

Application Number

V/2015/0003

Site Address

The Corbyn Apartments
Torbay Road
Torquay
Devon
TQ2 6RH

Case Officer

Mrs Helen Addison

Ward

Cockington With Chelston

Description

Further variation of Section 106 Agreement (Planning approval P/1991/0370 - Erection Of 17 Holiday Units And Associated Parking) - Reallocation of 8 unrestricted apartments to floors 2 and 3

Executive Summary/Key Outcomes

Consent has previously been granted to allow eight of the seventeen apartments in the building to be used for residential purposes with the remaining nine apartments being retained for holiday use.

The premises have changed ownership and the applicant has requested that the distribution of the holiday and residential apartments within the building be revised. The proposal is for the holiday accommodation to be on the ground and first floors and the permanent residential apartments to be on the second and third floors. The applicant has advised that this arrangement would result in a clean and clear horizontal split of the building that would provide an optimum solution for operation of the premises.

As the number of residential and holiday apartments within the building would not be changed, the proposal is considered to be acceptable in planning terms as there would be no change to character of the area and the site would continue to deliver the same level of tourism offer as previously approved.

Recommendation

That the terms of the S106 agreement be revised in respect of the division of the apartments between residential and holiday use. The time period for signing and completion of the revised S106 agreement to be within 3 months from the date of this committee.

Statutory Determination Period

The eight week target date for determination of the application is 21st May 2015.

Site Details

The application site relates to a modern four storey block of apartments that have consent for mixed holiday and residential use, situated on the west side of

Torbay Road opposite the Livermead Cliff Hotel. The property is clearly visible in the street scene. It is finished in brick and render and has a mansard roof. There is a parking court in the front curtilage of the site. On the southern side of the building is the recent South Sands development of residential properties and on the northern side is the Corbyn Head Hotel. The railway line runs along the western boundary of the site.

The surrounding area has a mix of uses which are predominantly residential and holiday. In the Torbay Local Plan 1995-2011 the site is shown as being within a PHAA. In the "Revised Guidance on the interpretation of Policies TU6 and TU7 of the Adopted Torbay Local Plan" March 2010 the site is within an Amber area.

Detailed Proposals

The application is for a further variation of the S106 agreement in respect of planning application P/1991/0370 which was for the construction of 17 holiday flats and associated parking. Under application reference V/2013/0004 consent was granted for eight of the apartments to be used for residential purposes with the remaining nine being retained in holiday use. The proposal is for the nine holiday apartments to be located on the ground and first floors of the building with the residential apartments on the second and third floors. The reason for this revision is that the property has been sold and the new owner considers a horizontal split of the apartments would be beneficial to the operation of the business.

Summary Of Consultation Responses

N/A

Summary Of Representations

None received.

Relevant Planning History

V/2013/0004 Proposed modifications to Section 106 (P/1991/0370) approved 11.9.14

P/2013/0775 Modification of S106 ref; P/1991/0370 to allow eight apartments to be occupied on a permanent residential basis and the remaining 9 apartments to be used for holiday letting except during the winter months when they could be used for short term letting. Withdrawn 25.11.13

1991/0370 Erection of 17 Holiday Units and associated parking approved 9.3.92

1991/1008 Alterations To Form Caretakers Accommodation To Proposed Holiday Flats Development Reference Number 91.0370.Pa approved 25.9.91

Key Issues/Material Considerations

The main issue is whether the proposed revision to the distribution of holiday and

residential flats in the building would have an effect on the holiday character of the area.

The proposal would not result in a change in the number of residential and holiday apartments within the building. The applicant's justification for this revision due to operational reasons is noted. It is agreed that there may well be an advantage to having all the holiday apartments on two floors in terms of servicing and also to separate the holiday use apartments from the residential apartments as tourists could in some instances have different activity patterns than permanent residential occupiers.

Under the previous approval (V/2013/0004) the mix of apartments was:

Holiday	Residential
3 x 1 bedroom	2 x 1 bedroom
5 x 2 bedroom	3 x 2 bedroom
1 x 3 bedroom	3 x 3 bedroom

In the current proposal the mix of apartments would be:

Holiday	Residential
5 x 1 bedroom	4 x 2 bedroom
4 x 2 bedroom	4 x 3 bedroom

Clearly the proposal would result in an increase in all the smaller 1 bedroom apartments being used for holiday purposes and in contrast all the larger 3 bedroom apartments would be used for permanent residential purposes. This revision would have a small impact on the tourism offer from the site as the mix of apartments available for holiday use would be of reduced value due to their smaller size, and therefore there it is possible that the income generation would be proportionately reduced. However it is not considered that the effect of this change would be so significant that it would have a notable impact on the contribution of the site to the tourism industry. Consequently the proposed revision is considered to be acceptable and would not result in an adverse affect on the PHAA.

S106/CIL -

The proposal would not change the use of the premises in comparison with the previous consent under application reference V/2013/0004. As a result of the changes to the Planning Practice Guidance introduced by the Government in November 2014 the contributions that are needed to off set the impact of the development on local infrastructure are revised as below;

Waste Management	£400
Sustainable Transport	£9,760
Greenspace and Recreation	£6,980
Total	£17,140

The following clauses were agreed under application reference V/2013/004 and will be included in any revision to the S106 agreement:

- that if an apartment was sold then a proportion of the difference in the value of an apartment as a full residential use compared to a holiday use either to be reinvested in The Corbyn/put into a fund for maintenance of The Corbyn.
- If more than 14 units on the site (including the 8 proposed in this application) are changed to permanent residential use then an affordable housing contribution would be paid to the Council;
- A monitoring contribution is to be paid in order that the clauses proposed (such as maintaining a register of holiday makers) can be monitored.

Conclusions

In conclusion, this proposal is for a relatively minor variation of a S106 agreement to revise the distribution of residential and holiday apartments within the building. The previously approved split of 8 residential holiday apartments and 9 holiday flats would be maintained. The proposed revision would maintain the contribution of the site to the tourism industry and is therefore considered to be consistent with the objectives of Policy TU6 and the Guidance on the interpretation of Policies TU6 and TU7 and would therefore constitute an acceptable form of development.

Relevant Policies

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