

Application Number

P/2011/1201

Site AddressSeaford Hotel
2 - 4 Stafford Road
Paignton
Devon
TQ4 6EU**Case Officer**

Mr John Burton

Ward

Roundham With Hyde

Description

Conversion of former hotel to 9 residential apartments with vehicle access

Executive Summary/Key Outcomes

The proposal is to bring back into economic use a building that has sat un-used for some years now. The building has become run down and suffers from several unsympathetic extensions and alterations. The building has also been damaged by water ingress. The proposal seeks to improve the appearance of the property whilst providing residential accommodation. This would clearly benefit the visual amenities of the area and would be beneficial to the amenities of neighbouring properties. However, the application does propose the retention of some of the existing large box dormers.

The use proposed involves residential use of a property that was previously used as a hotel and which sits within a P.H.A.A. This means that the proposal would have to be judged against policy TU6 and the Revised Guidance on PHAA's. The revised guidance identifies the site as being one where residential use may be considered as an appropriate alternative to holiday accommodation.

The site lies within a residential street and is the only holiday use remaining. The street is off of the main Sands Road and not within the main promenade of hotel and holiday uses. Given previous decisions made in respect of the loss of holiday accommodation on appeal, it is clear that the Revised Guidance on PHAA's should be given due weight, and when added to the visual improvements proposed, the location of the hotel and the negligible impact of a change of use on the limited holiday character of this particular locality, this indicates that the proposal can be recommended for approval.

However, the property does lie within a high flood risk zone, and the Council will need to be certain that the proposal is acceptable in this regard. The further views of the Service Manager (Drainage and Structures) has been sought and will be reported to Members.

Recommendation

Committee site visit; subject to the views of the Environment Agency on potential flood risk and the Service Manager (Drainage and Structures) regarding the submitted Flood Risk Assessment and subject to the signing of a s106 legal agreement within 6 months of the date of this committee in terms acceptable to the Executive Head of Spatial Planning, conditional approval (conditions listed at the end of this report).

Site Details

Former hotel property, not used for a number of years, at the end of Stafford Road, immediately adjacent to Queens Park recreation ground.

Detailed Proposals

Permission is sought to convert the hotel into 7 residential apartments and alter the existing/previous owners' accommodation to provide 2 extra units. This means that 9 residential units are proposed in total. 9 off-street car parking spaces are shown to serve the units. The external elevations of the building are shown as being altered so that some of the unsympathetic alterations and extensions can be removed.

Summary Of Consultation Responses

Drainage and Structures: Requires a Flood Risk Assessment before planning permission can be granted. (This has now been submitted, but yet too be checked and verified).

South West Water: No objections

Highways Authority: Observations awaited

Environment Agency: Observations awaited.

Arboricultural officer: No objections in terms of the impact upon Queens Park.

Summary Of Representations

One letter of representation has been received. Whilst it supports the general principle of renovating the building, it seeks assurances that there will be no overlooking. This is reproduced at Page P.201.

Relevant Planning History

Various applications for small scale extensions to the hotel in the 'eighties and 'nineties, but the only application more recently has been one which sought the demolition of the site and its replacement with a block of 10 residential units. This was dealt with under P/2011/0010. That application was however withdrawn, primarily because it was proving difficult to agree the design.

Relevant planning policy

H3 Residential accommodation in town centres.

TU6.11 Paignton seafront (South), Principle Holiday Accommodation Area.

CF6 Community Infrastructure Contributions

CF7 Education contributions.

EP6 Derelict and under-used land
EP11 Flood control
BES Built environment strategy
BE1 Design of new development
T25 Car parking and new development

Key Issues/Material Considerations

Principle and Planning Policy - loss of holiday accommodation

The property was a medium sized hotel situated within a Principle Holiday Accommodation Area, as defined by policy TU6.11 of the Saved Adopted Torbay Local Plan. As originally approved by the Council, the purpose of this policy was to resist changes of use away from holiday accommodation where that change would be detrimental to the character and function of the Principal Holiday Accommodation Area. This usually resulted in refusal to grant planning permissions to change uses from holiday accommodation to permanent residential occupation.

Recent changes in holiday trends have led the Council to re-examine and re-interpret the policy in order to ensure that it is up to date, clear and gives a degree of flexibility in the current economic climate. The Council's adopted Tourism Strategy (2009) recommends a reduction in small and marginally located accommodation and the promotion of the best areas as Core Tourism Development Areas. Last year, the Council adopted a revised interpretation of the PHAA policy. Although the Revised Guidance does not form part of the LDF or Local Plan and as such does not carry the same weight, it is capable of constituting a material consideration.

Legal advice has indicated that Policy TU6 of the Saved Torbay Local Plan and TO1 of the Saved Devon Structure Plan remain the relevant development plan policies. Section 38 of the Planning and Compulsory Purchase Act 2004 indicates that applications should be determined in accordance with the development plan unless material considerations indicate otherwise. Therefore the tests in Policy TU6 (a) - (d) should be a starting point when determining applications for proposals affecting PHAAs.

Policy TU6 states clearly that applications involving the loss of holiday accommodation within an identified P.H.A.A. should be tested against 4 key criteria and that they may be permitted where the following criteria apply:-

- a) the premises lack an appropriate basic range of facilities and do not offer scope or potential for improvement, thereby failing to meet the reasonable requirements of the tourist;
- b) the premises have restricted bedspace capacity, having a limited number of bedrooms (if serviced) or apartments (if self-catering);
- c) the loss of the premises would not be to the detriment of the holiday character

of the particular locality, nor set an unacceptable precedent in relation to the concentration and role of nearby premises; and

d) the proposed new use or development is compatible with the surrounding tourism related uses and does not harm the holiday character and atmosphere of the PHAA.

The applicant has submitted supporting evidence that indicates that all 4 of the above criteria can be met. This site has not been in use as a hotel for some time now, and due to water ingress, has fallen into some disrepair. It is accept that it would not make economic sense to try and refurbish the existing building and continue with the holiday use. The Council should not look favourably upon sites where the owner has deliberately allowed the building to become run-down and damaged through lack of repair and general neglect. This will rarely be a justifiable reason by itself for allowing a redevelopment. However, it is clear that the Seaford Hotel is/was very limited in terms of the facilities it could offer, with small letting bedrooms and few ancillary facilities that would make it attractive in an increasingly competitive market. Despite its good central location, close to transport links, town centre facilities and the beaches, the site is located away from the main PHAA areas in the vicinity. There appears to be little room for improvement of the hotel in order to make it a viable concern. On this basis, residential use would appear to be a more appropriate alternative.

Members have now considered many similar applications throughout 2011. Following these considerations, the Council has looked again at its policy in relation to PHAA's. A paper was presented to and agreed by the 'Place Policy Development Group' of the Council and subsequently presented to Full Council on July 13th 2011. The recommendation was that the revised guidance on the interpretation of policy TU6 (March 2010) be withdrawn pending review as part of the emerging Local Development Framework core strategy and that the Council should rely upon policy TU6 of the Saved Adopted Local Plan for the determination of applications in PHAA's. However, this motion was defeated, confirming that the Revised Guidance was still in force.

Since that time, determination has been made of 3 appeals at the Belvedere Holiday Flats, all of which were refused at the April 2011 meeting. The Inspector allowed the appeals against the Council's decision to refuse a variation to the restrictive condition in order to allow residential use. In reaching his decision the Inspector concluded that the Revised Guidance on PHAA's should be given considerable weight in determining the appeals.

Design

This proposal allows the original Victorian building to be saved and improvements to its current appearance are proposed. It is now in a state of disrepair. The site is very visible from within and across Queens Park and as such any proposal involving the improvement of this building would provide a better and more suitable backdrop to the open space of the Park and the public

realm in general. The main external alterations proposed include

- The provision of a paved patio area on the western side of the property in lieu of the existing conservatory;
- Alterations to the fenestration pattern facing Queens park on the northern elevation (some removed some added);
- New balconies on the northern elevation facing Queens Park.

It is considered that the changes outlined above would significantly improve the appearance of the building, particularly the loss of the conservatory.

Officers have considered further improvements such as the loss of the unfortunate box dormer on the western elevation. The applicant has responded to state that he does not wish to remove the dormer on the eastern elevation because this would be challenging and expensive (see his letter reproduced at page P.201. However, it is the dormer on the western elevation that causes greater concern. The applicant will be asked about this again and his response reported to Members at their meeting. Officers consider it would be beneficial if the dormer could be removed. However, it is important to realise that this dormer is existing, not proposed and as such it may be difficult to argue that its imposition affects the appearance of the proposed scheme such that refusal on this ground would be justifiable.

Flood Risk

The property is situated within flood risk zone 3a, albeit right at the very edge of this zone. The risk here is primarily from flooding by the sea. Whilst this would not preclude conversions, the Council will need to be certain that the proposal would not be likely to lead to life being endangered. The applicant has submitted a Flood Risk Assessment and this is currently being evaluated by the Council's Service Manager (Drainage and Structures). His advice on the matter will be reported to Members. The basement and ground floor levels would be particularly vulnerable, but there may be some allowance against the fact that the hotel had accommodation at these levels. The views of the Environment Agency have also been sought and these will be reported to inform Members' decision making process.

Impact on neighbouring properties.

The main impact would arise from overlooking and potential disturbance. However, it is important to realise that this was a 22 bed hotel with owners' accommodation. It is proposed to create 9 residential units. Although the nature of residential accommodation would be likely to lead to more concentrated use, the reduction in units from 22+ to 9 is highly likely to result in a reduction of human activity. No new windows are proposed on elevations that would lead to increased overlooking as all the new windows face Queens Park.

Parking and access.

This is considered to be an area where the council should be prepared to relax its normal standards as given in the Saved Adopted Local Plan. This is because it has a central location close to the town centre, bus and rail routes and general facilities required for residential living. Therefore, parking at a ratio of 1:1 is considered appropriate. The use of the property as a 22+ bedroom hotel should have provided a minimum of 22 off street parking spaces to standard, and in reality there are about 7 spaces at the rear available for use.

As such the previous authorised use had a large shortfall on provision to standard. This, taken into account along with the site's location, means that the proposal is considered to be acceptable with a level of parking at a ration of 1 space per unit. Nevertheless, the observations of the Highway Authority, are still awaited and will be reported to Members.

Planning Obligation under s106 of the Act.

Planning contributions are sought in line with policy CF6 of the Saved Adopted Torbay Local Plan and Adopted Supplementary Planning Document LDD6 ('Planning Contributions and Affordable housing: Priorities and Delivery'). This was originally adopted in May 2008, but has now been examined again and re-interpreted in the light of the current severe economic problems faced by this country, in order to ensure that it is up to date, clear and gives a degree of flexibility in the current economic climate. The 'Planning contributions and affordable housing supplementary document, update 3: Economic recovery measures', was adopted by the Council in April 2011. It is therefore appropriate to evaluate the amount of the required 'developer contribution' in line with this adopted revision to the policy. The amount of contribution due would be based upon the floor space to be created in each unit. Contributions would be due for the following items. Waste management, sustainable transportation, education (primary only), lifelong learning and greenspace/recreation.

Category 1 (45 – 54 Sq. M.)

Municipal waste and recycling	£ 50.00
Sustainable transportation	£1260.00
Education (primary only)	£ 0.00
Lifelong learning	£ 160.00
Green space and recreation	£ 550.00

TOTAL £2020 x 2 units = £4040.00

Category 2 (55 – 74 Sq. M.)

Municipal waste and recycling	£ 50.00
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Sustainable transportation	£1720.00
Education (primary only)	£ 410.00
Lifelong learning	£ 220.00
Green space and recreation	£1120.00

TOTAL £3520 x 3 units = £10560.00

Category 3 (75 – 94 Sq. M.)

Municipal waste and recycling	£ 50.00
Sustainable transportation	£2350.00
Education (primary only)	£ 830.00
Lifelong learning	£ 300.00
Green space and recreation	£2050.00

TOTAL £5580 x 3 units = £16740.00

This gives a total contribution due of (£4040 + £10560 + £16740) = **£31,340.**

Conclusions

The proposal makes good use of an urban brownfield site, and would give life to a potentially good looking Victorian building. Whilst it is not Listed and is not situated within a designated Conservation Area, improvements and refurbishment of this property should be encouraged. This application does this to some extent. Although the proposed use would result in the loss of a hotel situated within a defined PHAA, the Revised Guidance on PHAA's would allow such a change of use. The importance of the revised guidance has been clarified on recent planning appeal decisions. The parking situation would be improved over that which currently exists (or which existed when the property was last used). All these factors indicate that the proposal should be encouraged and the recommendation is therefore one of approval.

Condition(s)/Reason(s)

01. The development hereby approved shall not be commenced until details of the colour type and texture of all of the new external materials, including hard-surfaced areas, to be used in the conversion of the property have been submitted to and approved by the Local Planning Authority.

Reason To allow the Local Planning Authority to assess this element of the proposal and ensure that the works of conversion do not prejudice the appearance and character of the existing building, and the area in general in accordance with policies H4, BES and BE7 of the Saved Adopted Torbay Local Plan.

02. The property shall be converted entirely in accordance with the conclusions and recommendations contained in paragraph 5.0 of the Flood Risk Assessment dated November 8th 2010.

Reason The property lies within flood risk zone 3a and there is therefore a risk of flooding. The conversion will therefore need to be carried out as recommended in order to meet the requirements of Planning Policy Statement no. 25 (Development and Flood Risk), and to ensure accordance with policies EPS and EP11 of the Saved Adopted Torbay Local Plan.

03. The development hereby approved shall not be used or occupied until all of the car parking areas and access thereto shown on the approved plans have been provided and made available for use, or to a stage previously agreed in writing with the Local Planning Authority. The car parking areas shall be kept permanently available for parking purposes to serve the development at all times thereafter.

Reason To ensure that adequate off-street parking and access thereto is provided and kept permanently available for use, in accordance with policy T25 and T26 of the Saved Adopted Torbay Local Plan, in the interests of highway safety, and in order to protect the residential amenities of the neighbourhood.

Relevant Policies