansdowne Hotel  
Old Torwood Road  
Torquay  
Devon  
TQ1 1PW**Case Officer**

Mrs Helen Addison

**Ward**

Wellswood

**Description**

(Removal of Condition no. 01 of planning permission P/2015/0203.) Demolition of existing building, construction of 14 No apartments with underground parking, revision to vehicular and pedestrian access

**Executive Summary/Key Outcomes**

This application seeks the removal of condition 1 that required a contract for redevelopment of the site to be in place prior to the commencement of development of the site. The applicant was unable to enter into such a contract as he is both the applicant and the developer in this case. Evidence of the applicant's commitment to progress the development has been submitted in support of this application and it is noted that the build programme has now reached roof level. On this basis removal of the condition would be appropriate.

This application has been submitted in order to regularise the grant of planning permission.

**Recommendation**

Conditional approval subject to completion of a Unilateral Undertaking to link S106 Contributions paid in respect of the original grant of planning permission (P/2014/0501) to this application. The Unilateral Undertaking to be completed within 3 months of the date of this Committee. Conditions as listed at the end of the report.

**Statutory Determination Period**

The target date for determination of the application was 24th July 2015. This has been exceeded due to the need for a legal agreement to be prepared.

### **Site Details**

The application site relates to the site of a former vacant hotel situated on the north side of Babbacombe Road. The site is in a prominent location clearly visible from Babbacombe Road. Following grants of planning permission for redevelopment of the site with fourteen apartment under application references P2014/0501 and P/2015/0203 the building on the site has been demolished. Redevelopment works have progressed significantly. Babbacombe Road abuts the southern side of the site and Old Torwood Road the western boundary. The access to the site is from Old Torwood Road.

The surrounding area is in a variety of uses. There is a restaurant on the opposite side of Old Torwood Road. Glenthorne Close is a modern cul de sac and is located on the north side of the site. There are residential properties along Babbacombe Road and a hotel close to the application site. In the Torbay Local Plan 1995-2011 the site is shown as being within the Warberries Conservation Area.

### **Detailed Proposals**

The application is for removal of condition 1 which required a contract for the redevelopment of the site. In this case the applicant is also the developer of the site and unable to enter into a contract with himself. Evidence of contracts for the design and build of the underground car park, transfer deck and timber frame have been submitted to provide confirmation of the applicants intention to progress the development.

This application is submitted in order to regularise the grant of permission.

### **Summary Of Consultation Responses**

None

### **Summary Of Representations**

None received

### **Relevant Planning History**

- |             |  |
|-------------|--|
| P/2015/0203 | Variation of Condition P/2014/0501 Condition P1 - Plans; to revised parking layout, design of roof and alterations to external elevations, approved subject to a legal agreement 29.4.15 |
| P/2014/0501 | Demolition of existing building, construction of 14 no. Apartments with underground parking, revision to vehicular and pedestrian access approved subject to Unilateral                  |

## Undertaking 21.8.14

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

The key issue in this case is whether condition 1 that required a contract for redevelopment of the site should be removed, and the development proceed without this condition.

It is good practice when determining planning applications within a conservation area to impose a condition preventing demolition of the existing buildings on a site until a contract for redevelopment is in place. The reason for this is to ensure that a site is not left vacant which would detract from the visual amenity of the area.

The applicant has advised that he is both the client and the developer it is not possible for him to enter into a contract with himself. As evidence of his intention to develop the site he has submitted copies of the contracts for design and construction of the underground car park and transfer deck over and the timber frame. The building work is now advanced on site with construction up to roof level. This constitutes sufficient evidence to demonstrate that the condition can be released.

### **S106/CIL -**

Contributions totalling £24,878.65 were paid by Unilateral Undertaking in respect of application reference P/2014/0501. A deed of variation is required to link these contributions to the current proposal.

### **Conclusions**

In conclusion, the applicant has demonstrated his commitment to develop this site and construction is at an advanced stage. The condition requiring a contract for redevelopment is no longer required. It would be appropriate to grant a revised planning permission without condition 1 from application reference P/2015/0203.

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

01. The materials to be used in the construction of the external surfaces of the buildings hereby permitted shall accord with the approved samples and schedule unless otherwise agreed in writing by the Local Planning Authority. Reason; In the interests of visual amenity in accordance with Policies BE1 and BE5 of the Torbay Local Plan 1995-2011.

02. The development hereby approved shall then be constructed in accordance with the level details shown on plan reference 0821 BR005 rev H received on 3rd March 2015 and 0821 BR009 rev A received on 5th November 2014. Reason: In the interests of the amenities of the area and in order to comply with policy H9 of the saved adopted Torbay Local Plan 1995-2011.

03. The parking and cycle parking facilities shown on the approved plan shall be provided before the use of the development hereby approved commences and thereafter used for no other purpose unless otherwise agreed in writing by the Local Planning Authority. Reason; To ensure that parking facilities will be available at all times to serve the premises, in accordance with Policy T25 of the Torbay Local Plan 1995-2011.

04. The bin store indicated on plan reference 0821 BR011 A received on 13th January 2015 shall be retained as such for the life of the development, unless otherwise agreed in writing by the Local Planning Authority. Reason: In order to provide on site waste storage facilities and in the interests of visual amenity, in accordance with Policy BE1 of the Torbay Local Plan 1995-2011.

05. All landscape works shall be carried out in accordance with the details shown on plan reference 1407/02 (P2) received on 13th January 2015. The works shall be carried out prior to the occupation or use of any part of the development or in accordance with a programme to be agreed in writing with the Local Planning Authority. Reason: In the interest of the amenities of the area, in accordance with Policy BE2 of the Torbay Local Plan 1995-2011.

06. If within a period of 5 year from the date of the planting of any tree, that tree, or any tree planted in replacement of it, is removed, uprooted or destroyed or dies, another tree of the same species and size as that originally planted shall be planted as the same place, unless the Local Planning Authority gives its written consent to any variation. Reason: In the interest of the amenities of the area, in accordance with Policy BE2 of the Torbay Local Plan 1995-2011.

07. The boundary treatment shown on plan reference 1407/01 P2 Landscape Concept received on 5th November 2014 shall be implemented before the use hereby permitted is commenced or before the building occupied, and thereafter retained. Reason; In the interests of the amenity of the area in accordance with Policy H9 of the Torbay Local Plan 1995-2011.

08. Two bat tubes and three swift nest boxes shall be installed on the building before the development is first brought into use in accordance with Protected Species Assessment dated May 2014 and shall thereafter be retained, unless otherwise agreed in writing by the Local Planning Authority. Reason; To ensure that bird species are protected and their habitat enhanced, in accordance with the Wildlife and Countryside Act 1981 as amended, the Natural Environment and Rural Communities Act 2006 and Policy NC5 in the Torbay Local Plan 1995-

2011.

09. The existing trees and hedgerows shall be retained and protected for the duration of the construction of the development in accordance with the approved details shown on plan reference 04239 TPP AMS 09.09.2014 Tree Constraints Plan received on 5th November 2014. The protection measures shall be implemented as all times during the course of the construction works. Reason: In the interest of the amenities of the area, in accordance with Policy BE2 of the Torbay Local Plan 1995-2011.

### **Relevant Policies**

- T2 Transport hierarchy
- T25 Car parking in new development
- T26 Access from development onto the highway
- H2 New housing on unidentified sites
- H9 Layout, and design and community aspects
- H10 Housing densities
- TS Land use transportation strategy
- CF6 Community infrastructure contributions
- L8 Protection of hedgerows, woodlands
- L10 Major development and landscaping
- NCS Nature conservation strategy
- BES Built environment strategy
- BE1 Design of new development
- BE2 Landscaping and design
- BE5 Policy in conservation areas