

Application Number

P/2014/0909

Site AddressCounty Hotel
52/54 Belgrave Road
Torquay
Devon
TQ2 5HS**Case Officer**

Mr Scott Jones

Ward

Tormohun

Description

Change of use from former Hotel to 8 x holiday letting apartments with 2 x full residential use apartments on the top floor.

Executive Summary/Key Outcomes

The proposal is for the change of use of the building from a 24-bed hotel (with ancillary residential accommodation at lower ground floor) to provide 8 holiday letting apartments and 2 full residential apartments, with associated physical works to the exterior that seek to improve the building.

The County Hotel is a grand style Victorian building on the junction of Belgrave Road and Falkland Road. It is within a 'red core' Principle Holiday Accommodation Area (PHAA), where the retention of serviced holiday uses is the clear objective of local planning policy.

The change of use will provide 2 holiday letting apartments on each of the four lower floors (8 in total) with 2 residential flats provided within the roof level. Physical changes to the building are largely cosmetic to improve the appearance of the building, in line with policy requirements. The alterations include the removal of later additions, reduction in the scale of the current dormers, replacement of windows throughout the building with similarly styled UPVC frames, altering access at lower ground floor level, and the removal of a large stainless steel flue that sits on a prominent corner.

In terms of use, the proposal provides an acceptable and viable alternative to the current holiday offer. This is subject to the continuation of sole ownership, management and restricted occupancy of the 8 units as holiday accommodation in order for the holiday offer to be sufficient. This view was endorsed by the Planning Inspectorate in the recently dismissed appeal for this site.

The visual alterations will provide sufficient improvement to the building aside the consideration of the change of use. This is subject to revised plans being received to correct some minor anomalies in the elevation treatment. If the alterations have not been received prior to the committee it is recommended that

a positive committee resolution includes the receipt of further plans acceptable to the Authority's Conservation Officer, delegated to the Director of Place.

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

The scheme is much the same as considered by Development Management Committee (DMC) in July 2013, where it was resolved to be approved but then subsequently withdrawn by the previous applicant, and again considered at the October 2013 DMC, where it was again resolved to be approved, but then subsequently refused by the Council due to the inability to formalise the mutually agreed S106 clauses due to 3rd party interest in the land.

Recommendation

Conditional approval; subject to submission of satisfactory revised plans; subject to the signing of a s106 legal agreement in terms acceptable to the Director of Place, within 3 months of the date of this DMC or the application be reconsidered in full by DMC, unless otherwise agreed with the Chairman of the Development Management Committee; conditions are listed at the end of this report, however final drafting and determination of appropriate planning conditions to be delegated to the Director of Place.

Statutory Determination Period

13 weeks / 12.12.2014

Site Details

The site is a 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 52 and 54), 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.

There is a linear strip of parking to the rear that appears to provide 5 or 6 parking spaces.

Detailed Proposals

The proposal is to change the use from a 24-bed hotel (with residential accommodation at lower ground floor) to provide 8 holiday letting apartments and 2 residential apartments. The submission is for 2 holiday letting apartments on each of the four lower floors with 2 unrestricted residential flats provided at roof level.

Aside the change of use a number of physical changes are proposed, which are largely cosmetic improvements. The changes include the removal of two lean-to structures at ground floor level on the Falkland Road elevation and reformation of suitably detailed windows within the exposed elevation; the removal of a prominent stainless steel flue that runs up the northwest corner of the building; the reduction and rationalisation of the dormers; the replacement of the timber sliding sash window stock with similarly formed and detailed Upvc frames; and the formation of a doorway at lower ground level to the front.

Summary Of Consultation Responses

Highways/ Strategic Transport:

The Highway Department have no technical issues with the access.

The sustainable Transport Officer has raised that as the proposal does not provide parking on a 1:1 ratio it is not supported. However if the proposal is approved the residential units should be allocated 1 parking space each and secure covered cycle parking should be provided and an SPD planning contribution sought to offset the impact of the development upon local transport infrastructure.

Conservation Officer:

Summary advice is that, as with the previous schemes, the removal of the lean-to structures, the reintroduction of suitable windows within the Falkland Road elevation, the remodelling of the dormers, and the removal of the flue, are all positive enhancements that should be achieved. The replacement of timber sash windows with UPVC on a like-for-like basis also sits comfortably with policy guidance. The level of aesthetic improvements is considered acceptable to offer support.

Summary Of Representations

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/2013/0876 - Change of use of hotel to 8 holiday letting apartments and 2 full residential apartments on the top floor - Resolved to approve by committee - Refused following the inability to formalise the S106 agreement due to 3rd party involvement - Subsequent appeal dismissed

P/2013/0254 - Change of use of hotel to 8 holiday letting apartments and 2 full residential apartments on the top floor - Resolved approval by DMC Committee - Subsequently withdrawn due to the inability to finalise the mutually agreed S106 agreement.

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

The main issues are considered to be:-

1. The principle of the loss of hotel and the acceptability of the proposed use
2. Whether the visual improvements linked to the change of use are sufficient
3. The quality of the holiday and residential environments and layout proposed
4. Amenity impacts on adjacent occupiers
5. Highway and movement impacts

1. Principle of the change of use/proposed use Impact upon the PHAA

As a hotel located in a 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 bed-space 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.

Further to the above revised guidance on the interpretation of Policy TU6 (2010) and "Red Core" areas, offers more specific guidance. The revised guidance outlines that the "Red Core" areas are 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 an ancillary flat) to 10 residential units, 8 of which are proposed to be restricted to holiday occupancy and 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 matter of viability has been explored within previous submissions. The previous review concluded that bringing back the hotel to a usable standard is not viable and hence other uses could be explored. On this assumption the merits of the proposed are discussed below.

The conversion of the building to predominantly offer holiday apartments is considered a suitable alternative use and one that is 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 to be 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, which has been accepted.

Often 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.

From a planning perspective retaining the holiday flats as a single commercial enterprise is far more preferable option to individually owned and run 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. A planning condition on the detail of management can be imposed and a clause that restricts the holiday flats being individually sold, let or otherwise disposed of can also be written into an accompanying S106 Legal Agreement. This position was outlined in the previous applications and should be retained within any new S106 agreement.

2. Whether the proposed improvement are suitable and sufficient

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. The scheme responds to previous advice in regard to reintroducing suitable window openings in the subsequently exposed elevation.

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.

The existing roofscape is presently a relatively harmful element to the building's character and its contribution to the wider Conservation Area, having been subject to unsympathetic extensions. The proposal reduces the extent of the flat roofed dormers and provides a much more uniform arrangement. The revised form is considered acceptable by the Council's Conservation Officer. There is a lack of detail about the form of windows proposed and information has been sought from the agent on this. Advice on an acceptable detail has been given towards replacing the present white casement windows with grey foiled Upvc side hung casements.

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 the Authority's planning policy guidance on replacement windows the move is considered acceptable, with limited visual impact and positive thermal and maintenance improvements.

Lower ground floor amendments involve the addition of a door. Subject to detail

on the door and the steps/railings the proposal are unlikely to offer any discernible visual harm.

The suite of improvements achieved is considered suitable and sufficient aside the change of use.

There is one remaining matter that should be sought to complement the already detailed improvements, this being the reinstatement of a suitable border treatment to define the curtilage where it has been lost aside Falkland Road. Detail on this should be a condition to planning approval.

3. Quality of the holiday and residential environments proposed

The proposal will provide 10 apartments, 8 for holiday use and 2 full unrestricted residential.

The scale of the units that are proposed is considered acceptable, as they appear to provide a suitable size of rooms and quality of habitable spaces and good levels of natural lighting.

There is little potential for outdoor amenity space however the holiday units are well located with good access to beaches and parks. The lack of outdoor space for the upper floor residential apartments is not considered critical in such a central location as the character of living often comes with limited personal outdoor space. Again there is relatively good access to parks and beaches.

Waste storage and collection should be considered and in the absence of detail it is recommended that a planning condition be attached to provide clarity on the storage and collection of waste for the commercial (holiday flats) and the residential elements.

4. Neighbour impacts

The impact upon neighbouring occupiers/businesses is considered to be limited as the use of the building as holiday and residential flats is unlikely to increase noise or activity.

Physical changes are limited with no major additions means there is unlikely to be any loss of light, outlook etc.

The matter of easement raised in the sole representation is considered a civil matter and not one that the planning system can seek to maintain or protect in this instance.

5. 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 10 spaces, which is again an undersupply with 6 offered.

Observations of the sustainable transport team are noted however the proposal is considered to provide a betterment in terms of the site's impact upon parking and movement in the area. On face value, the proposed use will generate fewer trips than the hotel and thus it would not result in any greater impact upon traffic and movement.

S106/CIL -

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
Waste:	£50
Monitoring Fee:	£1600
Admin Charge:	£197

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

Conclusions

The argument that the continued use of the site is not viable has been accepted, subject to achieving a suitable use that supports and complements the PHAA.

The provision of 8 holiday flats within a scheme of 10 units is considered a suitable new use, subject to ensuring, by a mix of planning conditions and s106 obligations, that the holiday flats are owned and managed as a single holiday business. The provision of 2 additional flats for permanent residential use is accepted to be a necessary form of pump priming to deliver the holiday use.

Subject to the submission of further detail and improvements to the boundary treatment, external alterations to the building are considered acceptable and will have a beneficial impact upon the wider built environment

A s.106 agreement is required to ensure that the holiday flats remain in the same ownership and to secure the payment of sustainable development planning contributions as outlined in this report.

Draft Conditions

1. Agreed management plan
2. Holiday occupancy restriction + flats not to be sold or leased and only to be let on a short term holiday basis
3. Register of visitors to be maintained
4. Holiday flats not to be a person's sole or main residence
5. External works to the building to be completed prior to first occupation
6. Submission and approval of details of the commercial and residential waste storage
7. Detailed design of windows and doors
8. Provision of holiday and residential parking spaces to be agreed and implemented as approved.

Condition(s)/Reason(s)

01. Holiday apartments to be used inline with certain criteria to achieve suitable occupancy:
02. Operations statement to 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 to be submitted and approved by the LPA.
03. Physical improvement works approved to be implemented in full.
04. Parking to be made available and maintained at all times
05. Detailed design elements to be submitted and approved by the LPA.

Relevant Policies

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