

**Application Number**

P/2011/0910/PA

**Site Address**9 Beach Road  
Paignton  
Devon  
TQ4 6AY**Case Officer**

Mr Scott Jones

**Ward**

Roundham With Hyde

**Description**

Demolition of conservatory, change of use to form 4 flats and replace existing windows with white UPVC

**Executive Summary/Key Outcomes**

The application seeks to change the use of a small mid-terraced guesthouse that is located between Paignton Seafront and the Victoria Park Multi-Storey Car Park. The change of use is proposed to a residential use for a scheme that will provide three flats within the main building with a further two-storey maisonette provided to the rear in later-day extensions.

The site sits within a Principal Holiday Accommodation Area (PHAA) that covers a number of streets that sit adjacent to Paignton Green. It is however within the 'Green Zone', as identified within the Council's supplementary guidance in respect to PHAAs, which broadly expresses that movement towards residential would normally be supported within certain parameters.

With appreciation of the areas tourism designation, the proposal, which is for four residential units in place of the 9-bed guesthouse, is considered acceptable. This judgment has been formed on the basis that; a) the tourism offer is limited and there is little scope or potential for improvement, b) the number of rooms and bed-space is limited, c) the loss of the premises, within a wider area where there are numerous guesthouses and larger hotels, would not be detrimental to the holiday character, and d) the residential occupancy of three flats and a maisonette would not harm the holiday character or atmosphere of the area.

**Recommendation**

Conditional Approval (condition at the end of this report); Subject to the payment of planning obligations inline with adopted policy, via an upfront payment or a formal S106 Legal Agreement within 6 months of the date of this committee.

**Site Details**

The site holds a three-storey mid-terraced building that is currently in use as a

guesthouse. Internally the building features an owner's residential flat to the rear of the ground floor, with a communal room to the front. In the two upper floors there are a number of small bedrooms and washing facilities.

Externally to the front there is a small garden/patio delineated by low rendered walls. To the rear the building has pitched and flat-roofed extensions, a small degree of outdoor space and access to a pedestrian alleyway. The wider terrace houses mostly guesthouses and the road has only limited street parking.

In regard to land designations the plot sits within a PHAA and within a 'Green Zone' as identified in the supplementary *Revised Guidance on the interpretation of Policies TU6 (Principal Holiday Accommodation Areas) and TU6 (Principle Holiday Accommodation Areas) of the Adopted Torbay Local Plan*. The site also sits within a flood risk zone.

### **Detailed Proposals**

Change of use from a guesthouse with nine letting rooms and one owner's flat to three flats and one maisonette. The flats are provided within the main building, with one to each floor, all with an approximate floor area of around 45m<sup>2</sup>. The maisonette will sit within the rear extensions over two floors with an approximate floor area of 63m<sup>2</sup>. All units are to be accessed via the established front entrance with communal lobby areas offering circulation and access to the rear outdoor space and waste area.

### **Summary Of Consultation Responses**

*Highways Officer:* The proposed use would not provide any net increase in vehicle movements, or increase the pressure on local street parking. As such the provision of four residential units in this central location without parking is considered acceptable.

*Strategic Transportation:* The proposal should seek planning obligations in line with the adopted policy to offset any impact upon the local infrastructure and provide for waling and cycling enhancements. The proposal should also provide four covered cycle parking spaces on site.

*Environment Agency:* Wish to provide no comment, as although the site sits in a flood risk zone it does not propose the introduction of a 'more vulnerable' use at the site.

### **Summary Of Representations**

No representations received.

### **Relevant Planning History**

None.

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

#### **Principle and Planning Policy -**

As previously outlined the proposal seeks to change the use of a building used for holiday accommodation to that of permanent residential accommodation, within what is a designated PHAA and a highlighted 'Green Zone' in the supplementary guidance document. Policy TU6 of the Saved Local Plan dictates that developments which are to the detriment of the character or function of the PHAA will not be permitted. It does however venture that the loss of holiday accommodation is permitted where;

- 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;
- c) the loss of the premises would not be to the detriment of the holiday character of the particular locality, nor set an undesirable 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.

In addition to the above policy consideration, recent guidance in regard to the interpretation of the above PHAA policy expresses that;

- a) 'Green Areas' retain little intrinsic holiday character or are marginally located, (although they may contain well run businesses or be pleasant areas). Within these areas, change of use of small and medium sized premises will usually be permitted.
- b) Where change of use is acceptable in principle, the Council will require:
  - i) larger, self-contained flats or family houses
  - ii) removal of unsightly/out of character additions and extensions
  - iii) sound proofing, flood resilience etc
  - iv) provision of twin-bin storage and cycle storage
  - v) parking provision in accordance with Policy T25 of the adopted Torbay Local Plan, and
  - vi) houses in multiple occupancy will not be permitted

Considering the guidance outlined above, the loss of the holiday accommodation is considered acceptable in this case as the building is one of the many small-

scale guesthouses located in a side street off the main frontage to Paignton Green. The building would appear to provide low-key accommodation within what are clearly small rooms with little in the way of supporting facilities. This restriction of space is also clearly a limiting influence on the potential of the business. It would also appear that the lack of outdoor space or parking also have a bearing on the overall quality of the tourism provision offered and the potential that it could offer.

In respect to the proposed use the units are considered suitably scaled when appreciating the space available, with one flat per floor and a larger maisonette to the rear. This is considered a somewhat natural solution for such a building and the size and numbers are therefore considered appropriate in the context.

In regard to the Authority's desire for visual enhancements through conversions, the rear extensions here are commonplace in the terrace and are also located away from open public view. The existing form is therefore considered acceptable as it stands. To the front the building, as with most within the terrace, the roof has been 'boxed' to give an appearance of the three storey building. Considering the extent of this treatment along the run of properties it is not considered suitable to look in to the opportunity to redress this in this case. It would however be appropriate to look for the removal of the awning at the front of the building, which could be achieved via a planning condition. Further improvement works are not considered appropriate or necessary within the context of the streetscene and with appreciation that the area is not under conservation area designation.

Certain flood resilience measures will be incorporated within the refit, which will include ground floor finishes to be of preservative treated soft wood joists with waterproof tongue and groove boarding. Walls to ground floor will be finished in water proof render with internal plasterboards being fitted horizontally, and all electrical fixings and connections within new works will be 1000mm above floor level.

The proposal provides scope for waste storage within the rear courtyard and the internal layout has been designed to provide all flats with internal circulation and access to the rear through the building.

The potential for formal cycle storage facilities is restricted due to the limited space available within the building's curtilage. In the circumstance it is considered acceptable to accept flexibility on this matter.

With appreciation that the previous use would produce more vehicle movements and greater parking pressure over the use proposed, the lack of parking is considered acceptable. This stance is strengthened by the central location of the units, which would provide the opportunity for car-free occupancy due to the ease of access to facilities/job opportunities. Furthermore, there is ample parking

provision for visitors in nearby public car parks.

**Neighbour amenity issues -**

The change from a nine bed guesthouse to four permanent residential units would itself raise no implications upon amenity. In addition as there are no external additions there would appear little chance for a change in circumstance in respect to established overlooking.

**Visual Implications -**

The proposal seeks to replace the existing windows on a like-for-like basis and to remove a somewhat dilapidated rear conservatory set within the walled courtyard. Both of these alterations are considered acceptable with little impact upon the overriding character or appearance. As previously expressed within the report it is considered appropriate to seek the removal of the existing awning and make good, in order to tidy up the main elevation.

**Flood Risk Issues -**

The proposal does not introduce a 'more vulnerable' use and therefore due to the 'maintenance of the status quo', the risk of flooding does not raise any new concerns that require addressing.

Notwithstanding the above the applicant has highlighted certain flood resilience measures, which have been previously outlined within this report.

**Highway Matters -**

The proposed use is considered to generate less vehicle movements and parking pressures over the previous use. As the highway implications of the development are deemed to be lessened should the building change use, the lack of parking provision on site is considered acceptable. The central location and proximity to nearby public parking provision is also a relevant consideration.

**S106/CIL -**

The proposal triggers £3320 in respect to contributions relating to the provision of Greenspace, Lifelong Learning, Education and Waste facilities/infrastructure. The breakdown being;

|                   |       |
|-------------------|-------|
| Greenspace        | £2220 |
| Lifelong Learning | £ 540 |
| Education         | £ 410 |
| Waste             | £ 150 |

(Inline with the policy document sustainable transport contributions are not sought as the proposed use constitutes a reduced impact upon the transport infrastructure).

A planning approval should be accompanied by a S106 legal agreement to

achieve these payments, or approval should follow an upfront payment of £3154 (which is a reduced 95% figure inline with Council protocol for upfront payments).

### **Conclusions**

The proposal is considered to be a suitable change of use for a small guesthouse within this location. The proposed units are also considered a suitable scale and mix considering the constraints of the building. All matters considered the scheme is deemed inline with policy guidance if accompanied by the appropriate level of planning obligations.

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

01. Prior to the first occupation the awning to the front of the building shall be removed and the elevation 'made good' inline with the form and finish of the external treatment, unless otherwise agreed in writing by the Local Planning Authority.

Reason: In order to provide a suitable form of development, inline with Policies BES and BE1 of the Saved Adopted Torbay Local Plan 1995-2011.

### **Relevant Policies**

TUS Tourism strategy  
TU6 Principal Holiday Accommodation Areas  
HS Housing Strategy  
H4 Conversion and sub-division into flats  
H9 Layout, and design and community aspects  
T25 Car parking in new development  
EP11 Flood control  
PPS1 Delivering Sustainable Development  
PPS3 Housing  
PPS25 Development and Flood Risk