

**Application Number**

P/2015/1144

**Site Address**17 Morgan Avenue  
Torquay  
TQ2 5RP**Case Officer**

Mr Scott Jones

**Ward**

Tormohun

**Description**

Change of use from offices (class A2) to holiday hostel (Sui Generis)

**Executive Summary/Key Outcomes**

The application site includes a substantial semi-detached Victorian property on the northern side of Morgan Avenue adjacent to the Central Church. The building has previously been used for offices and is currently vacant.

The site is within the Tormohun Conservation Area and is on the edge of the designated Town Centre (Torquay).

The Proposal is to change the use of the building from offices to a holiday hostel (Sui Generis Use).

The use of the building as a holiday hostel is considered appropriate in the context of its central location with good access to shops, services and transport links, in a street with a mixed residential character.

The impact upon local amenity is considered acceptable subject to implementation of the submitted management practices, which establishes maximum guest numbers, on-site management, neighbour notification and expected code of conduct for guests. The application site is in a busy edge-of-town location which itself brings a degree of natural activity and ambient noise, which is a consideration in the determination of the application.

There have been several representations and a split between support and objection to the scheme. Concern includes that it will be a HMO (House in Multiple occupation) by another name and would affect the amenities of the area and adjacent occupiers. Support is focused on the opinion that so long as it is a holiday use then it would enhance Torbay's holiday sector.

Subject to conditions on use, management and operation, and a register of occupancy, the proposal is considered acceptable being an appropriate tourism related use within a central location.

### **Recommendation**

Conditional approval; Subject to a monitoring fee achieved via an upfront payment or secured via a S106 legal agreement.

### **Statutory Determination Period**

8 weeks / Extension of time agreed until 12.02.2016 to allow the application to be considered by the Development Management Committee.

### **Site Details**

The application site is a substantial semi-detached Victorian property set on the north side of Morgan Avenue (Torquay) opposite the Central Church. The building has a residential character but has previously been used for offices.

The site is outside but adjacent to the identified Town Centre in the Torbay Local Plan. It sits in the boundary of the Tormohun Conservation Area and is within a Community Investment Area as designated within the Torbay Local Plan.

The building is set behind a low stone frontage with a small amount of space between it and the public highway. To the rear there is parking laid over an expanse of hardstand up to the conservatory that sits off the rear, which is accessed off Higher Union Lane.

There are three floors of habitable space with rooms present in the roof

### **Detailed Proposals**

The proposal is for the change of use of an existing building from offices to a holiday hostel.

The proposed layout details 10 rooms for occupancy, which includes a managers' room on the second floor and a staff occupancy room for live-in cleaners.

It is proposed that there would be 3 double bedrooms, 3 family rooms each containing a double bed and two sets of bunk beds, and 2 dormitories each with 3 sets of bunk beds. In addition there would be a managers bedroom and a staff bedroom that would accommodate 4 members of staff.

The application is accompanied by a management and operations plan that details ownership and management, general operations and a code of conduct for guests.

### **Summary Of Consultation Responses**

*Community Safety Officer:* The general character of the use could potentially impact on the adjacent premises and immediate area through late night gatherings around the building and resultant noise and nuisance from this. Good management is likely to permit the business to co-exist with its neighbours

without undue harm to amenity.

It is recommended that a management plan be a condition to any grant of consent and that the condition should require this to be regularly reviewed in conjunction with the Local Planning Authority in order to provide a format to address any apparent impact.

*Housing Officer:* Suggest that if granted the permission should restrict occupation for no longer than a defined time. 90 days is often referred to as a tipping point for permanence of occupation, others leave it up to interpretation. It is noted that a person staying somewhere when they have no other address is classed as occupying residentially regardless of length of stay. It is advised that some form of evidence that a person 'lives' elsewhere such as requiring the manager to keep a record of occupants permanent address and contact details.

### **Summary Of Representations**

There have been several representations that offer both support and objection to the scheme.

Concern includes that it is a HMO (House in Multiple occupation) by another name and the use would affect the amenities of the area and adjacent occupiers. Support is focused on the opinion that so long as it is a holiday use then it would support and enhance Torbay's holiday sector.

These representations have been sent electronically for Members consideration.

### **Relevant Planning History**

None.

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

The main issues are:

1. The Principle of the proposed use
2. Tourism policies / impact
3. Impact upon local amenity and management of the premises
4. Highway and parking impact

#### **1. The principle of the proposed use**

The proposed use is considered an appropriate use for the building.

Morgan Avenue is largely residential in character with a mix of single dwellings, sub-divided buildings offering flats, holiday flats, guesthouses, houses in multiple occupation and hostels. The proposed use of the building as a holiday hostel will sit comfortably in the locality where there is a mixed occupancy and residential character within the street.

In regard to the wider context the proposed use is also considered complimentary to the Town Centre, which it sits close to. The use will provide a degree of employment through its management and general upkeep, which supports the role of the town centre as a focal point for employment and economic uses. The use will support the viability and vitality of the Town Centre by locating holidaymakers in a sustainable central location close to shops, services and attractions.

The site lies within a Community Investment Area (CIA) and Policy SS11 (Sustainable Communities) outlines that proposals that regenerate or lead to the improvement of social, economic or environmental conditions, particularly in CIAs, will be supported. The proposed use is considered comfortably aligned with the Policy aims of SS11.

The proposed use is considered to sit comfortably in the context of the street and town centre, and Community Investment Area.

## 2. Tourism policies / impact

The provision of a tourist accommodation is a key factor and Local plan Policy infers that the provision of holiday accommodation (subject to other policies) is generally supported. Policy TO1 (Tourism, events and culture) identifies that the development and growth of tourism accommodation and facilities should be encouraged, and the provision of a holiday hostel is considered compliant with the broad goals to develop and expand this important sector of Torbay's economy.

Representations largely support the notion of providing holiday accommodation however objection is also raised citing that this is a House in Multiple Occupation (HMO) by the back door. The proposal is not for an HMO and proposed conditions will prevent any use as an HMO.

Subject to conditions that provide clear parameters for the holiday occupancy of the building and its appropriate management, the proposed use is considered to sit comfortably in the context of the street and town centre and is aligned with Local Plan Policy TO1 .

## 3. Residential Amenity

The proposal is considered acceptable in terms of its impact upon local amenity.

The proposed use is considered to be comfortably aligned with the mixed residential character in the locality where there are guest houses, dwellings, flats, HMOs and hostels present.

The impact upon adjacent occupiers is a key material consideration and Community Safety have noted that a holiday use such as this may result in late night gatherings outside of the building that may harm local amenity by way of

noise and disturbance.

The application is supported by a management and operations plan for the building that seeks to provide the controls for a neighbourly operation with limited impact. The proposals include maximum occupancy numbers and the level of staff, including a live-in manager, the closure of the kitchen and conservatory areas by 11pm, a code of conduct for guests and implications for disruption or poor behaviour. The statement also identifies that neighbours within a 50m radius will be provided with contact details of the management.

Community Safety have advised that good management is likely to permit the use to co-exist with its neighbours. Officers have recommended that any grant of permission should be subject to a condition on the operation of a management plan and importantly this should include a process of review with the Local Planning Authority in order to provide opportunity to respond and act on any apparent issues with the operation and its impact.

As the building is within a relatively central location and in an area with a mixed form of occupancy, harm to local amenity is likely to be limited. The internal use of the building is unlikely to present undue impact and there is very limited outdoor recreational area, which is likely to limit the potential for external noise and nuisance.

The proposal is not considered to result in any significant detriment to neighbouring amenity and is considered an appropriate use.

The proposal is considered to comply with Policy DE3 (Development Amenity) of the Torbay Local Plan.

#### 4. Parking and movement

The proposal is considered acceptable in terms of the highway and parking impacts.

The proposed use is considered likely to generate less vehicular movement in and around the site due to the suggested nature of the business. Back-packers are likely to choose public transport to move from destination to destination and hence the use is likely to be largely car-free environment in terms of its guests.

With the pressure on parking likely to be reduced compared to the current office use the proposal is considered acceptable in terms of its highway and movement impact.

#### **S106/CIL -**

As the use is considered to require ongoing monitoring by the Local Planning Authority it is recommended that a monitoring contribution is secured prior to the grant of permission via an upfront payment or signed S106 legal agreement.

Monitoring Fee: £500

### **Conclusions**

In conclusion, subject to the provision of an on-site resident manager, a 3-month limit on occupancy, the provision of a register of occupancy to be made available for inspection by the Local Planning Authority when requested, and enactment of the submitted management plan, the proposal is considered acceptable in relation to Local Plan policies, being an appropriate tourism related use and without detriment to the Town Centre, residential amenity or highway safety.

As the use is considered to require ongoing monitoring by the Local Planning Authority it is recommended that a monitoring contribution is secured prior to the grant of permission via an upfront payment or signed S106 legal agreement.

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

01. The managers bedroom within the building, as indicated within the plans hereby approved, shall at all times remain occupied by a resident manager or person/persons in charge of and responsible for the operation of the holiday hostel at all times.

02. The use of the building hereby approved shall at all times be for holiday purposes only. The building shall not be occupied for more than three months in any calendar year by any individual occupant, group of individuals or family and shall not be occupied as a main place of residence. The owner, manager or person/person's in charge of the building and responsible for the operation of the holiday hostel shall at all times maintain an up to date register of the details of all occupiers, including names and main home addresses, which shall be made available for inspection by the Local Planning Authority at all reasonable times.

03. The holiday hostel shall be run strictly in accordance with the Management and Operations Plan hereby approved, which shall be formally reviewed by the operator in conjunction with the Local Planning Authority every two years from the date of the grant of planning permission, unless otherwise submitted to and approved in writing by the Local Planning Authority.

### **Relevant Policies**

SS11 Sustainable Communities Strategy  
TO1 Tourism, events and culture  
TC1 Town Centres  
DE3 Development Amenity