

**Application Number**

P/2011/1192

**Site Address**

Unit 11  
Sunhill Apartments  
19 Alta Vista Road  
Paignton  
Devon  
TQ4 6DA

**Case Officer**

Mr Robert Pierce

**Ward**

Roundham With Hyde

**Description**

Variation of condition 1 to application P/2004/0038 to allow residential and/or holiday use

**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 12 holiday apartments. This application together with two others within this development were previously considered by members at the Committee Meeting in July 2011 when they were refused for being contrary to Policy TU6. However, in the light of the recent appeal decisions for similar proposals it is now Officer opinion that any further objection to permanent residential occupancy of this holiday apartment would not be supported by the Planning Inspectorate.

**Recommendation**

Approval.

**Site Details**

Flat 11 is in a block of holiday flats on the southern side of Alta Vista Road with good views at the rear across Youngs Park and Goodrington Sands. The property was formerly a hotel (The Sunhill Hotel) and was granted planning approval for conversion into holiday flats in two phases in 2003 and 2004.

**Detailed Proposals**

Permission is now sought to vary the condition to allow residential occupation of this holiday flat. The existing condition states that the 'the occupation of the holiday units hereby approved shall be restricted to bona fide holiday makers for individual periods not exceeding 4 weeks in total in any consecutive period of 13 weeks. A register of holiday makers shall be kept and made available to inspection by an authorised Officer of the Council at all reasonable times'.

### **Summary Of Consultation Responses**

None.

### **Summary Of Representations**

None.

### **Relevant Planning History**

P/2003/0571	Alterations and Conversion of Part Of Hotel to Form 6 Holiday Units (Phase 1) Approved 16th July 2003
P/2004/0038	Alterations an Conversion of Part of Hotel to Form 6 Holiday Units (Phase 2) Approved 25th February 2004
P/2010/1245	Change of use from holiday to residential at unit 5 Vista Apartments. (Next Door to this Application) Approved 13 April 2011.
P/2010/1364	Change of use from holiday to residential at unit 15 Vista Apartments. (Next Door to this Application) Approved 13 April 2011.
ZP/2010/0322	Pre Application Enquiry 11 Sunhill Apartments Holiday Use to Permanent Residential. Likely to receive favourable consideration 10 August 2010
P/2011/0271	Change of Use from Holiday Use to Residential Use Refused 26th September 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 11 is within in a medium sized block of holiday 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 Sunhill Apartments holiday properties were specifically formed by conversion of the Sunhill Hotel and have been converted recently to a high standard. The

prevailing context of Alta Vista Road is one of a holiday character and with many properties along the road being in holiday use. This unit offers two bedrooms, a bathroom, a living/dining room, kitchen and a large sun deck with views over Goodrington park and seafront, 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.

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 not applicable for this application.

**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. However, Council also resolved that any such contributions should not be sought for applications received before this date. The previous application (P/2011/0271) was received before 24th March and under these circumstances no Community Infrastructure Contribution would be sought for this proposal.

**Conclusions**

The Sunhill Holiday Apartments were specifically formed by conversion of the Sunhill Hotel and have been developed recently to a high standard. The prevailing context of Alta Vista Road is one of a holiday character, with many properties along the road being in holiday use. For these reasons it is not considered that the Sunhill Apartments would meet the tests of the Policy TU6. However the recent Appeal Decisions for similar proposals have to be taken into account. In particular the Inspector when considering the Goodrington Lodge Appeal was of the view that Alta Vista Road has a limited holiday character and

he gave considerable weight to the Revised Planning Guidance which supports residential use. The Inspector also was of the opinion that the proposal would be very unlikely to have any perceptible impact upon the 'holiday atmosphere' of the locality or demonstrably harm the character or function of the PHAA. In view of the recent appeal decisions the proposed residential occupancy of this holiday flat is now considered to be acceptable.

**Relevant Policies**

- TU6 Principal Holiday Accommodation Areas
- CF6 Community infrastructure contributions
- CF7 Educational contributions