

# N.5

**P/2009/0154/PA**

**Cockington with Chelston Ward**

**Livermead Cliff Hotel, Torbay Road, Torquay**

**Amendments to planning approval (ref app P/2003/1290/PA) and formation of new lift shaft**

## **Site Details**

Livermead Cliff Hotel is a purpose built detached building located on the east side of Torbay Road and bound to the south by Cliff Road. The site is within the Torbay Road Principal Holiday Accommodation Area. The eastern edge of the site, including the cliffs are within a Coastal Protection Zone and county wildlife Site. Torbay Road itself is on the Major Road Network, footpath system and cycle route. The edge of the site also falls within an Environment Agency defined flood zone.

## **Relevant Planning History**

There have been numerous planning applications at this property. Most recent history outlined below:

- P/2002/1514 Alterations and use of existing garage/stores as hotel conference seminar rooms (renewal of application P/1997/1078). Approved 6/11/02.
- P/2003/0016 Alterations and extensions to provide 5 additional bedrooms. Approved 25/2/03.
- P/2003/1290 Alterations and extensions to form 26 additional bedrooms, additional public facilities, leisure complex and owners accommodation. Approved 28/10/03.
- P/2004/1715 Demolition of garage and erection of 7 holiday flats and 1 managers flat (renewal of application 99/1794). Approved 6/12/04.
- P/2005/1557 Removal of windows at lower ground floor level. Approved 21/10/05.
- P/2008/1423 Removal of condition 8 (ref app P/2003/1290/PA) re – details of scheme for protection of the coastal environment. Approved 30/1/09.

## **Relevant Policies**

- TUS Tourism Strategy
- TU6 Principal Holiday Accommodation Areas
- EPS Environmental Protection Strategy
- EP11 Flood Control
- EP12 Coastal Protection Zone
- BES Built Environment Strategy
- BE1 Design of New Development
- PPG24 "Planning and Noise"

## **Proposals**

This application proposes alterations to the scheme which was granted under application ref: P/2003/1290, specifically the section of the proposal to the south of the site. The proposal involves the construction of a two storey extension to the hotel.

- At lower ground floor level the extension accommodates a function room and a pool a narrow terrace would be provided around the perimeter of the extension. This differs from the proposed layout which provided for two smaller function rooms and 3 additional bedrooms;
- At ground floor level the extension would accommodate a lounge and dining room. These are set in from the floor below with the roof of the lower ground floor extension forming a terrace;
- The proposed extension is larger than the approved extension. The lower ground floor is an average of 0.5m nearer to Cliff Road on the southern elevation. It also extends 2 – 4.5m further into the garden in a northerly and easterly direction. At ground floor, the extension was set approximately 5m of the boundary and a landscape buffer was proposed, although the terrace came to within 1.5m of the boundary of the site. Under the currently proposed scheme the set back has been reduced to approximately 2m. It also extends further into the garden by the same amount as the ground floor;

- The proposal also includes a replacement pump station and an open sided gazebo towards the south east corner of the site where the existing pump station is positioned. A terraced seating area is proposed at garden level, as is a Jacuzzi which would be accessed from the terrace adjacent to the pool;
- The internal arrangements have been altered to provide improved spa facilities on the lower ground floor level and the ground floor level has also been amended to improve circulation around the entrance to the lounge and dining facilities;
- A new lift is also proposed on the front elevation which would be glazed in appearance.

### **Consultations**

*Environmental Health:* Have requested that a condition is attached restricting the hours of use of the terraced areas, as per the original consent.

### **Representations**

3 letters of objection have been received which relate to the following issues:

1. Loss of privacy/overlooking
2. Shadow will be cast on property
3. Impact on view/outlook
4. Noise from within building and from terrace. There are already issues with noise. Any restrictions would need to be closely monitored. Customers are more likely to breach restrictions in light of the smoking ban. Also concerns about noise from plant
5. Increased pressure for car parking leading to parking on Cliff Road
6. Previous scheme included screening and a restriction on the hours of use for the terrace
7. Commercial development in a residential area
8. Enlarged building removes scope to add landscaping to soften the mass and bulk of the extension
9. Should be a condition that the roof of the first floor extension cannot be used as a further terrace
10. Building would be out of character with the area and would be an eyesore. Impact on the street scene
11. Request that brick is used on the side elevation rather than render, to match the main building.

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

There is extant consent for an extension in this location, as such the principle of the proposal has been accepted. Therefore the main issues relate to the impact of the extension over and above that of the approved scheme in relation to visual impact, neighbour amenity and other technical considerations.

The main difference in the proposed scheme is the proximity of it to Cliff Road. It does also extend further into the garden, however this would only be perceptible in long views of the site. The previous scheme was designed to be set in at ground floor level and incorporated an area for landscaping in planters adjacent to the extension. The bulk of the building has now moved closer to Cliff Road with a solid screen along the edge of the terrace. In this sense the bulk of the building would have more of a stark appearance facing the properties of Cliff Road. However there is over 20m from the nearest property to the boundary of the site and as such although it will effect their outlook to a certain extent it will not result in an adverse impact upon light and will not be overbearing. The previous scheme included a side window in the dining room and an angled window in the projecting bay which would have been looking in the direction of Cliff Road, albeit at sufficient enough distance to avoid detrimental overlooking. The agent has been asked to explore the possibility of reintroducing some landscaping either within the current design or by setting the ground floor away from the floor below to provide room for planters as per the previous scheme. The proposed scheme adopts more of a modern, lightweight glazed style than the approved scheme which is considered to be appropriate. The lift shaft which is proposed on the frontage of the building is also of a lightweight glazed design which will not interfere with the main character of the building. On the first issue then, the scheme is

considered to be acceptable in terms of visual impact although in terms of elevation facing Cliff Road the scheme could be improved and softened by slight amendments to the scheme. This matter will be updated at the meeting.

With regards to neighbour amenity, the issues in terms of outlook and the impact of the bulk of building have been discussed above. With regards to the issue of overlooking, there is a terrace at ground floor in approximately the same location as the previous proposal. A solid screen is proposed to avoid overlooking from this and the scheme is not considered to result in any further overlooking than the previous scheme. With reference to noise, this was a consideration at the time of the previous application and a condition was imposed which restricted the use of the terrace to between the hours of 7am and 10pm, and that the doors should remain shut, except for access. Following the issuing of the consent the agent expressed concerns about the reasonableness of this condition given that the same restrictions were not imposed upon the garden. No alternative wording for such a condition has been suggested. There is undoubtedly a need for a condition which will protect the amenities of the neighbouring occupants and as such a similar condition is recommended for this application.

The edge of the site is within a flood zone, however no habitable accommodation is proposed within this area. The proposal involves an outside seating area, however some hardstanding around the existing pool will be removed and as such the increase in hardstanding is minimal. It is suggested that a condition is attached requiring details how the run-off from the terrace will be dealt with. Concerns have been raised in relation to the plant proposed for the site, however this is in replacement for existing plant. As such there is no reason to suppose that it will be problematic. In any event any noise nuisance can be dealt with under separate legislation. With regards to parking and access issues, no objections have been received from the highways officer. The function room floor space is not significantly changed from the approved scheme and the revised layout actually removes some bedrooms in lieu of spa facilities which will be used by existing guests. As such it is not considered that the alterations to the scheme proposed under this application will be detrimental to highway safety or result in additional pressure for on street parking on Cliff Road.

**Sustainability** – The proposed scheme would see the expansion of an existing hotel which is in an accessible location.

**Crime and Disorder** – The proposal is not considered to result in the increased likelihood of criminal activity.

**Disability Issues** – Building Regulations will apply.

**Economic Prosperity/Mayors Vision/Community Plan** – The application represents the opportunity to develop an existing business. At a time when many businesses are failing it is considered important to support local businesses and in particular the development of quality hotel facilities. Therefore the proposal is considered to be in line with the main priorities of the Council.

### **Conclusions**

The application is for amendments to a previous scheme. The majority of the changes have little impact however the enlargements adjacent to Cliff Road are in relatively close proximity to residential properties, as such it is considered appropriate to explore the possibility of providing a set back or some landscaping to soften the impact. However in all other respects the scheme is considered to be acceptable, subject to conditions. A site visit is recommended.

### **Recommendations:**

Committee Site Visit; Approval.

### **Condition(s):**

01. The extensions hereby approved shall be constructed in accordance with the soundproofing

details submitted pursuant to Condition 1 of planning approval P/2003/1290 which this permission amends.

Reason: In the interests of the residential amenities of the occupants of surrounding properties, in accordance with Policy TU5 of the Saved Adopted Torbay Local Plan 1995-2011 and advice contained in PPG24 "Planning and Noise".

02. The terraced areas adjoining the function and dining room extensions hereby approved to the rear of the hotel shall not be used after 10.00 pm, nor before 7.00 am on any day. Neither shall the garden be used for sitting out purposes outside of these hours. The doors to the terrace areas shall not be wedged open and shall be kept shut except for access from the building onto the terrace area.

Reason: In the interests of the residential amenities of the occupants of adjacent properties, in accordance with Policy TU5 of the Saved Adopted Torbay Local Plan 1995-2011 and advice contained in PPG24 "Planning and Noise".

03. The extensions hereby approved shall be constructed in accordance with the details and materials approved pursuant to Conditions 3 and 4 of planning approval P/2003/1290, or in accordance with an alternative, to be previously agreed in writing by the Local Planning Authority.

Reason: In the interests of the visual amenities of the locality, in accordance with Policies BES and BE1 of the Saved Adopted Torbay Local Plan 1995-2011.

04. The landscaping scheme agreed pursuant to Condition 6 of planning permission P/2003/1290 shall be carried out in the first planting and seeding season following the occupation of the buildings, or the completion of the development, whichever is the sooner. Any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased, shall be replaced in the next planting season with others of a similar size and species, unless the Local Planning Authority gives written consent to any variation.

Reason: In the interests of the visual amenities of the area, in accordance with Policy BES of the Saved Adopted Torbay Local Plan 1995-2011.

05. Prior to the completion or first use of the development, the Sustainable Urban Drainage Scheme, agreed pursuant to Condition 9 of P/2003/1290, shall be implemented in full, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that the drainage arrangements associates with this development do not result in any unacceptable increase in the risk of flooding in the area and to ensure that there is no increase in surface water discharge to public sewers, in line with advice in PPG25 "Development and Flood Risk".