

Application Number

P/2018/0654

Site AddressTorre House
Falkland Road
Torquay
TQ2 5JR**Case Officer**

Mr Robert Pierce

Ward

Tormohun

Description

Change of use from C2 to Sui Generis (Student Accommodation).

Executive Summary/Key Outcomes

The application seeks permission for the change of use of the building from a former Nursing Home to a student residence for students from Education First International Academy (EF). Whilst it provides economic benefits to the local economy, a number of concerns have been raised, particularly with regards to the impact of the development on amenity. It is recommended that subject to the submission of a robust management plan, planning permission should be granted for a temporary two-year period to ensure that the premises are suitably managed and that the permission should be a personal permission to EF.

Recommendation

Conditional approval (conditions at end of report).

Reason for Referral to Development Management Committee

Due to the number of objections received, the application has been referred to the Development Management Committee for determination.

Statutory Determination Period

The determination date was 17th August and an extension of time has been agreed.

Site Details

Torre House is at the southern end of a driveway leading off the lower end of Falkland Road. It is part of a development of four Victorian villas in the form of two semi-detached pairs (Renowell Court and the Abbey Court Hotel). Torre House is the smaller of the blocks, comprising a basement, two floors above with gardens to the side and rear. It is located in the Belgravia Conservation Area and has been identified in the Conservation Area Character Appraisal as a key building which forms part of a group of architectural importance or which makes a significant contribution to the townscape. Until recently the property was in use as a nursing home for the elderly (Use Class C2).

There is car parking to the front of the building for 5 cars and 1 motorcycle. The character of the surrounding area is of residential apartments, hotels and guest houses.

Detailed Proposals

The application seeks approval for the change of use of the building from a former nursing home (Use Class C2) to a student residence (Sui Generis).

The submitted plans indicate that 23 bedrooms are to be provided over the three main floor levels. Communal facilities will comprise a kitchen/dining room with patio doors leading out onto a large rear private garden. There are also two communal lounges, a laundry and house parent accommodation (two house parents working on a rota basis). Other staff will include one house keeper, two chefs (one part time) and two part time kitchen porters and one part time general assistant.

In any year a maximum of 42 International Academy students would arrive at the residence. Students would benefit from a self-service breakfast and would attend the EF School on Castle Road from 8.30am to 4.00pm. The students would return at 4.30pm and dinner would be served between 5.15pm and 6.45pm. All students are in bed by 11pm weekdays and 11.30pm at weekends.

The Council is aware that new uPVC windows have recently been installed and a fence erected at the front of the property. These elements do not form part of this planning application.

Policy Context

Section 38(6) of the Planning and Compulsory Purchase Act 2004 places a duty on local planning authorities to determine proposals in accordance with the development plan unless material considerations indicate otherwise. The following development plan policies and material considerations are relevant to this application:

Development Plan

- The Adopted Torbay Local Plan 2012-2030 ("The Local Plan")

Material Considerations

- Emerging Torquay Neighbourhood Plan
- National Planning Policy Framework (NPPF)
- Planning Policy Guidance (PPG)
- Published standing Advice
- Planning matters relevant to the case under consideration, including the following advice and representations, planning history, and other matters referred to in this report.

Summary Of Consultation Responses

Senior Environmental Health Officer:

Whilst I can understand residents' concerns about the potential noise created by a student residence, the proposed use is not intrinsically noisy.

If run in a responsible fashion, I see no reason for anyone to be unreasonably affected by noise. If issues with noise from students were to arise, effective disciplinary procedures against offending students would no doubt be sufficient to resolve neighbour's concerns. Should the issues not be dealt with and the matter not be resolved in a timely fashion, the Council can utilise its powers in the Statutory Nuisance regime to resolve the situation.

However, in the light of local concerns, and in order to preserve residential amenity, I recommend a condition be placed on the consent requiring the development of a noise management plan and that the details of the plan are to be approved by the local planning authority. I would also recommend that a review mechanism be put in place so that should it be required the plan can be modified in consultation with the Council.

The plan would include:-

- a code of conduct for students whilst on site
- a proposed scheme of monitoring
- a scheme of sanctions should students fail to comply with the code.
- A reporting scheme so residents can express their concerns
- A review mechanism to address emerging concerns.

Conservation Officer: It is acknowledged that UPVC sliding sash windows have been installed contrary to the requirements of a previous approval (P/2016/0882) requiring timber sliding sash windows and also the removal of modern flat roofed extensions to the rear as conditions relating to the conversion to flats. Also the wooden panelled fencing to the front of the building is unacceptable. Paragraph 130 of the NPPF applies. The new windows and fence are considered to be unacceptable and the extensions at the rear of the property should be removed to make this proposal acceptable.

Police Designing out Crime Officer: The Police Designing out Crime Officer provided the following comments:

1. It is noted in the planning statement how the premises and students are currently supervised and managed but there should be a separate and detailed management (and maintenance) plan drawn up and agreed upon, which should also include the external areas. Residents of multi occupancy premises generally only have an interest and regard for their own private space (i.e. their room), as such other areas can become problematic due to a lack of supervision, ownership and responsibility. This can easily escalate creating conflict and unacceptable behaviour and noise and nuisance issues for nearby residents, therefore the

premises must be robustly managed and maintained on a regular basis. This will also help in identifying any problem areas which can then be dealt with at an early stage.

2. The main shared entrance door to the building should be of a design that has been tested and certificated to an acceptable security standard e.g. PAS 24 2016. The door should have access control and a visitor door entry system to prevent unauthorised access. The door should be self-closing and locking to prevent from being left open.

3. Other external shared access doors must also be self-closing and locking with a thumb turn lock on the inside. This will ensure the door is secure at all times and egress can be gained in the event of an emergency without the need for a key

4. All ground floor and easily accessible windows should also be to a design that has been tested to an acceptable security standard such as PAS 24 2016. Ground floor and easily accessible windows should have restrictors fitted.

5. Each student's private room must have a 'fit for purpose' secure door and locking system - ideally it should be tested and certificated to PAS 24 2016 to provide a safe and secure sanctuary for the student.

6. Ideally there should be a house parent bedroom on each floor rather than all be sited together in one area of the building.

7. A monitored CCTV system should be considered for shared areas and be capable of capturing clear evidential images

8. Bicycle storage should be secure and it should not be possible to see bikes from the outside of the store. The store must be in view of active areas and be well lit to assist students during hours of darkness. There should be a thumb turn lock on the inner face to prevent users from being accidentally locked in.

9. The curfew for students is noted but should be written into the management plan

10. There should be clear rule setting throughout the building so that students are in no doubt as to what is expected of them in terms of behaviour for both inside and outside of the premises.

Strategic Transport: No comments received.

Summary Of Representations

30 letters of objection and 34 letters of support have been received. Issues raised by the objectors:

- Impact on the local area

- Impact on holiday environment
- Noise and disturbance
- Littering
- Anti-social behaviour
- Loss of privacy/overlooking
- Increase in traffic
- Impact on local businesses
- Impact on parking
- Potential use as a HIMO
- Adverse impact on local tourist businesses

The comments in support of the application included:

- Economic benefits to local area
- Provides jobs
- Social and cultural enrichment
- Visual improvement to the building

Relevant Planning History

P/2016/1356 - Torre House - Conversion to 8 self-contained flats - Approved 15.02.2017

P/2016/0882 - Torre House - Conversion to 6 Self Contained Flats - Approved 23.11.2016.

Key Issues/Material Considerations

The key issues to consider in relation to this application are:

1. Principle of the development
2. Amenity
3. Visual impact
4. Transport Impacts

1. Principle of the development

The proposal would involve the change of use of a building from a nursing home to student accommodation. There are no Local Plan policies indicating that this would not be acceptable in principle.

2. Economic Benefits

Policy SS4 (The economy and employment) of the Torbay Local Plan supports the regeneration of Torbay and improvement in its economic performance, with the aim of achieving a step-change in economic prosperity as set out in Torbay's

Economic Strategy. The Local Plan supports existing businesses and education facilities, it encourages new businesses and investment in order to create new jobs, and it enables expansion and diversification of the economy of the Bay. Given that the use of the building is to provide accommodation for students attending an existing educational facility, the use of the premises provides jobs and the students staying at Torre House would contribute to the local economy, it is deemed that the proposal would comply with Policy SS4.

Policy SS11 (Sustainable communities) of the Torbay Local Plan details that proposals that regenerate or lead to the improvement of social, economic or environmental conditions in Torbay, and particularly within Community Investment Areas, will be supported in principle. Given that the proposal utilises an empty building within a Community Investment Area for student accommodation, it is deemed that the proposed development does lead to an improvement in economic conditions in Torbay. However, Policy SS11 does also detail that proposals should help to reduce and prevent crime and the fear of crime whilst designing out opportunities for crime, anti-social behaviour, disorder and community conflict. Representations have been received during the course of the application with regards to potential anti-social behaviour associated with the proposed use of the building and this issue will be addressed in the 'amenity' section of this report.

Given that the proposal provides an educational tourism use and utilises a building just outside a Core Tourism Investment Area which provides economic benefits to the local economy. However, given that concerns have been raised with regards to noise and disturbance, and anti-social behaviour, it is recommended that if permission is granted, it should be for a temporary two year period to ensure that the premises are satisfactorily managed. Subject to relevant conditions, it is considered that the proposal would comply with Policies SS4 and SS11 of the Torbay Local Plan.

3. Amenity

Policy DE3 (Development amenity) of the Torbay Local Plan details that all development should be designed to provide a good level of amenity for future residents or occupiers and should not duly impact upon the amenity of neighbouring and surrounding uses. A number of objections have been raised with regards to the potential noise and disturbance, littering and anti-social behaviour from the proposed use of the building.

The Senior Environmental Health Officer does not consider the proposed use of the building to be intrinsically noisy and he has commented that if the premises are run in a responsible fashion, he sees no reason for anyone to be unreasonably affected by noise. He has commented further that if issues with noise from students were to arise and they were not dealt with by the owners of the buildings, the Council can utilise its powers in the Statutory Nuisance regime to resolve the situation.

However, given the objections raised with regards to noise and disturbance, and in order to preserve residential amenity, the Senior Environmental Health Officer has recommend that a condition is included with any permission which requires the development of a noise management plan and that the details of this plan are to be approved by the local planning authority. He has also recommend that a review mechanism be put in place so that should it be required, the noise management plan can be modified in consultation with the Council.

The submitted information states that there is a curfew for all students of 21:00 Sunday to Thursday and 23:00 Fridays and Saturdays, and that external lighting is switched off at the curfew hour. A draft management plan includes details regarding litter and it states that the students are directed to public parks to play ball games. Students staying at Torre House would have access to a number of internal communal areas, and it is noted that both Torre Abbey Meadows and Torre Abbey Sands are approximately a 5 minute walk away from the premises.

It is also noted in the Management Plan that students will be required to access the building via the separate pedestrian access steps off Falkland Road. This will minimise pedestrian movement from the main vehicular entrance across the frontages of the two neighbouring buildings, Abbey Court Hotel and Renowell Court Flats.

Whilst it is acknowledged that there are understandable concerns with regards to noise and disturbance and anti-social behaviour, it is considered that these issues can be controlled via the submission of a robust management plan. Furthermore, permission can be for a temporary two-year period to enable the management of the premises to be monitored by the authorities. A condition can also be used to limit the building's use to EF students only.

Subject to these conditions, it is considered that the proposal would comply with Policy DE3 of the Torbay Local Plan.

4. Visual impact

Policy SS10 (Conservation and the historic environment) of the Local Plan states that proposals will be supported which preserve, and where appropriate enhance, the significance and setting of the district's heritage assets. Policy DE1 (Design) of the Local Plan states that proposals will be assessed against a range of criteria relating to their function, visual appeal, and quality of public space.

It is noted that Policy DE1 also states that, where appropriate, the removal of unsightly additions will be required when considering the conversion of existing buildings. It is also noted that the conversion of the building to residential use was granted planning permission in 2017, subject to the removal of several extensions to the rear of the building, and one to the side, along with the replacement of uPVC

windows with timber units. The Council's Conservation Officer has objected to the proposal on the grounds that it would not result in the removal of the extensions to the side and rear of the building, and would not involve the replacement of uPVC windows.

The proposed use would occupy the whole of the existing building, including its extensions. The removal of these additions would result in the loss of three of the proposed bedrooms, a sitting area, and a boiler room. As discussed earlier in this report, a temporary planning permission is proposed in this case to enable the Council to monitor the use of the site and to ensure that it is operated in accordance with a detailed management plan, intended to prevent any harmful effects in relation to local and neighbouring amenity. Given that a planning permission may not be extended in future, it is not considered appropriate at this time to require the applicant to undertake expensive building works involving the removal of ground and first floor extensions. However, the Council would reserve the right to revisit this matter in future, should the applicants apply for a permanent planning permission, which the Council would otherwise be willing to support.

If, as recommended, a temporary planning permission is to be granted, then the proposal is considered acceptable in its current form, that is, without the removal of any existing extensions. Under these circumstances, it is considered that the proposal is in accordance with Policies DE1 and SS10 of the Torbay Local Plan.

5. Transport impacts

The students staying in the building would typically be aged 14 - 19 and car ownership is unlikely. As such, it is considered that the proposed use of the building as a student residence would not result in any more vehicle trips than the previous use of the building as a Nursing Home. As such, it is deemed that the proposal would not result in any considerably worse transport impacts than the existing use of the building as a hotel.

6. Other Considerations

The Council's Conservation Officer has objected to the installation of new uPVC windows and the erection of a fence at the front of the property. These works have already been undertaken but do not form part of the application under consideration. These elements may need to be the subject of enforcement action by the Council if a separate consent is not given. A condition is recommended to clarify that planning permission does not relate to any operational works.

Neighbourhood Plan

The Torquay Neighbourhood Plan has recently completed its Independent Examination. Section 70(2) of the Town and Country Planning Act 1990 (as amended) provides that a local planning authority must have regard to a post-

examination draft neighbourhood development plan, so far as material to an application.

There are no policies in the emerging Torquay Neighbourhood Plan that are material to this planning application.

Statement on Human Rights and Equalities Issues

Human Rights Act - The development has been assessed against the provisions of the Human Rights Act, and in particular Article 1 of the First Protocol and Article 8 of the Act itself. This Act gives further effect to the rights included in the European Convention on Human Rights. In arriving at this recommendation, due regard has been given to the applicant's reasonable development rights and expectations which have been balanced and weighed against the wider community interests, as expressed through third party interests / the Development Plan and Central Government Guidance.

Equalities Act - In arriving at this recommendation, due regard has been given to the provisions of the Equalities Act 2010, particularly the Public Sector Equality Duty and Section 149. The Equality Act 2010 requires public bodies to have due regard to the need to eliminate discrimination, advance equality of opportunity and foster good relations between different people when carrying out their activities. Protected characteristics are age, disability, gender reassignment, pregnancy and maternity, race/ethnicity, religion or belief (or lack of), sex and sexual orientation.

Local Finance Considerations

S106/CIL -

S106:

Not applicable.

CIL:

Not applicable.

EIA:

Due to the scale, nature and location this development will not have significant effects on the environment and therefore is not considered to be EIA development.

Proactive Working

In accordance with the National Planning Policy Framework the Council has worked in a positive and pro-active way but has concluded that the application is unacceptable for planning approval.

Conclusions

Subject to the use of conditions, the proposal is considered to be in accordance with Torbay Local Plan and all other material considerations.

Condition(s)/Reason(s)

01. The use hereby approved shall cease within two years of the date of this planning permission. Reason: To allow for sufficient time to monitor the operator's adherence to the approved Management Plan and to maintain control over a temporary form of development, in accordance with Policies DE3 of the Torbay Local Plan 2012-2030.

02. For the avoidance of doubt, this planning permission only relates to the change of use to student accommodation and does not permit any operational development, including the installation of windows or erection of fencing.

Reason: To protect the character of the area, in accordance with Policies DE1 and SS10 of the Torbay Local Plan.

03. Within two weeks of the date of this planning permission, a management plan shall be submitted to the Local Planning Authority for its approval in writing. The management plan shall include the following:-

- A code of conduct for students whilst on site
- A proposed scheme of monitoring
- A scheme of sanctions should students fail to comply with the code
- A reporting scheme so residents can express their concerns
- A liaison and review mechanism to address emerging concerns

The use shall thereafter be undertaken in full accordance with the approved details.

Reason: To ensure that the use of the building is properly managed and monitored in the interests of preventing harm to the amenity of the area, and in accordance with Policy DE3 of the Torbay Local Plan 2012 and 2030.

04. Only students associated with Education First International Academy shall reside at the student accommodation hereby approved.

Reason: To maintain control of potentially inappropriate development as the sui generis use of the premises as described in the application is considered appropriate in this location in that it would comply with Policies DE3 of the Torbay Local Plan (2012-2030). Any subsequent sui generis use or changes in operation by subsequent owners would have to be considered on their individual merit.

05. Within three months of the date of this planning permission, 10 secure, covered and lockable bicycle storage spaces shall be provided in accordance with full details (to include details of layout and the design of

the facilities) which have first been submitted to and approved in writing by the Local Planning Authority. These facilities shall be made available for use by users of the site in accordance with the approved details and maintained as such at all times.

Reason: To provide for and encourage sustainable forms of travel to and from the site, in accordance with Policies TA1 and TA3 of the Torbay Local Plan 2012-2030.

06. Within one month of the date of this planning permission, a Travel Plan shall be submitted to and approved in writing by the Local Planning Authority. The submitted information shall provide details of the proposed means of encouraging the use of sustainable modes of transportation, including the provision of information to the site's users. Once approved, the Travel Plan shall be implemented in full.

Reason: In the interests of road safety and sustainability, and in order to accord with Policies TA1 and TA3 of the Torbay Local Plan 2012-2030.

07. Within one month of the date of this planning permission, a Travel Plan shall be submitted to and approved in writing by the Local Planning Authority. The submitted information shall provide details of the proposed means of encouraging the use of sustainable modes of transportation, including the provision of information to the site's users. Once approved, the Travel Plan shall be implemented in full.

Reason: In the interests of road safety and sustainability, and in order to accord with Policies TA1 and TA3 of the Torbay Local Plan 2012-2030.

Informative(s)

01. In accordance with the requirements of Article 35(2) of the Town and Country Planning (Development Management Procedure) (England) Order, 2015, in determining this application, Torbay Council has worked positively with the applicant to ensure that all relevant planning concerns have been appropriately resolved. The Council has concluded that this application is acceptable for planning approval.

Relevant Policies

DE1 - Design
DE3 - Development Amenity
SS10 - Conservation and Historic Environment
SS11 - Sustainable Communities Strategy
SS4 - The economy and employment

T2 - Transport hierarchy