

P/2011/0437/PA
Roundham With Hyde Ward
3 Sunhill Apartments, 19 Alta Vista Road, Paignton
Change of use from holiday use to residential use

Site Details

Flat 3 in a block of holiday flats on the southern side of Alta Vista Road with good views at the rear across Youngs Park and Goodrington Sands. The property was formerly an hotel (The Sunhill Hotel) and was granted planning approval for conversion into holiday flats in two phases in 2003 and 2004.

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

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

- Flat 8 at Belvedere, Marine Drive,
Nos 2 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
Flat 4, Vista Apartments, Alta Vista 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) but recommended for revocation by a report to Full Council on 13th July 2011, and
LDD6 (Planning contributions and affordable housing) adopted April 2008, and the subsequent update (mitigation and clarification) paper of March 2011.

Proposals

Permission is sought for a change of use at flat 3 to allow residential occupation in what is currently a holiday flat controlled by condition on the original approval. The condition states that the 'the occupation of the holiday units hereby approved shall be restricted to bona fide holiday makers for individual periods not exceeding 4 weeks in total in any consecutive period of 13 weeks. A register of holiday makers shall be kept and made available to inspection by an authorised Officer of the Council at all reasonable times. Allowing the change of use would allow residential occupation but by virtue of the Use Classes Order would also permit holiday use.

Consultations

Chief Executive English Riviera Tourist Company : Comfortable with any application for permanent

residential occupancy in the green zones and supports these applications.

Representations

Letter supporting application from the applicant and re-produced at Page P.203.

Key Issues/Material Considerations

Flat 3 is within in a medium sized block of holiday flats situated within a Principal 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.

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, 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 of the Development Plan.

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 Sunhill Apartments holiday properties were specifically formed by conversion of the Sunhill Hotel and have been converted recently and to a high standard. The prevailing context of Alta Vista Road is of a strong holiday character and with many properties along the road being in holiday use. This unit offers two bedrooms both en suite, a living/dining room, kitchen, bathroom and a balcony with views over Goodrington park and seafront, providing an appropriate range of facilities and standard of accommodation to meet the reasonable requirements of tourists.

The prevailing context of this part of Alta Vista Road is of a strong holiday character, with many properties in the immediate vicinity being in holiday use. This includes 10 units with in this property. For these reasons it is not considered that the property Sunhill Apartments 19 Alta Vista Road has restricted bed space capacity having 10 apartments in holiday accommodation use.

If further units in this property and other properties subject of applications presented at this planning committee we granted permission for residential use it would further undermine the holiday character of the area setting a precedent for the continuation of the loss of holiday accommodation in this Principal Holiday Accommodation Area. As such the change of use at Sunhill Apartments 19 Alta Vista Road would not meet any of the tests of Policy TU6 required before the loss of holiday accommodation in a Principal Holiday Accommodation Area could be approved.

Revised Guidance on the interpretation of planning policy in Principal Holiday Accommodation Areas

(PHAAs) was at the time of writing this report a material planning consideration, however on 13th July Full Council will be presented a report recommending that the “Revised Guidance on the Interpretation of Policy TU6 (Principal Holiday Accommodation Areas)” (March 2010) be withdrawn pending review as part of the emerging Local Development Framework (LDF) Core Strategy. The report will also recommend to full Council that, pending the evolution of revised policy as part of the LDF Core Strategy, the Council relies on Policy TU6 of the Saved Adopted Torbay Local Plan for the determination of applications in PHAAs. The outcome of this meeting is as yet unknown and therefore this report considers the Revised Guidance.

The Revised Guidance set out a traffic light based approach whereby PHAAs were colour coded into 3 areas:

- Red “Core” areas which are in key seafront locations. All holiday accommodation should remain protected for hotel/ tourism/ leisure use, unless shown to be not viable. (In addition key hotels such as the Imperial and Palace Hotel outside PHAAs are protected by Policy TU7 of the Torbay Local Plan).
- Amber areas: where larger hotels and the best medium sized ones should be retained.
- Green Areas: Where only 50+ bed hotels will be protected as holiday accommodation.

This site sits within Roundham Road West PHAA which was identified as a green area. Para 3.17 of the Revised Guidance goes on to state 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.

However, as set out earlier in this report as part of the Development Plan, Policy TU6 is the starting point in determining this application. It is the officers view that the test set out in TU6 have not been met. While the Revised Guidance would support the proposed removal of the condition restricting the use of the property to holiday accommodation, this report holds a limited weight compared to the development plan which TU6 forms part. As such in accordance with the requirements of TU6 this application should not be permitted.

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. This application was received after this date therefore a developer contribution is applicable as follows :

Category 2 (55-74 sq m)	
Municipal waste and recycling	£ 50
Sustainable transportation	£ 860 (50% residential rate)
Education (primary only)	£ 410
Lifelong learning	£ 220
Green space and recreation	£1120
Total Payment	£2660

In terms of on site car parking provision the original planning approvals for the conversions to holiday flats indicated 24 spaces to the front and rear 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 the complex next door. 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 Sunhill Holiday Apartments were specifically formed by conversion of the Sunhill Hotel and have been converted recently and to a high standard. The prevailing context of Alta Vista Road is of a strong holiday character and with many properties along the road being in holiday use. For these reasons it is not considered that the Sunhill Apartments would meet the tests of the Policy.

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 3 Sunhill Apartments from a holiday home to a residential dwelling is contrary to policy TU6 of the Saved Adopted Torbay Local Plan. The proposal to rene condition 1 to application P/2000/1186 to allow permanent residential use 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. Sunhill Apartments 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.

02. The applicant has failed to provide or legally agree to, any contributions in order to offset the costs involved in supporting essential community facilities such as transport services, education facilities, the provision of open space and to maintain infrastructure stemming directly from development that would arise to the Local Authority and the tax payer as a result of this proposal. This makes the proposal contrary to policies CF6 and CF7 of the Saved Adopted Torbay Local Plan (1995 – 2011) and to the subsequent adopted policy position of the Adopted Supplementary Planning Document LDD6 ("Planning Contributions and Affordable housing: Priorities and Delivery", adopted in May 2008) and the more recent update the 'Planning contributions and affordable housing supplementary document, update 2: Economic Recovery Measures', (adopted by the Council in June 2010.)