

# N.2

**P/2006/1950**

**Wellswood Ward**

**Palace Hotel, Babbacombe Road, Torquay, TQ1 3TG**

**Formation Of 142 Holiday Apartments With 130 Car Parking Spaces; Leisure Facilities; Associated Works And Alterations/Improvements To Existing Footpath Network; Vehicular/Pedestrian Access (In Outline)**

## **Site Details**

The Palace Hotel was originally a grand Italianate villa and was built as a home for the Bishop of Exeter in 1841. It has been greatly extended and remodelled and now forms an important hotel set in spacious and attractive grounds. The site is split with the hotel main grounds to the south west of Ansteys Cove Road and the tennis courts and woodland areas to the north east. It is the latter which is the subject of this application.

The entire site is affected by a range of local plan designations which reflects its environmental and landscape sensitivities.

The main grounds fronting the Palace Hotel itself is Urban Landscape Protection Area and County Wildlife Site. The "Tennis Court" site, is immediately bounded by a country wildlife site; SSST; Urban Landscape Protection Area; Area of Great Landscape Value; and Coastal Preservation Area. The Coastal Protection Zone skirts the lower south east portion of the site. The land to the north of the tennis courts, currently comprising an attractive stone built cottage, gardens and woodlands is an allocated housing site (H1.8) for the provision of 35 units. Walls Hill Scheduled Ancient Monument extends close to the boundaries of the site.

The site in question, is currently occupied by owners accommodation, garden, kitchen garden, woodland, outdoor tennis courts, indoor tennis courts which also function as a conference centre and overspill parking. There is vehicular access via Ansteys Cove Road.

## **Relevant Planning History**

There is a long history of applications with relation to the site. Of relevance are:-

P/2001/0439	Renewal of application (96.0723) to construct 28 bedroom suites in a roof extension. Approved 30th May 2001
P/2001/0436/OA	Erection of 36 units and parking (approved 24th May 2001)
P/2004/0812/RM	Erection of 36 units and parking (approved 21st July 2004)

The above are time expired, but the applicants have submitted claims that a substantive start on site in respect of the housing schemes has been made thus preserving the permissions. These assertions have not been tested via a Certificate of Lawful Development.

## **Relevant Policies**

PPG13Transport

PPG20Tourism

PPS1 Delivering Sustainable Development

Torbay Local Plan

HS Housing Strategy

H1 New Housing on identified sites

H5 Affordable Housing on identified sites

TUS Tourism Strategy

TU3 New Tourist Facilities

TU5 New Holiday Accommodation

RS	Recreation Strategy
R11	Footpaths
IN1	Water Drainage and Sewage Infrastructures
W6	New Development and the minimisation of waste
W7	Development and Waste Recycling facilities
LS	Landscape Strategy
L2	Areas of Great Landscape Value
L3	Coastal Preservation Area
L5	Urban Landscape Protection Area
L8	Protection of hedgerows, woodlands and other natural features
L9	Planting and Retention of trees
L10	Major Development and Landscaping
NCS	Natural Conservation Strategy
NC2	Protected Sites – Nationally important sites
NC3	Protected Sites – Locally important sites
NC4	Wildlife Corridor
NC5	Protected Species
EP11	Flood Control
EP12	Coastal Protection Area
BES	Built Environment Strategy
BE1	Designing New Development
BE2	Landscaping and Design
TS	Land and Transportation Strategy
T1	Development and Accessibility
T2	Transport Hierarchy
T7	Access for people with disabilities
T25	Car Parking
T26	Access from Development onto Highway
T27	Servicing

### Proposals

Is an outline application fixing **layout, scale, and means of access. Landscape and external appearance** are reserved for future consideration. Indicative elevations and a landscape concept plan have been provided in respect of the reserved matters. The scheme comprises 142 holiday flats in a crescent shaped building which increases in height from 2 – 6 storeys with 130 underground car parking space, a health/fitness suite and improvements to the existing footpath network within the site.

### Consultations

English Heritage:	Observations awaited
Natural England:	Observations awaited
Environment Agency:	Observations awaited
South West Water:	Have concerns regarding disposal of surface water
Sport England:	Observations awaited
Torbay Coast & Countryside Trust:	Meetings have been held to discuss a range of improvements to the South West Coastal path which skirts the site and to improve access to Redgate Beach. The works included:-

- a) Reconstruction of walkway to Redgate Beach
- b) Viewing platform on Walls Hill
- c) Replacement of fencing on Walls Hill
- d) Recreate viewing points and replace seats, steps, re-surfacing where appropriate

**Architectural Liaison Officer:** Observations awaited

**Director of Tourism:** Need to ensure that flats retained for holiday purposes, that benefits extend to the wider area, considers that the quality of tourism offered is not compromised by the loss of tennis courts, but that conference facilities would be best preserved.

**Strategic Planning:** The Palace is a key Hotel and it is important that site, character and range of facilities are not prejudiced. Notes that part of the site is allocated for residential development in the Adopted Local Plan but would support holiday units providing that they are part of an overall package to enhance and improve the range of facilities within the Hotel and compensation is made for the loss of tennis courts. Vital that the holiday units area retained and managed as short term holiday units by the Palace Hotel and not approved as second homes. Requires commuted sum for replacement recreation facilities if not provided on site.

**Strategic Highways:** Transport Assessment is inadequate. The junction capacity is not properly addressed, it does not deal with the recent history and increase in traffic levels, nor does it address sustainable transportation issues including walking, cycling etc. Sustainable transport contribution of £256,000 is required. 50 Cycle parking stands required.

**Highways:** Plans do not show proposed access to underground car park. The Traffic Regulation Order would need to be modified and Member approval would be required.

**Environmental Health:** Require survey to determine extent of land contamination and remediation strategy.

**Conservation Officer:** Is satisfied that the scheme is acceptable in terms of the urban design approach and impact on landscape character.

**Arboriculturist:** Is satisfied that the scheme is more beneficial than the previous scheme for housing which would have eroded the ULPA adjacent to Babbacombe Road. The landscape concept plan is acceptable.

### **Representations**

A Public Exhibition was held at the Palace Hotel on the 17th and 18th November 2006. A summary of responses indicates a broad level of support, but with concerns about traffic generation, increased traffic improvement and pedestrian safety.

A copy of this document has been sent to the Members Room.

To date, one letter of objection has been received, this letter is reproduced as N.204. The concerns are:-

- i) Impact on South West coast path and Ansteys Cove Road
- ii) Overdevelopment
- iii) Increase in traffic
- iv) Loss of hotel facilities without adequate compensation
- v) Need to consider impact of all development on the site
- vi) Request that Members carry out site visit

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

*Background* Before addressing the key issues, it is useful to consider the background to the evaluation of the scheme and the philosophy behind negotiations at pre-application stage.

Whilst there is an extensive planning history, there are no 'live' applications of any substance. Development in the past has been on a rather 'ad hoc' basis resulting in a confused, piecemeal approach to the development of the site and a lack of certainty about the impact of schemes on the

wider area. A more comprehensive approach to development aspirations was recommended to the applicants as there was a range of considerations to be fully understood.

Two historic schemes were of relevance in terms of the overall strategy:-

a) Housing site P/2001/0436/OA and P/2004/0812/RM The applicants contend that this time expired scheme for 36 units is preserved by virtue of having implemented a material operation. Documentation has been supplied to support this, but this has not been demonstrated via a certificate of Lawful Development. Whilst a fresh application for housing would be in accord with the Local Plan, it would now have to meet affordable housing requirements and the applicants wish to avoid this. The design is also dated, the building monolithic and its construction would remove Orchard Cottage which is an attractive stone building of character. It would also substantially erode the ULPA adjacent to Babbacombe Road.

b) Bedroom Extension P/2001/0439 This provided for 28 bedroom suites in a mansard roof extension. The applicants claimed this permission is preserved although there is no evidence to support this. The design is now outdated.

Discussions centered on identifying a master plan approach to include the full range of the hotels development aspirations and to evolve a strategy that made 'sense' in urban design terms, made effective use of the land available, improved the quality of the schemes in terms of design and relationship to landscape character, took into account the full impact of proposals on the wider area and included mitigation for any hotel facilities lost.

In terms of development to the north east of Ansteys Cove Road, the applicants identified the kitchen garden, indoor and outdoor tennis courts as being of limited value, and coupled with the allocated housing site represented a substantial area of developable land. Whilst this would lead to a loss of conference and sports facilities, it would allow the retention of Orchard Cottage, a number of trees within the ULPA and the opportunity to evolve a more cohesive design approach to the site.

A crescent form of building was identified as one that allowed views, impact on the landscape character and relationship to the main hotel building to be best preserved. The indoor tennis court is a massive building rising to the equivalent of 5/6 storeys. Whilst the new building reaches this height it does so gradually 'layering up' from 2-3 storeys adjacent to Ansteys Cove Road and the retained cottage, thus not imposing on pedestrian enjoyment of this attractive and important route. A section of building has been omitted at its maximum height to allow views through to the woodland beyond and to further reduce dominance of this building on enjoyment of landscape character.

Importantly, the crescent form of building had logic and integrity in terms of the relationship to the main hotel building, although demolition, alterations and landscape works were required on the main site for this to be fully realised as indicated in the illustrative Master Plan. Similar discussions sought to improve the design quality of the proposed mansard roof to the hotel and to ensure that it sat comfortably, both with the hotel and the new building to its east.

In terms of the loss of conference and sports facilities, the Master Plan indicated a strategy to mitigate for these.

In terms of improvements to the wider area, discussions with Torbay Coast and Countryside Trust sought to identify improvement works to the South West Coast Path network, which would be more intensively used if the scale of development anticipated went ahead and to open up Redgate Beach which is adjacent to the Palace grounds.

## **Key Issues**

The main issues are:-

- i) Delivery of Master Plan Strategy
- ii) Erosion of hotel facilities
- iii) Retention of flats for holiday purposes
- iv) traffic/transportation issues

### **a) Delivery of Master Plan Strategy**

In 'background' it was explained that a comprehensive Master Plan approach to the site was important to deliver a satisfactory development ie.

- a) a sensible 'urban design' approach to the whole site
- b) Understanding of the impact of the proposal on the wider area
- c) Mitigation for loss of hotel facilities
- d) Mitigation for impact of the development on the wider area

The scheme for holiday flats has been submitted in isolation from the wider site and it has been made clear that the Master Plan is illustrative only. This means that the urban design strategy represented in the illustrative Master Plan cannot be assured, nor can the mitigation for the loss of conference and sports facilities. The wider benefits to the South West Coastal Path and Redgate Beach also no longer form part of the proposal with the benefits being confined to the creation of a linking footpath within the site, despite the additional use, wear and tear likely to be generated by this proposal.

The applicants have stated that there is not sufficient profit if holiday flats are developed to meet these additional demands and cannot commit to carrying out the alterations and improvements indicated in the Master Plan, to replacing or compensating for the loss of conference and sports facilities negotiated as part of the Master Plan, nor to fund any improvements to the South West Coastal Path or adjacent beach. If the flats are retained and managed by the Palace Hotel as holiday flats, there may be some merit to this argument, but if the intention is to sell them off, then capital would be available which should be reinvested in the hotel. Progress on discussions will be reported verbally.

### **b) Erosion of Hotel facilities**

In the absence of an approved Master Plan, it is necessary to consider the impact of the holiday flats on the quality and function of the hotel. The indoor tennis courts 'double up' as a conference facility. The applicants own Transport Assessment describes this as an excellent venue for functions, describing how the venue hosted the 2003 Snooker championship by converting to an 800 seat auditorium. This, coupled with other conference rooms in the hotel can cater for up to 850 delegates. This is an important function that contributes significantly to the quality of the hotel and the range of facilities available. The outdoor tennis courts are well used and add to the attractiveness of the hotel for tourists. Thus, there is a 'cost' to the hotel in terms of its function as a tourist destination in providing additional (holiday) accommodation in place of conference and sports facilities. The need to compensate or mitigate for this loss has been made clear throughout discussions. It has been suggested that the holiday flats should be for restricted periods of operation and remain under the control of the Palace Hotel rather than being sold off. There is some reluctance to agree to this and some clarity about their intentions has been requested.

### **Retention of flats for holiday purposes**

It is important that the flats are bona fide holiday flats and not sold off as second homes. Initially, discussions centred on development for residential rather than holiday accommodation. The shift was due in part to the affordable housing requirement that would then apply to the site. Use as second homes would present the worst option, they would contribute nothing to the tourism function of the site, it would fail to bring any sustainable community benefits that permanent residential accommodation would bring – not only in terms of affordable housing, public transport and education contributions, but importantly, in having homes that people live in, work from thus

contribute to balanced sustainable communities.

**Transportation and Traffic Issues**

The concerns are the impact of the additional traffic using the junction with Babbacombe Road and the impact on pedestrian enjoyment and safety on Ansteys Cover Road. The Transport Assessment, submitted with the application needs to address the impact of traffic generated and the sustainable transport agenda. This is currently being updated and assessed to ensure that these impacts are properly understood.

**Sustainability-**

Would make effect of the use of a brownfield site.

**Crime and Disorder –**

No observations received.

**Disability Issues –**

Access statement submitted. Detailed matters would be resolved at Reserved Matters stage.

**Conclusions**

It is of concern that the holiday flats are presented in isolation from the wider Master Plan Strategy that was evolved in respect of the site. This means that the urban design concept is stripped of a large part of its logic, the reinvestment in the hotel and mitigation for loss of conference and sports facilities cannot be assured and the impact of the full range of the development aspirations of the hotel particularly in terms of the impact on highways is not fully quantified. Improvements to the coastal hinterland which is justified by the scale of the proposal and the impact it will have on the adjacent South West Coastal footpaths and beaches is not provided. It is argued that there is not the profit to achieve these objectives. If it can be demonstrated that there is insufficient viability, then it will be a clear choice between additional accommodation but with a reduction in the range of facilities on offer. The design approach in terms of form, massing scale, relationship to landscape and to the public realm, subject to detail, is acceptable. The indicative elevations are promising. The landscape concept plan is acceptable and these details can be resolved at Reserved Matters Stage. However, before a positive recommendation can be made, it is important that there is some clarity about the nature of the holiday flats and how they will be managed, the deliverability of the Master Plan and the mitigation for loss of Hotel facilities and improvements to the wider area. A Committee Site Visit is recommended to enable Members to consider the various issues raised.

**Recommendation:**

- i) Site Visit
- ii) To report further information

**Condition(s):**