

**Application Number**

P/2014/1107

**Site Address**

Westbourne Hotel  
106 Avenue Road  
Torquay  
Devon  
TQ2 5LQ

**Case Officer**

Mr Scott Jones

**Ward**

Cockington With Chelston

**Description**

Change of use from hotel to house in multiple occupation (HMO) for the purposes of staff (as detailed in letter received 09.01.2015)

**Executive Summary/Key Outcomes**

The proposal is to change the use of a small hotel located off Avenue Road in to a house in multiple occupation (HMO) for the purposes of staff accommodation associated with a local hotel group.

There is notable local objection to the scheme that largely raises concern on the potential impact upon the character of the area and the precedent that it may provide for further HMOs.

The plot sits opposite a Principal Holiday Accommodation Area (PHAA) that runs along the eastern side of Avenue Road. The Ward boundary of Tormohun lies to the east on Avenue Road, a ward which has historic problems with deprivation. This means the area is sensitive in terms of introducing HMOs. However HMOs do represent an important source of inexpensive housing in the right context.

A standard HMO could potentially cause conflict with the character of the holiday area and would exacerbate local levels of deprivation. However a HMO for the use of staff employed within the holiday trade is considered an acceptable use. Occupiers will work in and understand the holiday industry and therefore they are less likely to cause conflict with holiday-makers, which is often a concern. Consequently, if the premises are used for staff accommodation, only the use is unlikely to exacerbate levels of deprivation and the social issues that rise from it.

**Recommendation**

Approval; Subject to conditions on occupancy for the purposes of staff (as detailed in the submission), there being suitable management/supervision on site and the existing parking facilities being retained.

**Statutory Determination Period**

An extension of the determination period has been requested until the 16.02.2015 in

order for the proposal to be considered by Development Management Committee.

### **Site Details**

The site is a corner plot at the junction of Avenue Road and Sandford Road (Torquay) and holds a detached two-storey building. There is limited curtilage and the plot provides a small landscaped garden to the front with parking to the side and rear. The building is currently unoccupied. The established use is a hotel.

The building is moderate in terms of scale and the form is somewhat unremarkable,, with brick and render walls inset with modern casement windows set under areas of pitched and flat roofing.

In regard to relevant designations the site sits in the Torre Conservation Area and opposite the Avenue Road North PHAA, which is a “Green Zone” PHAA as outlined within the Authority’s 2010 updated guidance.

### **Detailed Proposals**

Change of use from hotel to HMO for the purposes of staff (employed by Rew Hotels Ltd).

The HMO will have 9 bedrooms, most of which will have connected en-suites, along with communal kitchen and dining rooms. One of the 9 bedrooms will be a manager’s bedroom.

### **Summary Of Consultation Responses**

None.

### **Summary Of Representations**

The application has generated a high number of representations (over 50) opposing the change of use.

The points raised mainly focus on the impact of a HMO in what is a holiday area, with concerns on behaviour, noise, disturbance etc, and the possible precedent it may set.

These representations have been sent electronically for Members consideration

### **Relevant Planning History**

None.

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

Considering the proposal and the context the key issues are:

1. The principle of the loss of the hotel;
2. The principle of the use as a HMO for hotel staff

## **1. Principle of the loss of the hotel -**

The loss of the hotel is considered acceptable subject to the precise use being secured by condition.

The building sits outside of the defined Avenue Road North PHAA and therefore the key guidance is contained in Policy TU7 (Change of use or redevelopment of holiday accommodation outside PHAAs) of the Saved Local Plan and the related 2010 update guidance.

Policy TU7 outlines that a change of use is acceptable where the loss of the holiday accommodation would not undermine the holiday character in the area or harm the range of tourism facilities or accommodation offered by the resort. The 2010 update guidance states that the policy is to protect “special” hotels that provide important facilities or command spectacular views.

When considering the limited scale of the hotel and the potential of any holiday offer, which includes its setting in a restricted plot adjacent to a busy road in a mixed holiday and residential area, the loss of the hotel is considered acceptable and in accordance with policy guidance.

It is appreciated that the loss of the hotel is a concern raised in the public representations. However, in the circumstance, for the reasons stated above, policy guidance is clear that, subject to the new use being compatible with the character and other uses in the area, the move from holiday use would be acceptable.

## **2. The principle of the use as a HMO for hotel staff -**

The principle of a HMO specifically for the use of staff employed within the holiday industry, as detailed in the application, is considered acceptable. Staff employed in the hotel industry are often on low salaries and/or part time. Consequently they need accommodation locally that they can afford.

Key policy guidance in regard to HMOs is outlined in Policy H7 (Houses in multiple occupation), which outlines relevant criteria for where they will be permitted. The relevant criteria will be discussed below.

### 1. Location:

The criterion outlines that the property should be located within easy reach of public transport and community facilities.

The location is relatively central and within easy walking distance of a range of facilities and the town centre. Occupants would also benefit from good access to local transport links. The proposal is considered to satisfy this criterion and provide a satisfactory location for the proposed use in terms of access.

### 2. Affect on neighbouring residential amenities:

The criterion outlines that the scale and nature of the use should not adversely affect

neighbouring residential amenities.

The impact of the change in occupancy from holiday-makers to permanent occupants will be limited in the absence of any significant extension and/or intensification.

Any potential increase in the levels of noise and disturbance would not be significant as both uses will result in a degree of activity and noise in and around the site. The proposal is considered to satisfy the criterion and provide a use that doesn't unduly harm neighbouring amenity.

### 3. Car parking and movement impacts:

The criterion outlines that the proposal should not generate unacceptable levels of traffic or environmental affects.

The change in occupancy from holiday-makers to permanent residents is unlikely to result in any notable change in traffic and its residual effects. Holiday-makers may or may not stay with a car and permanent occupants also may or may not own or use a car. Car activity may actually reduce as occupants within shared accommodation often do not own or use cars.

On-site parking is available for occupants to the side and rear of the building, which will limit the impact upon residential streets in the area in terms of pressures upon street parking.

With a condition to ensure the parking is retained and kept available the proposal satisfies this criterion as potential traffic and movement impacts appear limited.

### 4. The loss of holiday accommodation in PHAAs:

The site does not sit in a PHAA and hence the criterion is not relevant in this case. The principle of the loss of the hotel has however been discussed within this report.

### 5. Harm to the amenity and character of the area:

This criterion seeks to consider the effects more broadly than that previously discussed under residential amenity and covers the wider implications of the development on the area. In the context the key considerations are the impact upon (i) the holiday character and (ii) the balance and mix of the community.

#### *(i) Holiday character:*

The site sits adjacent to a PHAA and hence the impact upon the holiday character of the area is a material consideration. This is a concern raised in a number of the public representations.

As previously discussed the concept of the loss of the hotel is considered acceptable, subject to the precise use (as staff accommodation) being secured in the process. In terms of guidance the following policy aims are relevant:

Policy TU6 (PHAAs) outlines that proposals for change of use that are to the detriment of the character and function of PHAAs will not be permitted.

Policy TU7 (development outside of PHAAs) outlines that any new use should be compatible with the character and other uses in the area.

The accompanying 2010 update guidance states that where the principle of the loss of the hotel is acceptable the Authority should seek family housing or self-contained apartments. It also cites that HMOs are likely to conflict with policy guidance if the premises are close to a holiday areas.

A non-specific “standard” HMO would raise concern in regard to the impact upon the holiday character of the area, as such uses can lead to conflict between holiday-makers and residents, especially if they are not managed properly. The application is however for a bespoke form of HMO for the housing of staff employed within the holiday trade by a local hotel group. A specific use is a material consideration and hence the judgment should take into account the proposed use rather than just a broader HMO use.

Persons directly employed within the holiday accommodation industry are likely to be sensitive to the needs or expectations of holiday-makers and the importance of a successful holiday industry in Torbay. Direct involvement in the industry is likely to reduce the likelihood of conflict because of this.

Although guidance outlines that the Authority should generally seek family homes or self-contained flats when considering the move from holiday to residential use, planning policy also underlines the fact that HMOs provide an important form of inexpensive housing and a staff HMO would appear an acceptable alternative to a dwelling or flats in this instance.

Due to the reasons given above in this specific context the provision of a HMO for the purposes of hotel staff accommodation is considered to provide a residential use that would not undermine or cause conflict with the holiday character of the area.

*(ii) Mixed and balanced communities:*

The site sits on the border of the Tormuhun Ward, which has historically suffered from high levels of deprivation and the linked social issues.

The 2010 update guidance helps clarify that concern in regard to deprivation is a relevant consideration as such areas are sensitive to the introduction of HMOs, which could compound the social issues linked to deprivation.

As the site is in such close proximity to the Tormuhun Ward a ‘standard’ HMO would raise concern in terms of its planning merit when considering the aspirations to create mixed and balanced communities.

The proposal is however for a HMO to accommodate staff employed by a local hotel group, which provides a slightly different context in terms of the wider community and the potential impact upon that community.

Having considered context, in terms of the location and the residential mix in the area, the proposal is unlikely to increase deprivation or exacerbate the social issues that are linked to it.

The impact upon the community is the chief concern raised in the public representation however the occupancy of the building by staff is unlikely to result in the harmful effects raised in the public representations.

It is considered that planning conditions can secure the specified use and it is expected that the conditions should cover that the occupancy is solely for person/s employed by the hotel group, and that the owner should maintain a log of who is occupying the building, what position of employment within the hotel group they hold and the number of hours that they are employed. The log should be made available to the Authority upon request.

6. Standard of living accommodation:

The standard of the living accommodation is considered acceptable for that expected of a HMO.

Rooms are naturally lit and appear to be suitable in terms of their size. Most rooms are supplemented by linked en-suite facilities.

There is communal space in support of the private rooms in the form of a kitchen and a dining room, and there is parking on site.

The proposal is considered to provide an acceptable living environment and hence the proposal appears to satisfy this criterion.

7. Adequate storage and waste facilities:

The building and plot is considered to provide sufficient space to provide waste and storage facilities.

8. Suitable supervision:

Policy guidance outlines that HMOs should be properly supervised as poor management is a key factor that leads to nuisance and complaints.

The application identifies that there will be a room for a resident manager/supervisor. There is a lack of detail in relation to this issue. Further detail on the management of the property is required and can be secured by use of a planning condition.

**S106/CIL -**

N/A.

## **Conclusions**

The loss of the hotel is considered acceptable when considering that the site sits outside of a defined PHAA and that any potential holiday provision is limited due to the constraints of the site and building and its' unremarkable location.

The move to a standard HMO would raise concern because of the buildings close proximity to the Avenue Road North PHAA and the Tormohun Ward, with implications upon the holiday character and issues associated with extreme deprivation.

The specific use is a material consideration and in this case the application is for a HMO only for staff accommodation employed by a hotel group. The use of the building solely for the purposes of those employed within the local hotel trade is considered acceptable.

The proposal is considered acceptable subject to conditions to secure use for staff purposes as indicated and for there to be a suitably qualified resident/manager.

A condition to include the requirement for the applicant to hold a register of occupants at all times, which should be made available to the Authority upon request, and hold detail in regard to where they work and in what post, and for what hours, should also be attached for monitoring purposes.

## **Condition(s)/Reason(s)**

01. The building shall only be occupied by persons in the employ of Rew Hotels Limited under contract of no less than 19 hours per week
02. At all times whilst the use is in operation there shall be a suitably qualified resident manager/supervisor or other suitable arrangements as agreed by the Authority.

## **Relevant Policies**

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