

Application Number

P/2012/0327

Site Address

Lewton Lodge
Adelphi Lane
Paignton
Devon
TQ4 6AS

Case Officer

Mr Alexis Moran

Ward**Description**

Change of use from 2 Holiday apartments to 2 Residential apartments

Executive Summary/Key Outcomes

The application seeks permission for a change of use from two self contained two bed holiday units to two full time residential units of accommodation.

When measured against Local Plan policy TU6 it is considered that the proposal does not satisfy all of the requirements of the policy and therefore is not acceptable for approval.

Recommendation

Refusal

Site Details

The site, Lewton Lodge, Adelphi Lane, Paignton, is currently in use as two self contained two bedroom holiday apartments, one on the first floor and one on the second with an area marked out for storage on the ground floor.

The site is located to the rear of The Commodore Hotel on Esplanade Road which makes up part of an integral frontage to the Paignton Seafront South Principal Holiday Accommodation Area (PHAA).

Detailed Proposals

Permission is sought for a change of use for the unit from two self contained holiday apartments to two permanent residential apartments.

Summary Of Consultation Responses

None.

Summary Of Representations

2 Letters of support had been received at the time of the June Development Management Committee meeting. A further letter of support has now been

received from Carolyn Custerson, Chief Executive Officer of the English Riviera Tourism Company. This letter states that allowing a mix of uses in this part of the PHAA, i.e. the rear of Esplanade Road, would be beneficial to all involved. These are re-produced at Page P.201.

Relevant Planning History

None

Key Issues/Material Considerations

The property is situated within a Principal Holiday Accommodation Area, as defined by policy TU6.11 of the Saved Adopted Torbay Local Plan 1995-2011. As originally approved by the Council, the purpose of this policy was 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. This usually resulted in refusal to grant planning permissions to change uses from holiday accommodation to permanent residential occupation.

As a result of recent changes in holiday trends and more importantly the recent severe economic problems, policy TU6 has been examined again and re-interpreted to ensure that it is up to date, clear and gives a degree of flexibility in the current economic climate. Two years ago the Council adopted a revised interpretation of the PHAA policy. Prior to its adoption, this Revised Guidance was the subject of public and stakeholder consultation. Although the Revised Guidance on PHAA's does not form part of the Local Plan, it is capable of constituting a material consideration which can be weighed against others when determining whether consent may be granted.

“Revised Guidance on the Interpretation of Policy TU6 (Principal Holiday Accommodation Areas)” (March 2010) sets out a traffic light based approach whereby PHAAs were colour coded into 3 areas. This site sits within Paignton Seafront South PHAA which was identified as a red area. Paragraph 3.4 of the Revised Guidance states that in these areas it is essential to maintain and enhance the holiday use and character. In other words there is a presumption that residential use will be resisted.

Although the property is within a red zone it is on the boundary with a Green Zone where the conversion of units of this size would, in principle, be considered to be acceptable. The property is separate to and located at the rear of an integral building within the PHAA and it may be deemed that it has been added to the red zone by association rather than on the basis of its importance as a unit of holiday accommodation.

Policy TU6 states clearly that applications involving the loss of holiday accommodation within an identified P.H.A.A. should be tested against 4 key criteria and that they may be permitted where the following criteria apply:-

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 bedspace capacity, having a limited number of bedrooms (if serviced) or apartments (if self-catering);
- c) the loss of the premises would not be to the detriment of the holiday character of the particular locality, nor set an unacceptable 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.

The premises, on the whole, has a basic range of facilities, however there is little scope for improving the holiday facilities.

It is deemed that the unit does have restricted bedspace capacity due to its size and limited potential for extension.

There is a mix of holiday and residential uses in the area however it is considered that the prevailing character is that of holiday use. No supporting advice has been provided to show that the current use as holiday apartments is unviable. If further properties were granted permission for residential use it would further undermine the holiday character of the area setting a precedent for the continuation of the loss of holiday accommodation in this Principal Holiday Accommodation Area. As such the change of use would not meet this aspect of policy TU6.

Suitable on site parking is available to accommodate two separate residential units.

The prevailing context of the immediate area is of a strong holiday character and with many properties along the road being in holiday use. The property offers two, tow bedroom units of accommodation in close proximity to the seafront and the town centre, providing an appropriate range of facilities and standard of accommodation to meet the reasonable requirements of tourists.

Policy TU6 is the starting point in determining this application. It is the officers view that the tests set out in TU6 have not been met. Similarly the Revised Guidance would not support the proposed change of use. As such in accordance with the requirements of TU6 this application should not be permitted.

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.

In line with Government advice, sound economic principles and principles of sustainable development, the Council has decided that the true cost of any development should be realised by the development itself without becoming a burden upon the Local Authority or its Council Tax payers. To this aim, the Council has now adopted policy in line with Central Government legislation and advice from the Government Office for the South West which provides justification for this approach and levels of payments that would be sought in relation to specific developments. This is detailed in Adopted Supplementary Planning Document LDD6 ('Planning Contributions and Affordable housing: Priorities and Delivery'). The result of this assessment is that the following contributions will be required..,

Waste Management	£ 50.00
Sustainable Transport	£ 1,805.00
Education	£ 1,660.00
Lifelong Learning	£ 470.00
Greenspace	£ 1,185.00
Total Contribution	£ 5,170.00

(less 5% discount for upfront payment) **£ 4,911.50**

Conclusions

When this proposal is tested against the relevant policies of the Saved Adopted Local Plan it fails. The proposal is therefore not considered to be appropriate for planning approval and should be refused.

Supporting Information

This application was seen at the last Development Management Committee on the 18th June 2012. It was decided that the application should be deferred. At the Committee the possibility of looking into how the money generated from the potential sale or lease of the units could be used to supplement improvements to the main hotel was mentioned. This has been discussed with the applicant and it has been confirmed that this is not the intention. Instead it is understood that the applicant intends to continue using the units for holiday purposes but requires an open C3 residential use for mortgage purposes. This mortgage would then be used to pay for previous works to develop these units and therefore there would be no funds to reinvest into improvements to the main hotel.

Condition(s)/Reason(s)

01. The proposal to change the use from holiday to residential is contrary to policy TU6 of the Saved Adopted Torbay Local Plan which seeks to prevent such changes of use within identified Principal Holiday Accommodation Areas (PHAAs) where that change would be to the detriment of the character and

function of the PHAA. The Council consider that the proposal would specifically fail to meet tests (c) & (d) set out in policy TU6, and there are no other change in circumstance that would justify a breach of the adopted policy.

02. The applicant has failed to provide or legally agree to, any contributions in order to offset the costs involved in supporting essential community facilities such as transport services, education facilities, the provision of open space and to maintain infrastructure stemming directly from development that would arise to the Local Authority and the tax payer as a result of this proposal. This makes the proposal contrary to policies CF6 and CF7 of the Saved Adopted Torbay Local Plan (1995 – 2011) and to the subsequent adopted policy position of the Adopted Supplementary Planning Document LDD6 (“Planning Contributions and Affordable housing: Priorities and Delivery”, adopted in May 2008) and the more recent update the ‘Planning contributions and affordable housing supplementary document, update 2: Economic Recovery Measures’, (adopted by the Council in June 2010.)

Relevant Policies

TU6 - Principal Holiday Accommodation Areas