

**Application Number**

P/2013/0112

**Site Address**

Unit 10 Sunhill Apartments  
19 Alta Vista Road  
Paignton  
Devon  
TQ4 6DA

**Case Officer**

Mr Alistair Wagstaff

**Ward**

Roundham With Hyde

**Description**

Removal of condition 1 to application P/2003/0571/PA and condition 1 to application P/2004/0038/PA to change from holiday let to residential permanent use.

**Executive Summary/Key Outcomes**

This is an application to vary a planning condition to allow permanent residential occupancy of a holiday flat within a block of 12 holiday apartments all other units have been approved to allow permanent residential uses.

**Recommendation**

Approval

**Statutory Determination Period**

8 weeks due 29th March 2013

**Site Details**

Block of 12 holiday apartments situated on the south side of Alta Vista Road. Specifically this application relates to unit 10 of the flats.

**Detailed Proposals**

Permission is sought to vary conditions of the original planning applications

(P/2004/0038) and (P/2003/0571) for the holiday apartment to allow unit 10 of the flats to be used as unrestricted residential dwelling.

### **Summary Of Consultation Responses**

*Natural Environment Services:* These funds should be allocated to Roundham Cliff Gardens which is within the required distance.

This would go towards the development of a grounds maintenance management plan specific to the Cliff Gardens. This management plan will then be used for the development and enhancement of the Cliff Gardens

### **Summary Of Representations**

None yet received (verbal update to be given to Committee)

### **Relevant Planning History**

P/2003/0571	Alterations and Conversion of Part Of Hotel to Form 6 Holiday Units (Phase 1) Approved 16th July 2003
P/2004/0038	Alterations an Conversion of Part of Hotel to Form 6 Holiday Units (Phase 2) Approved 25th February 2004
P/2010/1245	Change of use from holiday to residential at unit 5 Vista Apartments. (Next Door to this Application) Approved 13 April 2011.
P/2010/1364	Change of use from holiday to residential at unit 15 Vista Apartments. (Next Door to this Application) Approved 13 April 2011.
ZP/2010/0322	Pre Application Enquiry 11 Sunhill Apartments Holiday Use to Permanent Residential. Likely to receive favourable consideration 10 August 2010
P/2011/0271	Change of Use from Holiday Use to Residential Use Flat 11 Sunhill Refused 26th September 2011
P/2011/0215	As above Flat 2
P/2011/0437	As above Flat 3
P/2011/1202	Change of use Flat 2 Sunhill Approved 13 December 2011
P/2011/1197	As above Flat 3
P/2011/1192	As above Flat 11
P/2012/0396	As above Flats 1, 4, 5, 6, 7, 8, 9, 12

Relevant Appeal Decisions :

APP/X1165/A/11/2154771 Goodrington Lodge Alta Vista Road Variation of

Condition to allow permanent Residential Occupancy Appeal allowed 30th September 2011. Conclusion - The proposal would not harm the character or function of the PHAA.

APP/X1165/A/11/2155002, 2154467 and 2156709 Belvedere, Marine Drive, Paignton. Variation of Condition to allow permanent Residential Occupancy. Appeals Allowed 30th September 2011. Conclusions - The proposals would not harm the character of function of the PHAA

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

The starting point for consideration is the fact that the property is a medium sized block of holiday flats situated within a Principle Holiday Accommodation Area, as defined by policy TU6.9 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.

This policy 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 premises, are not all in the same ownership and all the other units in the block have already been approved for permanent residential use so there is little scope for improving the holiday facilities. It is also deemed that the single apartment has restricted bedspace capacity as a single unit.

There is a mix of holiday and residential uses in the area and therefore there is

not an overall strong holiday character. The principle of converting these units from holiday to residential has already been established and as such it is considered to be acceptable.

It is considered that a change from holiday to residential is unlikely to impact on the holiday character and atmosphere of the area as the single apartment has a limited functionality as holiday accommodation.

Suitable on site parking is available to accommodate the residential units and is located to the rear of the premises and accessed via a driveway to the side elevation.

It is therefore considered that the proposed change would meet all the test criteria of Policy TU6.

As a result of recent changes in holiday trends and more importantly the recent severe economic problems, policy TU6 has been examined again and re-interpreted to ensure that it is up to date, clear and gives a degree of flexibility in the current economic climate. The "Revised Guidance on the Interpretation of Policy TU6 (Principal Holiday Accommodation Areas)" (March 2010) sets out a traffic light based approach whereby PHAAs were colour coded into 3 areas. This site sits within Roundham Road PHAA which was identified as a green area. Para 3.17 of the Revised Guidance states that in these areas, the change of use of serviced accommodation with fewer than 50 letting bedrooms or holiday apartments is likely to be considered to meet the criteria in Policy TU6, so long as they don't offer particular facilities of importance to the resort. In other words there is a presumption that residential use will be acceptable.

The other key consideration is whether the unit provides a satisfactory environment for permanent residential occupation. In this instance the proposed unit offers a good standard of residential accommodation. In view of this fact and the other approval in place at this property the proposed residential occupancy of this unit is considered to be acceptable.

**Principle and Planning Policy -**

Saved Adopted Torbay Local Plan 1995 to 2011

Policy TU6 Principal Holiday Accommodation Area

Policy CF6 Community Infrastructure Contributions

Policy CF7 Education Contributions

**Economy -**

Potentially would result in permanent occupancy contributing to vibrancy.

**Closing the gap -**

No Change

**Climate change -**

Use of existing property

**Environmental Enhancement -**

No external alterations

**Accessibility -**

No Change

**Vibrant Town Centres -**

Permanent residents will use the town centre

**S106/CIL -**

If Members were minded to approve this application consideration should be given to the need for a planning obligation under s106 of the Town and Country Planning Act to offset the costs that would arise from this proposal.

In line with Government advice, sound economic principles and principles of sustainable development, the Council has decided that the true cost of any development should be realised by the development itself without becoming a burden upon the Local Authority or its Council Tax payers. To this aim, the Council has now adopted policy in line with Central Government legislation and advice from the Government Office for the South West which provides justification for this approach and levels of payments that would be sought in relation to specific developments. This is detailed in Adopted Supplementary Planning Document LDD6 ('Planning Contributions and Affordable housing: Priorities and Delivery') and subsequent updates. The result of this assessment is that the following contributions will be required;

**FINANCIAL CONTRIBUTION:**

Waste Management	£0
Sustainable Transport	£0
Lifelong Learning	£0
Greenspace and Recreation	£380 (Included 50% discount for change of use from Holiday Accommodation to Residential)
Education	£0

South Devon Link Road	£1,720 (please note the figures above have been reduced down to allow this contribution as per Planning Contribution SPD update 4 requirement)
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Total	£2,100
5% Administration fee	£ 105

**TOTAL FOR DEVELOPMENT**     **£2,205**

5% Discount for early payment = £110    £2095 payable as an up-front payment

Due to the limited remaining fund once the South Devon Link Road has been deducted (£380) this amount had been allocated to sustainable transport measures and green space and recreation, however Sustainable Transport have confirmed that the amount available is insufficient to fund any measures as such this amount has all been re allocation to green space and recreation.

### **Conclusions**

When this proposal is tested against policy TU6 of the Saved Adopted Local Plan, the revised guidance on this policy and the recent appeal decisions, it is considered to meet the criteria for conversion and would not cause demonstrable harm the character or function of the PHAA.

### **Informative(s)**

01. Town and Country Planning (General Development Procedure) (Amendment) Order 2003.

The proposed development has been tested against the following policies of the Development Plan and, in the opinion of the Local Planning Authority, is not in conflict with the following policies:

TU6, CF6 & CF7

### **Relevant Policies**

TU6    Principal Holiday Accommodation Areas  
CF6    Community infrastructure contributions  
CF7    Educational contributions