

Application Number

P/2011/1080

Site AddressPalm Court Hotel
Torquay
Devon
TQ2 5HD**Case Officer**

Mrs Ruth Robinson

Ward

Tormohun

Description

Redevelopment of former Palm Court Hotel to provide a six storey building comprising: A3 [Restaurant] use, ground floor and part first floor, 14 self catering holiday flats with ancillary facilities part first and second floor, 14 private residential flats third, fourth, fifth and sixth floor. 17 car parking spaces for self catering accommodation and 15 for private flats. Modifications to carriageway to create shared space/pedestrian crossing facility. Works to adjacent public park to allow construction of building.

Executive Summary/Key Outcomes

The proposed redevelopment presents the opportunity to resolve this important 'shop front' site on Torquay seafront, following the destruction of the building by fire. The scheme has been designed with advice from the Torbay Design Review Panel and in conjunction with Officers. The development will provide commercial ground floor uses, significant public realm improvements and the potential for use of a number of the proposed units for self catering holiday purposes.

Concerns about the size and prominence of the building have been expressed by English Heritage and third parties. However the extant approval is for a substantially larger building and this scheme represents an improvement in terms of design and relationship to context.

The Palm Court is a 'red' PHAA site and should be developed in a way that is not to the detriment of the holiday character of the area. In view of its former use it has to date been considered important to achieve a tourism related use on the site. Past and extant approvals for a hotel, even when enabled by a significant level of residential accommodation have failed to be implemented. The fact that a hotel development has not been achieved even in more favourable economic circumstances confirms that this may not be a feasible option to pursue in the circumstances of needing to speedily resolve the future of this site.

This scheme comprises, in addition to A3 uses, 14 large open market flats and the same number of significantly smaller holiday flats. The scale of the open market residential is such that the volume could easily accommodate 15 units and therefore the issue of affordable housing contributions is relevant. The applicants contend that the scale of residential use and a 'light touch' restriction

in relation to the holiday flats is essential if the project is to be viable. An Independent Viability Assessment confirms this 'package' as the most likely to deliver a holiday use on the site in the current market.

Holiday flats are difficult to maintain in the long term, lawful residential uses can be established through exercise of the 4 year rule and so regular monitoring is required. Once sold off as individual holiday homes, monitoring becomes more difficult and occupation more sporadic as there is less of a business case to keep them occupied. S106 community infrastructure and Affordable Housing contributions become difficult or impossible to achieve. This problem has recently become more acute given the recently adopted revised guidance on PHAAs, which has resulted in increased changes of use to residential.

A future for this site has to be identified quickly. Attempts to secure a hotel development have been unsuccessful and are even less likely to come forward in the current market. It makes sense to consider other options for achieving regeneration particularly given the difficulties of the current proposal.

Given the possibility of 'back door' residential use becoming established over time and the more limited economic benefit of holiday flats, particularly once sold off individually, it is worth considering approval of the scheme without a restriction on occupation. This would improve the viability of the scheme and the likelihood of implementation. The IVA has established that the full Affordable Housing contribution could be met along with the SPD Community infrastructure contributions. New Homes Bonus would also be achieved on all 28 units. This would represent a significant community benefit which would arguably outweigh the limited benefits of the holiday flat proposal. Even if approved without a holiday restriction it is likely that flats in this location would be attractive to investors to let out for holiday purposes due to the high rental levels that could be achieved.

This report therefore presents 2 options, Option A which is to approve the application with a restriction on occupation of the holiday flats and option B which is to approve without a restriction on occupation [option B would be subject to re advertisement, both options would be subject to more detailed information, resolution of flood risk, S106 agreement and relevant conditions].

Recommendation

Site Visit; - Approval of either

Option A: comprising the submitted scheme with a restriction on occupation of the holiday flats or:

Option B: comprising the scheme without a restriction on occupation [subject to re advertisement]

Both options are subject to S106 agreements to secure relevant contributions and matters detailed in the body of the report, the receipt of amended plans, additional detailed information in relation to the appearance of the building and public realm, resolution of flood risk and a commitment to commencement of the scheme. Conditions to be delegated to the Executive head of Spatial Planning to resolve.

Site Details

The former Palm Court Hotel sits at the base of Shedden Hill close to the junction of Shedden Hill Road and Torbay Road. It is now partially demolished following a fire in December 2010. The original Victorian terrace, Abbey Crescent, comprised 2 storey domestic dwellings. The major part of the terrace was later extended by the introduction of a third storey and converted into use as a hotel in the 1930s.

Part of the original terrace is excluded from this proposal and the two end terrace properties, which are close in character to their original form and appearance would remain.

Adjacent to these buildings is the Grade II Listed Tollhouse.

To the South is Torre Abbey and its grounds, which contain Grade I Listed buildings set within a Grade II Registered Park and Gardens, Abbey Gardens.

The site immediately abuts the Princess Gardens and Royal Terrace [Rock Walk] Gardens which are on the Register of Parks and Gardens, Grade II.

It occupies a sensitive and prominent location on the main road into the town and within the Belgravia Conservation Area. It is a pivotal position in terms of the public appreciation and enjoyment of the Conservation Area, Torre Abbey Sands and the coastal hinterland.

There is an extant permission for a 100 bed hotel with 8 penthouse flats on the site and in 2004 permission was granted for a 44 bed boutique hotel with 14 apartments. Neither of these schemes has been implemented.

Detailed Proposals

Redevelopment of former Palm Court Hotel to provide a six storey building comprising: A3 [Restaurant] use, ground floor and part first floor, 14 self catering holiday flats with ancillary facilities on part of the first and on the second floor, 14 private residential flats on the third, fourth and fifth floor. 17 car parking spaces serving the self catering accommodation and 15 for the private flats to be provided with vehicular access from Shedden Hill Road. Modifications to carriageway to create shared space/pedestrian crossing facility. Works to adjacent Public Park to allow construction of building.

Summary Of Consultation Responses

English Heritage: Their detailed comments indicate little support for the scheme considering it to have 'broadly the same net degree of harmful impact' as the previously approved scheme. This concern is largely due to the size of the building, particularly at the western end, and the prominence that this will create particularly in near and middle distance views. In conclusion, they advise that permission should only be granted if such harm is necessary to deliver substantial public benefits that may outweigh it and urge some mechanism for linking approval with letting of a contract for redevelopment of the site.

Environment Agency: The scheme adopts a lower finished floor level than the existing building or previous approvals on the site in order to create a level shared surface linking the forecourt of the building and the carriageway beyond. This increases the risk of flooding substantially and requires it to be assessed as being in flood risk zone 3. The EA have requested that the finished ground floor level within the building be increased to a minimum of 5.25m above OD, an increase of around 400mm. A revised FRA has been requested and discussions are ongoing which may have implications in terms of the design of the shared space. Conditions are recommended in the event of a satisfactory FRA being agreed in relation to land contamination.

Highways: Have no objection in principle to the proposals for shared pedestrian/vehicular space subject to detailed matters in relation to width of the 'pedestrian area' of the carriageway, the distance of the gateway feature from the puffin crossing, coach tracking being applied to the vehicular access from the seafront car parking area, the impact on visibility arising from the location of planters in option 2, adequate provision for cycle parking and cycle use of the carriageway. Works will need to be done via a S278 agreement. They require adequate visibility from the accesses onto Shedden Hill Road and a whole section of footway to be re-laid. A sustainable transport contribution is required to fund improvements to the National Cycle Route [NCN28] that passes the site. A framework Travel Plan to secure 50% trips by non car mode is to be applied via condition.

Drainage Service Manager: Has no objections to the scheme.

Structural Services: Require more information in relation to responsibility for highway retaining walls. These concerns could be dealt with by condition.

Arts Officer: Would like the scheme to include Torbay Connected Interpretative material within the public shared space.

The Design Review Panel considered a 'pre app' version of this scheme and considered that it had the potential to be truly excellent. They welcomed the reduction in mass from the previous proposal, emphasised that the need for quality must be assured on all elevations including the treatment of the

roofscape, felt that the western end of the building would be prominent and so required careful articulation, considered that the proposals for the public realm are exciting, but that its feasibility needed to be demonstrated as does the final quality in terms of materials and detail.

These comments have been placed in the Members Room.

Summary Of Representations

Two public exhibitions have been held in order to provide opportunity for public comment and consideration of the scheme. The results from the first of these were submitted with the application and indicated strong support for the scheme. Of 10 responses from the second public consultation exhibition, 9 were supportive and stressed how vital it was that this scheme progressed quickly and one raised detailed matters in relation to delivery of the public realm, the need to maintain the holiday flats as a single entity, the need to secure agreement to details and materials prior to permission being granted to ensure delivery of a quality scheme and strict control over ground floor uses to ensure compatibility with holiday character.

Torbay Town Centres Company and the Torbay Business forum have written in support of the scheme.

The Heritage Hotel, whilst supporting the scheme in principle, is concerned at the impact on views from the hotel bedroom windows which will impact on their viability. They request that the penthouse level be relocated centrally on the building from its current position on the western end.

2 further letters are supportive of the scheme. One letter relays concerns that a hotel should be delivered on this site rather than flats, one that its size may affect the views from flats on Warren Road.

2 further views express concern at the size and scale of the building with requests for a more thorough assessment of the context and the relationship of this proposal to its surroundings.

These comments have been sent to the Members Room.

Relevant Planning History

P/2009/0669:- 100 bed hotel, A3 uses 8 flats. Approved 5.07.11

P/2004/0046: - 44 bed hotel, health spa, casino, A3 uses and 14 residential apartments. Approved 14/4/2004.

P/2004/0047/Conservation Area - Demolition of hotel. Approved 22/3/2004.

P/2002/1385/OA - Construction of new hotel, apartments and car parking.

Refused 20/8/2002.

P/2001/0204/OA - Construction of 11 terraced properties. Refused 30/4/2001.

P/2000/1538/OA - 30 bed hotel and 18 flats in 4-7 storey block. Refused 31/1/2001.

Key Issues/Material Considerations

There is a long history to the development of this site.

Planning permission was granted in 2004 for the replacement of the existing hotel with a 4-5 storey building that provided for ground floor commercial uses, a 44 bed 'boutique hotel' and 14 penthouse flats which were demonstrated to be necessary to enable delivery of the scheme. This was not implemented and a revised scheme was approved in 2009 which delivered a 100 bed hotel, 8 flats and ground floor commercial uses but in a substantially bigger building which achieved 7 stories at its maximum height.

The owners of the site subsequently went into liquidation and the current applicants acquired an option on the site.

This latest scheme involves replicating the curve of the original terrace in terms of the footprint to be adopted. The building is essentially 5 stories in height but includes a sixth penthouse floor to the western end of the site and drops to 4 stories adjacent to the retained part of the terrace. It takes its architectural inspiration from the Art Deco period with its strong horizontal emphasis and linearity created by the distinctive balconies. Decorative coloured glass panels between the balconies will give some vertical emphasis to the overall building and provide a distinctive character particularly when illuminated at night.

The scheme provides A3 uses on the ground floor and on part of the first floor, securing commercial vibrancy and vitality and complimenting the seafront location. 14 holiday flats are proposed with ancillary facilities on the first and second floors and 14 private open market flats on the third fourth and fifth floors.

The open market flats, whilst the same in number, occupy a substantially greater floor area than the holiday flats. To the rear of the building and accessed from Shedden Hill Road are 2 levels of car parking with 17 spaces to serve the holiday flats and 15 the private flats.

Of significance, is the creation of a substantial area of 'shared' public realm between the building and the sea which will extend from a 'gateway point' at the footbridge to beyond the puffin crossing. The carriageway is to be narrowed to slow traffic movement and opportunities for pedestrian movement enhanced. Good quality surfacing materials such as granite and planting are to be extensively used to create an attractive and more user friendly space for

pedestrians and cyclists. It is intended that this will be a pre cursor for a similar approach to be rolled out along the remainder of Torbay Road as it abuts Princess Gardens.

The current access from the seafront car parking area is to be relocated in order to provide a more spacious and appropriate setting to the building. This will result in the loss of some parking meters.

A small area of public land currently included in the gardens to the western end of the Palm Court is included within the development site and is necessary to facilitate construction.

There are a number of key issues:

- 1 The size, scale and design of the building.
- 2 The balance of uses within the building in terms of the level of open market housing and the means of retaining the holiday accommodation.
- 3 The viability/deliverability of the scheme and s106 contributions.
- 4 The impact on adjacent hotel premises.
- 5 The quality of the public realm.
- 6 The inclusion of public land to enable delivery of the scheme.
- 7 Flood Risk

Size, Scale and Design of the Building

Concerns have been raised by English Heritage and by third parties about the prominence of the building and its failure to relate sympathetically to surrounding buildings or to its position within the local landscape. English Heritage have consistently taken issue with a building of this size in this location considering that it should be of a reduced scale that sits more comfortably with the rising backdrop of Waldon Hill. However, there is an extant permission for a taller and more bulky building on this site and whilst its acceptance was influenced by the prospect of achieving a large 100 bed hotel it still remains a material consideration in determination of this application.

In response to English Heritages concern about the prominence of the western end of the building, which is where the building attains the greatest height, the penthouse level has been moved slightly eastwards so reducing this impact.

In terms of relationship to the retained part of the terrace and the toll house, this is much improved from the extant scheme as it adopts a reduced height and depth as it does not extend so far into the cliff face. Crosby Lodge, a Victorian villa which is perched on the hillside above Palm Court and is a key building in the Belgravia Conservation area is also better served by this proposal than the extant scheme as it will be more visible in views approaching from the south.

The impact of the penthouse in particular on the views from the Heritage Hotel behind are an important consideration, however, the scheme does improve the relationship over that which would have existed were the 2008 scheme implemented.

In terms of detailed design, this is generally thought to be an acceptable approach but much will depend on the quality of detailing and use of good quality materials. This was a point raised specifically by the Design Review Panel and is the subject of ongoing discussions.

Balance of uses within the building

The site is included in the Belgravia PHAA and policy TU6 of the Local plan applies. This identifies prime tourism sites and resists development that would be to the detriment of that character and function. This site was identified as within the 'red' core area in the recent appraisal of the status PHAAs and their boundaries which confirms it is of the highest importance for tourism development. In order to conform with policy, in view of its previous use, the scheme should be mainly tourism related. However in the previous 2 approvals on the site the main hotel use has been 'pump primed' by allowing an element of residential use in order to ensure viability. It is of note that even in more buoyant economic conditions and with significant enabling residential development, the approved schemes have failed to be delivered.

The ground and part first floor A3 uses included in this scheme are appropriate in terms of reinforcing a holiday character and are welcomed.

In terms of the upper floors, this scheme delivers 14 holiday flats and 14 private open market flats. Whilst arranged as 14 individual dwellings and thus avoiding the 'affordable housing trigger' 11 of the open market units are in excess of 120m² which is the size of a large 4 bed dwelling, 7 are over 150m² and 2 are nearly 200m². The floor space of the open market flats is greater than that of the holiday flats by around 500m², which is the equivalent of 5 3 bed family houses.

This 'balance' raises concerns about the level of private residential accommodation and whether this could be regarded as PHAA compliant and whether, given its scale it should contribute to affordable housing. The volume of open market housing is such that 15 units could easily be accommodated and common sense suggests that it should trigger an affordable housing contribution.

However, PGG3 'Housing' which did explain that the manipulation of dwelling size to avoid AH contributions was against policy has been superseded by the revised PPS3, which is silent on the matter.

The applicants, in discussion about control of the holiday flats, indicated that they would run it as a business initially but would need to sell them off individually after a 3 year period and could only accept a 'light touch' restriction limiting

occupation to non primary residence or similar rather than maintaining the whole as a business operation in perpetuity.

From a planning perspective, retaining the holiday flats as a single business unit is far preferable; there is a commercial imperative to keep them occupied and it is easier to monitor. Once sold off individually, there tends to be more sporadic occupation and regular monitoring is necessary to ensure that a lawful residential use is not established via exercise of the 4 year rule.

The difficulties of retaining the holiday flats in the long term raises concerns that this could become a 'back door' to full residential accommodation without having to meet legitimate affordable housing and S106 contributions.

In terms of S106 contributions, the applicants offered £50,000 whereas the calculations based on the SPD indicated a S106 contribution of £132,609. The reduction, it is claimed is due to the high cost of creating the setting to the building.

The applicants were asked to submit sufficient financial information to enable an Independent Viability Assessment to be carried out to demonstrate that the scale of open market housing, the need for minimal restriction of the occupation of the holiday accommodation and the discount on the S106 contributions was indeed essential to the viability of the project.

The IVA was extended to look at the viability of this scheme without a restriction on occupation in relation to the 14 holiday flats. The contribution to the local economy of holiday flats is questionable, once they are sold off as individual holiday homes and there are ongoing problems of monitoring and enforcement.

If lawful uses become established then S106 contributions will be lost. It will be particularly difficult to claw back any affordable housing contributions in relation to the 14 open market units currently included in the scheme in the event of a further change of a holiday unit to a residential use.

Viability of the scheme and s106 contributions

The scheme is a joint venture with a large construction company who will fund the land acquisition and construction costs under the terms of a negotiated price and building contract. This arrangement does reduce the level of risk for the developer.

The costings supplied have been verified by a quantity surveyor and are priced at the upper end of the range for a construction of this type. However this is thought to be appropriate given the need for a prestigious landmark building.

The IVA assessment indicates that the overall balance of uses is not unreasonable and is required to produce a viable scheme. Increasing the

restriction on the holiday accommodation does reduce its value and the more restrictive approach, such as fractional ownership/timeshare would render the scheme unviable. However, the IVA has concluded that the value of the holiday accommodation as 'light touch' had been understated and that higher rents could be achieved than indicated. This does increase the profitability of the scheme. The report concludes that there is sufficient profit margin therefore for the full SPD contribution to be met.

In terms of the potential uplift arising from an unrestricted occupation of the building, the report concludes that the full off site affordable housing contribution of £900,000 and S106 contributions amounting to £187,124 could be met whilst leaving the applicants with a similar profit margin to the submitted scheme. This option would also deliver New Homes Bonus in respect of all 28 units.

The applicants have argued that the cost of the new public realm was such that the S106 contributions should be reduced. However, the public realm is beneficial to the quality and value of the scheme itself as well as to the wider public, so while it might be appropriate for a proportion of the sustainable transport contribution to be put towards the cost of this, the balance should be put towards meeting other development related transport needs.

Impact on adjacent hotel premises

The Heritage Hotel sits to the rear of Palm Court on the far side of Shedden Hill Road. It currently enjoys views from its terrace and first floor bedrooms across to the sea. The 2004 approval would have been barely discernible from this property. The 2009 approval, if implemented, would have substantially blocked views which are important to the commercial success of the hotel. The increase in height of the building, whilst reduced from the 2009 scheme, will still impact on views. The owners of the Heritage Hotel have therefore requested that the penthouse level be moved to a more central position to alleviate this impact. However, at the time of writing it is not fully understood how far this would need to move to make any appreciable difference and what impact this would have on the design approach or importantly on Crosby Lodge. The outlook from the new extension to the Premier Inn would also be reduced although they have not raised it as a concern. It is worth noting that the previous approval was deemed acceptable in terms of its impact because it delivered a major hotel and the benefit to the economy was thought a priority. In the event of a hotel not coming forward there is less justification for this impact, particularly if it affects the commercial viability of existing hotels.

Quality of the public realm

The setting to the building is of vital importance. It offsets the scale of the building and helps deliver the opportunity for café culture to thrive. It offers a far more attractive pedestrian experience and enhances movement from this key site across to the beach. The design will also form a pre cursor for similar approach along the remainder of Torbay Road as it abuts Princess Gardens and

for this reason it is important that the quality of materials and approach is defined prior to issue of an approval. The use of granite and other naturally occurring materials forms the basis of the design and it is proposed that the colours selected closely mirrors the red sand and grey limestone which characterise the local coastal landscape. Planting takes the form of palm trees which require careful selection and planting regimes. The scheme also has to calm traffic but not impede it and talks are ongoing on the detail. The issues around flood risk may require some redesign to achieve higher internal ground floor levels which may require some steps/ramps to be introduced to what is currently a level area.

Inclusion of public land to enable construction of scheme

The construction of the building requires the loss of a small strip of land currently included in the public gardens adjacent to the existing building. It is understood that this is to be disposed of for a nominal sum. It is important that the interface of the building with the remaining gardens is properly treated and landscaping reinstated. A condition should be imposed requiring this to be carried out prior to occupation. The applicants have been advised of the need to reinstate the stone wall to the rear of the site which forms a boundary to the pedestrian approach to Rock Walk Gardens.

Flood risk

The proposed ground floor levels are lower than either the existing building or previous approvals, which brings the site into flood risk zone 3 which is the designation of Torbay Road. The EA have requested that the floor levels be increased to a minimum of 5.25 OD, an increase of about 400mm. This does create design difficulties in terms of the public realm as it had been hoped that an entirely level area from the base of the building to the footway adjacent to the beach could be created. It will now need to be DDA compliant which will necessitate ramps and steps. The applicants have said that they can achieve a finished ground floor level of 5.05 which is the same as shown on the extant scheme and to which the EA did not object. Increasing it to 5.25 presents difficulties in terms of ramped access to the building and would make it difficult to achieve access to the public gardens from the first floor A3 use where a spill out eating area could be created. Talks are ongoing on this and progress will be reported verbally.

Economy -

The cost of construction is around £12m, the agents estimate that up to 100 part and full time jobs could be created, during the construction period it is estimated that there could be up to 250 jobs directly and indirectly associated with the building of the project.

Climate change -

A range of measures are to be introduced to reduce energy consumption including a shared low emission boiler system, Air source heat pumps for penthouse level, Mechanical Heat Recovery System to all units, possibility of roof

mounted PV cells, low energy lighting to all areas, electric charging point, secure cycle storage, restricted flow showers, dual flush WCs south facing windows protected from solar gain by balconies.

Conclusions

In terms of design, whilst the concerns about its size and prominence are understood, it is the case that the extant consent, which is for a bigger building is a material consideration. It is considered that the information supplied so far demonstrates an appropriate design response and subject to detail, is capable of producing an attractive and distinctive landmark building. As this scheme is to be constructed through a fixed contract it is important that the quality is established in advance of a decision being issued rather than being left to later resolution.

Without doubt, from a policy point of view, a hotel use on this site would be the preferred option. This would make a positive contribution to the local tourist economy and would ensure year round commercial vitality. However, despite past and extant approvals there has been no market interest in delivery of a hotel development even when 'enabled' by a significant level of residential accommodation. The prospect of achieving hotel development on the site in the current climate is remote and this is not a site where it is appropriate to wait and see if the market improves.

For this reason, it has been necessary to consider alternative ways of delivering a holiday related use. 14 Holiday Flats, with a 'light touch' restriction have been proposed along with a more substantial area devoted to open market housing. The viability study concurs with the applicant's stance that a more robust restriction would impact on viability. Retaining these flats in the long term for holiday use is problematic; without extensive monitoring lawful residential uses can be established through the 4 year rule thus avoiding S106 contributions to meet the impact on local services arising from that occupation. Achieving any claw back in terms of AH contributions on this site would be difficult given the sums involved. Given the real possibility of 'back door' residential evolving over time it is worth considering the option of an unrestricted approval. It is also the case that 'unrestricted' flats are widely let out for holiday purposes as there are, in the right locations, high rental levels to be achieved.

An occupation restriction on a small part of the building delivers little tangible long term benefit. An unrestricted residential use would increase viability and ensure a greater chance of implementation. It would yield a substantial S106 contribution towards affordable housing and local community infrastructure and deliver new homes bonus on 28 dwellings. Furthermore, due to the location, the design and the espoused quality of the units, there is a distinct likelihood that these would be high value and high quality and could therefore contribute to the holiday character of the area even if their use is unrestricted.

Obviously the matter of precedent is important, however, the situation in respect

of this site is unique. Many years have been spent in trying to secure a hotel on the site without success. It is now derelict and in urgent need of redevelopment. Furthermore, this is a very prominent site within the shop window of Torquay's seafront and for these reasons it may be necessary to identify a solution that delivers regeneration even if it means stepping outside established policy.

In terms of the impact on the adjacent hotels and their commercial viability, whilst there was some justification for this in the event of a delivery of a major hotel there is less with the current scheme. It is recommended that the applicants consider some modification or reduction to the penthouse level to ameliorate impact. This would be more feasible if a higher value scheme were achieved.

There are two options available:

OPTION A. To approve the application with a minimal occupation restriction on the 14 holiday flats, this would deliver a business operation of the holiday flats for a minimum period of 3 years. Occupation would need to be closely monitored to ensure that lawful residential uses did not become established. The applicants would need to meet these costs and they should be included in the S106. The S106 would also need to be drafted to ensure that any subsequent changes of use from holiday use to residential delivered the relevant community infrastructure contributions and a contribution to AH equivalent to the uplift in the value arising from the change of use. A mechanism for doing this has been discussed and tentatively agreed with the applicant. The S106 should also secure the full SPD community infrastructure contributions of £ 132,609 subject to clarification about the proportion of the sustainable transport contribution being allocated towards the public realm.

Or

OPTION B. To approve the application without any such restriction subject to re-advertisement to clarify the residential status of the application. The S106 should secure an off site contribution to affordable housing equivalent to the costs of 30% provision on site [around £900,000] and the full SPD community infrastructure contribution of £187,124.

Which ever option is taken, it is recommended that a site visit be carried out to look at the impact from the Heritage Hotel and consider the concerns raised by English Heritage. Options should then be considered for mitigation if appropriate. Design responses to the flood risk issues will also need to be agreed. Finalised details of the external appearance of the building, the public realm, materials to be used and landscape details to include the works to the public gardens should be submitted prior to issue of the decision.

It is recommended that if option B is selected, the application be re advertised for

a period of 21 days and any adverse comments be reported back to Committee.

Recommendation

Site Visit - Approval: for option A or B [subject to re-advertisement] and subject to S106 agreements, revised plans and submission of details as itemised above and subject to conditions which should be delegated to the Executive Head of Spatial Planning to resolve.

Relevant Policies