

Application Number

P/2013/0876

Site Address52/54 Belgrave Road
Torquay
Devon
TQ2 5HS**Case Officer**

Mr Scott Jones

Ward

Tormohun

Description

Change of use from hotel to 8 holiday apartments and 2 residential units.

Executive Summary/Key Outcomes

The proposal is the resubmission of a scheme recently approved by the Committee (July 2013). The previous scheme was withdrawn after a positive resolution by the Committee, as the accompanying S106 Legal Agreement could not be agreed within the time period stipulated (the 13 week statutory determination date). The resubmission is unchanged to the previous scheme apart from what are deemed positive visual amendments that had evolved through negotiation. It seeks the opportunity to rectify the matter of the S106. The previous resolution was as follows;

Resolved: Approved subject to:

- i) further improvements to the building (additional windows, roofscape changes, signage and boundary treatment) as set out in the submitted report;
- ii) a holiday use monitoring contribution and clauses pertaining to holiday occupancy and ownership; and
- iii) a Section 106 Legal Agreement, to achieve planning contributions, being completed and signed no later than the 24 July 2013. Failure to complete the Section 106 Legal Agreement by 24 July will result in the application being refused for reasons of the lack of a Section 106 obligation.

As a recap, the scheme seeks the change of use of the building from a 24-bed hotel with residential accommodation at lower ground floor, to that of 8 holiday letting apartments and 2 full residential apartments.

The intention is to provide 2 holiday letting apartments on each of the floors lower-ground through to the 2nd floor (8 in total), with 2 residential flats provided within the 3rd floor at roof level. Physical changes are also proposed, which include removing later additions to the building, replacing the windows, and

altering access at lower ground floor level.

The site lies within the 'red core' area of the Principle Holiday Accommodation Area (PHAA), where the retention of serviced holiday uses is the clear objective of both the policy and the revised guidance on PHAAs.

In terms of use, the proposal is considered to provide an acceptable alternative to the current holiday offer provided by the site and was subject to a viability assessment that was accepted following assessment by the TDA. The proposal offers the continuation of sole ownership and management of the holiday units and the restricted occupancy of the 8 units as holiday accommodation.

The visual alterations detailed have evolved following the resolution of the Committee and point (i) of the resolution is largely considered satisfied, with further improvements to the roofscape and elevations achieved. Outstanding is the desire for improved boundary treatment and revised signage for the new holiday offer. Subject to these the impact upon the built environment is positive and substantive enough to support the change of use on wider policy grounds.

Sustainable development planning contributions should be attained as per the sums outlined within this report, to offset the impact upon local infrastructure.

Recommendation

Conditional Approval; Subject to the improvements to the boundary treatment and revised signage for the building; subject to planning conditions to include those laid out within this report and; subject to a S106 Legal Agreement to achieve planning contributions, a holiday use monitoring contribution and clauses pertaining to holiday occupancy and sole ownership of the holiday flats.

It is recommended that the application is refused for lack of a s106 agreement if the agreement is not completed and signed by or before 21st November 2013.

Statutory Determination Period

13 weeks / 21.11.2013

Site Details

The site is 5-storey hotel set in a prominent corner plot at the junction of Belgrave Road and Falkland Road, with 3 principle storeys and additional rooms at lower ground floor and roof level. The building is Victorian, double width (being the combination of buildings 50 and 52), with stucco/rendered elevations. Modern mansard and flat-roofed dormer additions are present in the roof and lean-to additions sit at ground floor adjacent to Falkland Road.

The site sits within the Belgravia Conservation Area and is identified as a key building and part of an important building group within the associated character appraisal.

The building is also within the Belgrave Road PHAA (Principal Holiday Accommodation Area) and the "Red Core Area" as detailed within the 2010 revised guidance of PHAAs. It also sits close to the Belgrave Road / Lucius Street Local Centre and at an axis junction with good links to Torquay Town centre and Torre Abbey Sands and the wider promenade.

Detailed Proposals

Change of use from a 24-bed hotel with residential accommodation at lower ground floor to 8 holiday letting apartments and 2 residential apartments.

The submission is for 2 holiday letting apartments on each of the floors lower-ground through to the 2nd floor (8 in total), with 2 residential flats provided within the 3rd floor at roof level. The scale of the apartments is a mix of one and two bedroom.

Aside the change of use a number of physical changes are proposed, which include the removal of two lean-to structures at ground floor level adjacent to Falkland Road, removal of the stainless steel flue that runs up the corn of the building, formation of doorways at lower ground level to the front and rear, and the replacement of timber sash windows with Upvc sliding sash windows throughout. The reintroduction of windows within the Falkland Road ground floor elevation have been included since the committees previous resolution, as has alterations to the scale and form of the existing dormers within the roofscape.

Summary Of Consultation Responses

Highways/ Strategic Transport: Given the insufficient car parking on site (or off site) and inability to even provide 1 dedicated space per unit proposed, this application should be refused. However in the event that the application is permitted, then:

- An allocated parking space for each residential unit should be provided,
- Covered and secure cycle parking should be available for up to 10 cycles – this would serve both the permanent residents as well as the holiday visitors either bringing their own cycles or hiring them locally and link into the existing or planned local cycle network
- An SPD contribution is required for £10,608 that will be used towards improving local cycle links and connections to the harbor cycle route, and the Torre-Town Centre route enabling both the permanent and temporary occupants of the property to benefit from using sustainable transport for everyday trips.

Conservation: Previous verbal advice offered that the removal of the lean-to structures and flue are positive enhancements, however window openings should be (re)formed within the exposed areas to either side to reinstate balance

and detail to the side elevation. The replacement of timber sash windows with Upvc on a like-for-like basis sits comfortably with Policy guidance. Endorse improvements to the roofscape if at all possible. The scheme has responded to the desire for reintroduced windows and positive revisions to the roofscape.

Summary Of Representations

No representations have been received. The previous submission had one letter of representation detailing that the existing plans fail to show a mutual fire escape shared with the adjacent 'Lancaster Flats' and the proposed plans fail to show how this facility is to be maintained as the owners/occupiers benefit from a easement over for emergencies. The implications upon the adjacent property should be considered.

Relevant Planning History

Applications:

P/2013/0254	Change of use form hotel to 8 holiday letting apartments and 2 residential flats - resolved to be approved / Withdrawn
P/1988/2078	Alterations and Construction Of Pedestrian Bridge Between Front Terrace And Lounge Areas - PER - 03/11/1988

Pre-Applications:

ZP/2005/0678	Conversion from Hotel to Residential - REF - 29/07/2005
ZP/2012/0379	Use as holiday lets and residential use on top floor - REF – 21/11/2012

Development Enquiries:

DEP/2012/0310	Change of use to HMO - WDN - 03/08/2012
DEP/2012/0343	Change to use away from hotel - REF - 03/08/2012
DEP/2012/0378	Use as long term hotel - over 28 days to 1 year plus - REF – 31/10/2012

Key Issues/Material Considerations

Impact upon the PHAA:

As a hotel located within a defined PHAA where there is a change of use proposed, Policy TUS (Tourism Strategy) and TU6 (Principal Holiday Accommodation Areas) of the Saved Local Plan apply.

Policy TUS identifies the broad aspiration that holiday accommodation within PHAAs should be retained.

Policy TU6 seeks to resist changes of use of existing holiday accommodation which are to the detriment of the character and function of the PHAA. The policy states that the loss of holiday accommodation or important tourism-related facilities may, however, be permitted within PHAAs 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 accommodation) 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.

Revised guidance on the interpretation of Policy TU6 (2010) and "Red Core" areas, offers more specific guidance. The review outlined that the "Red Core" areas were the foundation of the holiday areas and it is essential that holiday use and character is maintained and enhanced. In such areas the Authority is to seek to encourage and retain serviced accommodation and the conversion of serviced accommodation to residential apartments should only be permitted where viability has shown a holiday/leisure use not to be viable. In all events replacement uses should be compatible with the tourism character.

The proposal, in this instance, seeks the conversion of a 24-bed hotel with one integral residential unit to 10 residential units, albeit that 8 of the units are proposed to be restricted by a holiday occupancy clause as they are described in the proposal as "holiday apartments". In regard to policy the key test is whether viability shows that the current hotel use cannot be sustained, and whether the revised holiday use sustains or enhances the role or character of the holiday area.

The applicant had supplied information in respect to viability, which has been ratified by the TDA. As a summary the information provided concluded that bringing back the hotel to a usable standard is not viable. On this assumption the merits of the proposed use will be discussed below.

The conversion of the building to predominantly offer holiday apartments is considered a suitable alternative use supportive of the holiday character and role of the area. The provision of 2 unrestricted residential units (one net additional unit) on the uppermost floor is considered aligned with pump-priming advice contained within the 2010 update guidance for PHAAs. In both cases this is on the assumption that maintenance of the hotel is not viable.

The downside of holiday apartments is that they are principally residential units with a restricted occupancy clause and as such offer a degree of difficulty in establishing and maintaining a vibrant ongoing holiday offer. This is because there is the potential for the flats to be used as second homes or to be used for residential by the "back door" through breach of the condition.

However, from a planning perspective a restrictive occupancy condition offers a 10 year safeguard against unlawful established uses such as full residential. In addition, the agent has indicated that the business plan is that the building is to be maintained in sole ownership and the holiday flats retained as a single enterprise.

From a planning perspective retaining the units as a single commercial enterprise is far more preferable to the sale of the individual flats. As a single enterprise there is a commercial imperative to develop the business and keep the flats occupied, it is also easier to monitor marketing and occupancy of the units. The agent has been requested to provide a business management statement to that effect, that could be engrained within a planning condition should the proposal be acceptable. A further safeguard that the holiday flats are not to be sold, let or otherwise disposed of can also be written into an accompanying S106 Legal Agreement.

On the conclusion that the continued hotel use is unviable the proposed uses are considered to sit comfortably with tourism policy.

This is subject to restrictions on occupancy, sole ownership of the holiday flats as a single owned/run apartment block, and submission of a revised signage scheme aligned to the revised business. The use restriction should be maintained through conditions and similar clauses engrained within a S106 legal agreement.

Neighbour impacts:

The previously submitted public representation stated that the scheme would impact upon the adjacent business due to no reference being shown to the maintenance of a shared escape route. The layout is one commonly established by mutual arrangement and largely born from the need to meet with building regulations for fire access/egress. The matter of easement is considered a civil matter and not one that the planning system can seek to maintain or protect in this instance.

Visual:

The proposal seeks a number of physical alterations, which are discussed in turn below.

Firstly the removal of the two lean-to additions on the side elevation fronting

Falkland Road is considered a positive move, as the structures are incongruous and visually detrimental to the building's character and appearance. Further amendments have been achieved to reinstate the windows within this section rather than render and make good the area exposed, which is positive.

The proposal also removes the prominent and unsightly stainless steel flue that sits on the outer rear corner elevation. This is a positive outcome for the building's visual character and results from the removal of the commercial kitchen.

On floors lower-ground to the second, it is proposed to replace the original timber sliding sash window stock with Upvc sliding sash windows. Considering Authority planning policy guidance the move is considered acceptable, with limited visual impact and positive thermal and maintenance improvements.

Lower ground floor amendments involve the addition of two doors and the provision of a rear access. Subject to detail on the doors and the steps/railings the proposal are unlikely to offer any discernible visual harm.

The proposal does not deal with the matter of any revised signage. The current hotel sign is in poor repair and would not reflect the use that is sought as holiday apartments. In order to update the building and ensure that a revised signage scheme is suitably detailed it is advised that a condition be imposed to implement a revised signage scheme for holiday apartments.

Although not previously detailed the resubmission now includes positive amendments to the existing roofscape, which is currently visually harmful to the building's character and its contribution to the wider Conservation Area. The revised dormers are now to a smaller scale and relate better to the elevation treatment below and the general fenestration pattern.

Finally, reinstatement of a suitable border treatment to define the curtilage is considered vital, as presently the definition of public and private space aside Falkland Road has been lost.

All matters considered the visual implications are positive and substantive enough in the context of the wider change of use that is proposed. The matters of revised signage for the building and the border treatment should be achieved via a planning condition.

Highways / Parking / Movement -

The building sits on a restricted site with little curtilage and parking presently for 6 cars. It does however sit in a central location close to facilities, the town centre and seafront area, which offers ease of movement for occupiers, be they holidaying or resident.

The current hotel use should, under policy guidance, have 23 associated parking spaces to serve it. It is therefore presently massively undersupplied in regard of parking for the present use. The proposed use should, again under policy guidance, provide 11 spaces, which is again an undersupply for the 6 offered.

Notwithstanding the observations of the transport highway officer as the proposed use is a less trip-generating use it is concluded that the context would appear to offer betterment over the existing arrangement in parking and highways terms. The level of parking is therefore considered acceptable and it is not considered fair and reasonable to seek transport contributions.

S106/CIL -

The matter of viability has been discussed separately above. Aside this, the change of use has been assessed against Council policy pertaining to Planning Contributions and Affordable Housing.

In-line with policy, with mitigation for the current use, the proposal should provide the following obligations for community infrastructure:-

South Devon Link Road:	£2290.00
Waste:	£ 50.00
Monitoring Fee:	£1600.00
Admin Charge:	£ 197.00

Total Payable via a S106 Legal Agreement: £4137 + Legal Fees Approx £500

The matter has been raised with the Agent and a response is awaited.

Conclusions

In terms of use, following viability findings and attainment of sole ownership and management of the units as a holiday package, the change from hotel to holiday apartments is considered a pragmatic revision of the holiday package offered by the site.

The visual alterations are considered acceptable and subject detail on signage and boundary treatment, the impact upon the wider built environment is acceptable.

Sustainable development planning contributions should be attained as per the sums outlined within this report to offset the impact upon local infrastructure.

Draft Conditions

1. Holiday occupancy restriction + flats not to be sold or leased and only to be let on a short term holiday basis + register of owners and occupiers
2. Revised signage scheme

3. Agreed management plan
4. Physical works achieved prior to occupation
5. Parking arrangement
6. Detailed design, including boundary treatments

Condition(s)/Reason(s)

1. The self catering holiday apartments located on the lower ground, ground, first and second floors and as shown on plans hereby approved shall be occupied for holiday purposes only and in accordance with the following criteria:1. They shall not be occupied as a person's sole or main residence in the United Kingdom.2. The owner or operator of the complex shall maintain an up to date register of the names of all owners/occupiers of individual holiday flats and of their main home addresses and shall make this information available at all reasonable time to the Local Planning Authority.3. The same person or group of persons shall not occupy holiday apartments within the building for more than 12 weeks in any calendar year.

Reason: To ensure that the apartments remain in holiday use in the interests of maintaining the holiday character of the area and to accord with policy TU6 of the saved Torbay Local Plan 1995-2011.

02. Prior to the commencement of development a revised signage scheme for the building pertaining to the approved use for holiday apartments shall be submitted to and approved in writing by the Local Planning Authority. The approved signage scheme shall then be implemented in full prior to the first occupation of either the residential or holiday elements of the building and maintained as such, in good order, at all times thereafter.

Reason: To protect the holiday amenities of the area and the buildings ongoing contribution to this ambience, in accordance with Policies BES, BE1, BE4 and TU6 of the Saved Local Plan.

03. Prior to the commencement of development a management and operations statement shall be submitted to and approved in writing by the Local Planning Authority, which shall include details on the running of the holiday apartments and servicing of guests in the absence of a reception or such other on-site management.

Reason: To ensure a suitable form and function of development that protects the holiday amenities of the area, in accordance with Policy TU6 of the Saved Local Plan.

04. Prior to the first occupation of either the residential or holiday elements of the scheme all physical works hereby detailed upon the plans hereby approved

shall be implemented in full.

Reason: To ensure a satisfactory form of development, in accordance with Policies BES, BE1, BE5 and TU6 of the Saved Local Plan.

05. Prior to the first occupation of the building six car parking spaces, as shown on the approved plans, shall be demarcated and made available for use and maintained as such at all times thereafter. At all times no less than four car parking spaces shall be for the sole use of visitors to the holiday accommodation and shall not be used to serve the residential flats. At all times all spaces shall be clearly marked for the use of either holiday occupiers of the apartments, or for the use of occupiers of the residential flats, in order to reduce conflict between uses.

Reason: To ensure that sufficient spaces are available to serve the needs of the holiday use and to meet the objectives of Policy TU6 and T25 of the saved Torbay Local Plan 1995 - 2011.

06. Prior to the commencement of development appropriate detail, either through samples or sections and elevations, to a scale of not less than 1:10, indicating the following details, shall be submitted to and approved by the Local Planning Authority: (i) dormer / roof material for the reformed areas (sample);(ii) window and door reveals (sections)(iii) window / door profiles (sections).(iv) glazing bar detail (section)(v) boundary wall / railing (section & sample) The building shall not be occupied until it has been completed fully in accordance with these details.

Reason: To ensure that the architectural detailing of the development is completed to a satisfactory standard in accordance with policies BES, BE1 and BE5 of the Saved Adopted Torbay Local Plan 1995-2011.

Relevant Policies

BES	Built environment strategy
BE1	Design of new development
BE5	Policy in conservation areas
HS	Housing Strategy
H2	New housing on unidentified sites
H9	Layout, and design and community aspects
TUS	Tourism strategy
TU6	Principal Holiday Accommodation Areas
CF6	Community infrastructure contributions
LDD6	Affordable Housing Contributions
T25	Car parking in new development
T26	Access from development on to the highway