

**P/2011/0202/VC**

**Roundham With Hyde Ward**

**9 Roundham Road, Paignton**

**Removal of condition 1 to application P/2000/1186 to allow permanent residential use**

### **Site Details**

Block of holiday flats on the eastern side of Roundham Road set in an elevated position from the road frontage. The property was formerly an hotel (The Charlton Lodge Hotel) and was granted planning approval for conversion into holiday flats in 2000.

### **Relevant Planning History**

P/2000/1186 Change of Use from Hotel to 8 Holiday Flats and owners accommodation. Conditional Approval 13 December 2000

ZP/2010/0718 Pre Application Enquiry Conversion from holiday occupation to residential. Likely to be approved

Other similar applications seeking residential use of holiday properties at the following addresses are also on this agenda:-

1 at Belvedere, Marine Drive,

Nos 2, 3 and 11 at Sunhill Apartments, Alta Vista Road

1 at Carlton Manor, Roundham Road,

1 application (10 units) at Goodrington Lodge, Alta Vista Road.

1 application (11 units) at 5 Colin Road

### **Relevant Policies**

Saved Adopted Torbay Local Plan, relevant policies

TU6 (PHAA)

CF6 (Community Infrastructure Contributions)

CF7 (Education contributions)

Also relevant are:-

Revised guidance on PHAA's adopted by the Council in March 2010 (Report no. 73/2010), and

LDD6 (Planning contributions and affordable housing) adopted April 2008, and the subsequent update (mitigation and clarification) paper of June 2010.

### **Proposals**

Permission is sought to remove a restrictive condition to allow residential occupation at Flat 1 which is currently a holiday flat controlled by condition on the original approval. The condition states that 'The accommodation hereby approved shall be used for short-term holiday letting purposes only, and not for permanent residential occupation.' Reason: To ensure that the flats are used for holiday purposes only.

### **Consultations**

Observations Awaited from Carolyn Custerson Chief Executive Residents and Visitors Services

### **Representations**

2 letters of objection (from the freeholder), reproduced at Page P.200.

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

The property is a medium sized block of holiday flats situated within a Principle Holiday Accommodation Area, as defined by policy TU6.12 of the Saved Adopted Torbay Local Plan. The purpose of this policy is 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 results in refusal to grant planning permissions to change of uses from holiday accommodation to permanent residential occupation.

Recent changes in holiday trends has 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, it is capable of constituting a material consideration although would not carry as much weight as the Saved Adopted Torbay Local Plan.

Following consideration of 7 holiday apartments within the Belvedere complex off Marine Drive at April's meeting of the Development Management Committee, it is now clear that applications involving the loss of holiday accommodation first need to be tested against policy TU6. 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 Carlton Manor holiday properties were specifically formed by conversion of the Charlton Lodge Hotel and therefore have been converted recently and to a high standard. The prevailing context of this part of Roundham Road is of a strong holiday character and with many properties in the immediate vicinity being in holiday use. For these reasons it is not considered that the Carlton Manor Apartments would meet all of the above referenced tests.

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. It had previously been Council policy not to charge for such contributions where the amount would have been less than £5000. However, this has now been amended by Full Council at its meeting on 24th March 2011, such that smaller developments must now also contribute to any adverse impacts they may generate, with no minimum threshold for contributions. However, Council also resolved that any such contributions should not be sought retrospectively in relation to live applications such as this one. This current application was received before 24th March and so no Community Infrastructure Contribution would be due for this proposal.

In terms of on site car parking provision the original planning approval for the conversion to holiday flats indicated 10 spaces to the front of the property (controlled by condition). This level of provision is considered to be appropriate for permanent residential occupancy.

**Sustainability** - The proposal is a sustainable one in as much as it creates residential accommodation on an existing brownfield site.

**Crime and Disorder** - Not an issue in this instance as the units are already in existence and the requirement for crime prevention will not alter.

**Disability Issues** - This will remain the same as existing, and so there are no new issues arising from these current proposals.

## **Conclusions**

When this proposal is tested against the relevant policies of the Saved Adopted Local Plan it fails. This is consistent with other decisions relating to holiday properties within P.H.A.A.'s, although some

have been allowed under a different interpretation of the policy, including two in complex next door. On balance, it is considered that the L.P.A. should not continue with decisions that are now thought to be a wrong interpretation of the policy even though that might lead to inconsistencies in the decision making process. It is now clear that proposals which fail to meet the tests of TU6 should be refused on policy grounds. The Carlton Manor Holiday Apartments were specifically formed by conversion of the Charlton Lodge Hotel and therefore have been converted recently and to a high standard. The prevailing context of this part of Roundham Road is of a strong holiday character and with many properties in the immediate vicinity in holiday use. For these reasons it is not considered that the Carlton Manor Apartments would meet all of the above referenced tests.

**Recommendation**

The application should be refused on the basis of failing to meet all of the tests imposed by policy TU6.

**Condition(s):**

01. The proposal to change the use of flat 1 at Carlton Manor Apartments from a holiday home to a residential dwelling is contrary to policy TU6 of the Saved Adopted Torbay Local Plan which seeks to prevent such changes of use within identified Principal Holiday Accommodation Areas (PHAAs) where that change would be to the detriment of the character and function of the PHAA. The Carlton Manor at 9 Roundham Road, is a purposely converted block of holiday flats within the Roundham Road West Paignton PHAA as defined by policy TU6.12. The paper adopted by the Council in March 2010 provides guidance which interprets and clarifies the policy in the light of recent trends and changes to the holiday industry, however, it does not supersede or nullify the primacy of policy TU6. The Council having regard to the revised guidance on PHAA's, consider that the proposal would fail to meet tests (a) to (d) set out in policy TU6, and there are no other change in circumstance that would justify a breach of the adopted policy.