

Application Number

P/2015/0029

Site Address

Orcades Hotel
12 - 13 Esplanade Road
Paignton
Devon
TQ4 6EB

Case Officer

Carly Perkins

Ward

Roundham With Hyde

Description

Change of use from Hotel to student residence/hostel.

Executive Summary/Key Outcomes

The application site is a hotel on the western side of Esplanade Road (South). The site is within Paignton Esplanade (South) Principal Holiday Accommodation Area in the red zone as designated within the Current Local Plan and as being within a Core Tourism Investment Area in the New Local Plan "A Landscape for Success". The proposal is for the change of use of an existing hotel that is currently vacant to a student residence/hostel in association with the LAL Language School.

Language schools are recognised as an important part of the tourism offer in Torbay and represent investment into the area and are considered an appropriate use for a Principal Holiday Accommodation Area in accordance with Policy TU6 of the Torbay Local Plan 1995-2011 and the emerging new Local Plan.

There have been several representations relating to the use of the premises as a house in multiple occupation (HMO). The proposal is not for an HMO and proposed conditions will prevent any use as an HMO. Occupancy of the building is proposed to be limited to three months in any calendar year by any individual occupant, group of individuals or family and a resident manager shall reside at the premises at all times.

Subject to the submission of a site specific flood risk assessment and conditions relating the occupancy of the building, the permanent provision of an on-site resident manager and the provision of a register of occupancy to be made available for inspection by the Local Planning Authority when requested (a monitoring contribution is proposed to secure this), the proposal is considered acceptable being an appropriate tourism related use and without detriment to the holiday character of the area.

Recommendation

Conditional approval; subject to the payment of a monitoring contribution and the

applicant submitting a site specific flood risk assessment which is acceptable to the Director of Place, within 3 months of the date of this committee or the application be reconsidered in full by the committee; unless otherwise agreed by the Director of Place in consultation 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

8 weeks, the determination date was the 27th March 2015, this has been exceeded to allow the application to be considered by the Development Management Committee.

Site Details

The application site is a hotel on the western side of Esplanade Road (South). The site is within Paignton Esplanade (South) Principal Holiday Accommodation Area in the red zone as designated within the Current Local Plan and as being within a Core Tourism Investment Area in the New Local Plan "A Landscape for Success".

Detailed Proposals

The proposal is for the change of use of an existing hotel that is currently vacant to a student residence/hostel. Occupancy of the building is proposed to be limited to three months in any calendar year by any individual occupant, group of individuals or family and a resident manager shall reside at the premises at all times.

Summary Of Consultation Responses

Drainage Engineer: The vulnerability of the building will not be altered, no sleeping accommodation should be provided on the lower ground floor and flood mitigation works should be included within the alterations to the building. The flood risk assessment for the building should refer to the student residence/hostel. The developer must sign up to the Environment Agency's flood warning system for the area of Paignton. An emergency flood plan must be produced and issued to all residents/students highlighting what actions must be taken in the event of a flood warning being issued or flooding occurring. There would be no objections on drainage grounds providing the development incorporates the points highlighted.

Environment Agency: No objection to the principle of the proposal as the vulnerability classification from the proposed change from hotel to student accommodation is unchanged and both are noted as 'more vulnerable'. A flood risk assessment should be produced that promotes the following; sign up to the EA's flood warning system, flood notices, identifying safe access and egress routes. There should also be no increase in sleeping accommodation on the ground floor between what currently exists to what is proposed.

Summary Of Representations

5 representations have been received. Issues raised:

- Impact on principal holiday accommodation area
- Impact of using the hotel as a house in multiple occupation
- Impact on the character and appearance of the area.

Relevant Planning History

P/2014/0241 Extension to Owners' Annexe at ground and first floor level and alteration to fenestration on rear elevation of main building to form 2No. door-height opening casements with 'Juliet' rail balustrade. APPROVED 30.04.2014

P/2013/1115 Extension and alterations to existing detached owners' annexe to form 2 owner's annexes APPROVED 16.12.2013

P/2013/1320 Alterations and separation of Nos. 12 & 13 (reinstatement of original separate properties) to form 11 bedroom hotel (No.12) and 7 holiday apartments (No.13). Single storey extension at rear to form utility room for No.12 APPROVED 07.02.2014

P/1987/2027 Two storey extension to form additional owner's bedroom and store APPROVED 27.01.1988

P/1986/1838 Extension to bar, diner and kitchen APPROVED 16.09.1986

Key Issues/Material Considerations

The main issues are the impact of the proposal on tourism, local amenity and flood risk.

Tourism:

The explanation to Policy TU6 of the Torbay Local Plan 1995-2011 defines Principal Holiday Accommodation Areas as areas where there is a concentration of hotels, guesthouses and/or holiday apartments which form an important part of the overall stock of bedspaces and are defined in accordance with criteria relating to concentrations of holiday accommodation, holiday character, proximity to tourist facilities and accessibility. Tourism is visibly the predominant land use in these areas and such locations are a focus of tourism activity. Policy TU6 states that the Council will seek to resist any changes which have a detrimental or undermining effect on their function and character, such changes may include the loss of existing tourist facilities or accommodation and/or the introduction of inappropriate non-tourism orientated uses.

The proposal is for the change of use of the existing hotel to student residence in association with LAL language school and self catering hostel accommodation. LAL Torbay is a language school in Paignton and offers English learning holiday courses. Student stays are limited to 3 months and their accommodation during

their stay is not their main or sole place of residence, akin to the dictionary definition of 'holiday'. Language schools are recognised as an important part of the tourism offer in Torbay and represent investment into the area and are considered an appropriate use for a Principal Holiday Accommodation Area in accordance with Policy TU6 of the Torbay Local Plan 1995-2011. Core Tourism Investment Areas as noted in Policy TO1 and TO2 of the New Local Plan "A Landscape for Success" Proposed Submission seek to promote and enhance a range of tourism activities and facilities. It is noted in paragraph 6.1.2.8. that 'a wide range of tourism markets will be promoted, including but not limited to conferences, geopark, maritime, short break and traditional family breaks. Policies TO1 and TO2 have been subject to very minimal objection and so can be afforded significant weight. Language schools form part of the tourism market offering short term learning holidays. The proposal is for a tourism use in an area designated for its tourism qualities and as such is considered to accord with policy TO2 that states that 'the tourism role of premises should be retained and enhanced commensurate with their contribution to the area's tourism offer'.

In addition the proposal includes the use of the building for self catering hostel accommodation for visitors to Torbay. In low season it is proposed to offer the rooms on a self catering basis to visitors to the area which will be subject to the same occupancy restrictions. There is no planning definition for the term 'hostel', the use here will be restricted to short term occupancy (no more than 3 months) and will not be occupants sole or main place of residence for the purpose of holiday accommodation as part of Torbay's tourism offer. A Residence Manager will living on site at all times.

Subject to conditions relating to the occupancy of the building, the provision of an on-site resident manager and the provision of a register of occupancy to be made available for inspection by the Local Planning Authority when requested, the proposal is considered acceptable being an appropriate tourism related use and without detriment to the holiday character of the area.

Representations relating to the use of the premises as a house in multiple occupation (HMO) are noted. However, the proposal is not for an HMO and proposed conditions will prevent any use as an HMO. The proposal is for holiday accommodation for students and other visitors for no more than 3 months. Whilst the concerns detailed in representations are noted, the proposal is not for a house in multiple of occupation and is for an appropriate tourism related use suitable to the location. The proposal, if approved, is subject to several recommended conditions that will limit the use to prevent its occupancy as a house in multiple occupation.

In line with the Council's Planning Contributions and Affordable Housing: Priorities and Delivery Adopted Supplementary Planning Document, it is noted that some proposals will impose costs upon the local authority to monitor and enforce. Occupancy conditions require significant monitoring to ensure the

development proceeds accordingly and therefore it is considered necessary to seek contributions for the additional monitoring cost to the Council that this imposes. The cost of monitoring for 10 years would amount to £500 and this is requested as a contribution to mitigate the costs of monitoring this type of use.

Flood Risk:

The building sits within Flood Zone 2 and 3 and is at risk from both fluvial and tidal flooding. In flood zone 3 only water-compatible and less vulnerable uses of land are appropriate. As there is no sleeping accommodation at lower ground floor level the flood risk vulnerability is unchanged at 'more vulnerable'. The Environment Agency and the Council' Drainage Engineer have stated that they have no objections subject to the submission of a site specific flood risk assessment.

Residential Amenity:

The impact of the slight change in occupancy to holiday accommodation for students and other visitors will be limited in the absence of any significant extension and/or intensification of the building itself. 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 not considered to result in any serious detriment to neighbouring amenity.

S106/CIL

In line with the Council' Planning Contributions and Affordable Housing: Priorities and Delivery Adopted Supplementary Planning Document, it is noted that some proposals will impose costs upon the local authority to monitor and enforce. Occupancy conditions require significant monitoring to ensure the development proceeds accordingly and therefore it is considered necessary to seek contributions for the additional monitoring cost to the Council that this imposes. The cost of monitoring for 10 years would amount to £500 and this is requested as a contribution to mitigate the costs of monitoring this type of use.

Conclusions

In conclusion, subject to the payment of a monitoring contribution and the submission of a site specific flood risk assessment and conditions relating the occupancy of the building, the provision of an on-site resident manager and the provision of a register of occupancy to be made available for inspection by the Local Planning Authority when requested the proposal is considered acceptable in relation to Local Plan policies, being an appropriate tourism related use and without detriment to the holiday character of the area or residential amenity.

Condition(s)/Reason(s)

01. A bedroom within either of the buildings on site shall remain available and occupied by a resident manager or person/persons in charge of and responsible for the operation of 12 Esplanade Road, Paignton, Devon,

TQ4 6EB at all times.

Reason: To ensure that the building is managed and to provide a satisfactory form of development, in accordance with policy TU6 of the Torbay Local Plan 1995-2011.

02. The use, hereby approved, shall be occupied for holiday purposes only, for no more than three months in any calendar year by any individual occupant, group of individuals or family and shall not be occupied as a main place of residence. The owner, manager or person/person's in charge and responsible for the operation of 12 Esplanade Road, Paignton, TQ4 6EB shall maintain an up to date register of the details of all occupiers, including names and main home addresses, of the buildings and shall make it available for inspection at all reasonable times by the Local Planning Authority.

Reason: To provide a satisfactory form of development, in accordance with policy TU6 of the Torbay Local Plan 1995-2011.

03. In the event that the use hereby permitted ceases, the premises shall revert to its former use within class C1 (Hotels).

Reason:- To ensure that the building remains attractive to future occupiers and that the future supply of hotels is protected within the Principal Holiday Accommodation Area in accordance with policy TU6 of the Torbay Local Plan 1995-2011.

04. Development to proceed in accordance with the flood risk assessment.

Relevant Policies

TU6 - Principal Holiday Accommodation Areas

TUS - Tourism strategy

TO1 - Tourism, events and culture

TO2 - Change of use of tourism accommodation

EPS - Environmental protection strategy