

Application Number

P/2011/0898

Site Address

Flat 3 Carlton Manor
9 Roundham Road
Paignton
Devon
TQ4 6EZ

Case Officer

Mr Robert Pierce

Ward

Roundham With Hyde

Description

Removal of condition 1 to application P/2000/1186 to allow permanent residential use for flat 3 only

Executive Summary/Key Outcomes

This is an application to vary a planning condition to allow permanent residential occupancy of a holiday flat within a block of 7 holiday apartments and 2 residential apartments. A similar application within this building was approved by Members at their meeting in July 2011 and in the light of the recent appeal decisions for similar proposals the residential occupancy of this holiday apartment is also considered to be acceptable.

Recommendation

Subject to S106 Agreement for Planning Contribution of £1240, Approval

Site Details

Block of holiday flats on the eastern side of Roundham Road set in an elevated position from the road frontage. The property was formerly a hotel (The Charlton Lodge Hotel) and was granted planning approval for conversion into holiday flats in 2000. This application relates solely to flat 3 of 9 Roundham Road.

Detailed Proposals

Permission is sought to remove a condition on planning approval P/2000/1186 which restricts the use of Flat 3 as a holiday flat only. The condition states that 'The accommodation hereby approved shall be used for short-term holiday letting purposes only, and not for permanent residential occupation.'

Summary Of Consultation Responses

Strategic Transport Group and Highways Team : No mitigation measures required therefore would not seek any Developer Contribution towards sustainable transport improvements.

Summary Of Representations

2 Letters of objection from the freeholder of Carlton Manor. The issues raised are related to the terms of the lease and not planning matters. These are reproduced at Page P.200.

Relevant Planning History

P/2000/1186	Change of Use from Hotel to 8 Holiday Flats and owners accommodation. Conditional Approval 13 December 2000
ZP/2010/0718	Pre Application Enquiry Conversion from holiday occupation to residential. Likely to be approved
P/2004/1832	Certificate Of Lawfulness For An Existing Use Of Property As A Private Residence, No 9 Carlton Manor 9 Roundham Road Issued
P/2011/0202	Removal of Condition 1 to Application P/2000/1186 to allow permanent residential use of Flat No 1 Carlton Manor 9 Roundham Road Approved 2nd August 2011.

Relevant Appeal Decisions :

APP/X1165/A/11/2154771 Goodrington Lodge Alta Vista Road Variation of Condition to allow permanent Residential Occupancy Appeal allowed 30th September 2011. Conclusion - The proposal would not harm the character or function of the PHAA.

APP/X1165/A/11/2155002, 2154467 and 2156709 Belvedere, Marine Drive, Paignton. Variation of Condition to allow permanent Residential Occupancy. Appeals Allowed 30th September 2011. Conclusions - The proposals would not harm the character of function of the PHAA.

Key Issues/Material Considerations

Flat 3 is within in a medium sized block of holiday and residential flats situated within a Principal Holiday Accommodation Area, as defined by policy TU6.12 of the Saved Adopted Torbay Local Plan. The purpose of this policy is to resist changes of use away from holiday accommodation where that change would be detrimental to the character and function of the Principal Holiday Accommodation Area.

The Carlton Manor holiday properties were specifically formed by conversion of the Charlton Lodge Hotel and have been converted recently and to a high

standard. This unit offers two bedrooms, a living/dining room, kitchen and bathroom, providing an appropriate range of facilities and standard of accommodation to meet the reasonable requirements of tourists.

Recent changes in holiday trends have led the Council to re-examine and re-interpret the policy in order to ensure that it is up to date, clear and gives a degree of flexibility in the current economic climate. The Council's adopted Tourism Strategy (2009) recommends a reduction in small and marginally located accommodation and the promotion of the best areas as Core Tourism Development Areas. Last year, the Council adopted a revised interpretation of the PHAA policy. Although the Revised Guidance does not form part of the LDF or Local Plan, it is capable of constituting a material consideration.

The Revised Guidance on the interpretation of planning policy in Principal Holiday Accommodation Areas (PHAAs) is a material consideration. This site sits within Roundham Road West PHAA which was identified as a green area. Para 3.17 of the Revised Guidance goes on to state that in these areas, the change of use of serviced accommodation with fewer than 50 letting bedrooms or holiday apartments is likely to be considered to meet the criteria in Policy TU6, so long as they don't offer particular facilities of importance to the resort. In other words there is a presumption that residential use will be acceptable.

However, as set out earlier in this report as part of the Development Plan, Policy TU6 is the starting point in determining this application. Although it is considered that the tests set out in TU6 have not been met, the Revised Guidance would support the proposed removal of the condition restricting the use of the property to holiday accommodation. This view has now been confirmed by the recent Planning Inspectorate's Appeal decisions for similar proposals. In particular when considering the Goodrington Lodge Appeal the Inspector was of the view that Alta Vista Road has limited holiday character and he gave considerable weight to the Revised Guidance which supports residential use. The Inspector was also of the opinion that the proposal would be very unlikely to have any perceptible impact upon the 'holiday atmosphere' of the locality or to harm the character and function of the PHAA.

Members were minded to approve a similar proposal for Flat 1 Carlton Manor at their meeting in July 2011. This current proposal is therefore also considered to be acceptable.

In terms of on site car parking provision the original planning approvals for the conversions to holiday flats indicated 24 spaces to the front and rear of the property (controlled by condition). This level of provision is considered to be appropriate for permanent residential occupancy.

Principle and Planning Policy -

Saved Adopted Torbay Local Plan 1995 to 2011

Policy TU6 Principal Holiday Accommodation Area

Policy CF6 Community Infrastructure Contributions

Policy CF7 Education Contributions

Economy -

Potentially would result in permanent occupancy contributing to vibrancy.

Closing the gap -

Developer contributions are applicable to contribute to infrastructure.

Climate change -

Use of existing property.

Environmental Enhancement -

No external alterations.

Accessibility -

No Change.

Vibrant Town Centres -

Permanent residents will use the town centre.

S106/CIL -

If Members were minded to approve this application consideration should be given to the need for a planning obligation under s106 of the Town and Country Planning Act to offset the costs that would arise from this proposal. It had previously been Council policy not to charge for such contributions where the amount would have been less than £5000. However, this has now been amended by Full Council at its meeting on 24th March 2011, such that smaller developments must now also contribute to any adverse impacts they may generate, with no minimum threshold for contributions.

Category 2 (55-74 sq m)

Municipal waste and recycling	£ 50
Sustainable transportation	Not applicable
Education (primary only)	£410
Lifelong learning	£220
Green space and recreation (50% reduction)	£ 560

Total **£1240**

Conclusions

The Carlton Manor Holiday Flats were specifically formed by conversion of the Charlton Lodge Hotel and have been developed recently to a high standard. There is not considered to be a strong holiday character to this part of Roundham Road and in the light of the recent approval for a similar proposal for Flat 1 and also the recent Appeal decisions the proposed residential occupancy of this flat is considered to be acceptable.

Relevant Policies

TU6 - Principal Holiday Accommodation Areas

CF6 - Community infrastructure contributions

CF7 - Educational contributions