



Application Number: P/2018/0493

PLACE and ENVIRONMENT

Spatial Planning, Torbay Council
2nd Floor, Electric House, Castle Circus
Torquay TQ1 3DR
Phone 01803 207801

GRANT OF PLANNING PERMISSION

**TOWN AND COUNTRY PLANNING ACT 1990
TOWN AND COUNTRY PLANNING (DEVELOPMENT MANAGEMENT
PROCEDURE)(ENGLAND)ORDER 2015**

Applicant:

Maycliffe Hotel
FAO Mr Philip Watson
St Lukes Road North
Torquay
TQ2 5PD
UK

Agent:

Another Dimension
FAO Mr Arthur Tatchell
The Ridings
Cockington Lane
Cockington With Chelston
TORQUAY
TQ2 6XA
UK

In pursuance of its powers under the above-mentioned Act and Orders, Torbay Council as Local Planning Authority hereby PERMIT:

**Change of use from C1 (hotels) to Sui Generis (Student Residence)
(retrospective) (proposal / description amended 24 May 2018)**

at Maycliffe Hotel St Lukes Road North Torquay TQ2 5PD

to accord with the application received 15 May 2018 and the plans and particulars submitted.

Additional Condition(s)

P1. The development hereby permitted shall be carried out in complete accordance with the approved plans listed below:

- 180423-AL(OS)100 - (Version - (1:1250)) - Date on plan: 06/05/2018 - OS Map/Site Location received 10.05.2018
- 180423-AL(OS)101 - (Version - (1:1500)) - Date on plan: 06/05/2018 - OS Map/Site Location received 10.05.2018
- 180423-AL(PL)300 - Date on plan: 06/05/2018 - Proposed Internal received 10.05.2018

Reason: For the avoidance of doubt and to ensure a satisfactory completion of development.

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. 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.

03. 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.

04. 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.

05. 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.

The proposed development has been tested against the following policies of the Development Plan and other relevant material considerations and in the opinion of the Local Planning Authority the proposed development is not in conflict with these policies:

TA1 - Transport and accessibility

TA3 - Parking requirements

TO2 - Change of use of tourism accommodation and facilities

SS4 - The economy and employment

SS11 - Sustainable Communities Strategy

DE1 - Design

DE3 - Development Amenity

SS10 - Conservation and Historic Environment

The applicant is advised that the granting of planning permission is a separate matter to that relating to the issue of restrictive covenants that may exist on the land. Such covenants protect private rights and benefits. They have not been a material consideration in the determination of this application. You should make your own enquiries relative to such covenants before proceeding to implement the approved development.

THIS IS NOT AN APPROVAL UNDER BUILDING REGULATIONS

Our Building Control Team will be happy to discuss your proposals to help you establish if Building Regulation Approval is required. Please contact Building Control on 01803 208095 or building.control@torbay.gov.uk.



STEVE PARROCK
Executive Director
On behalf of Torbay Council
16 August 2018

NOTES FOR GUIDANCE

GRANT OF PLANNING PERMISSION

TOWN AND COUNTRY PLANNING ACT 1990 TOWN AND COUNTRY PLANNING (DEVELOPMENT MANAGEMENT PROCEDURE)(ENGLAND)ORDER 2015

Your application for Planning permission has been granted. You must adhere to the details of the approved plans and comply with the conditions attached to the decision notice.

This decision is not a decision under the Building Regulations. It may be necessary to apply for Building Regulation approval. If you need further information about this you may telephone the Building Control Team on 01803 208095.

If you are aggrieved by the decision of your Local Planning Authority to refuse permission for the proposed development or to grant it subject to conditions, then you can appeal to the Secretary of State under section 78 of the Town and Country Planning Act 1990.

If this is a decision on a planning application relating to the same or substantially the same land and development as is already the subject of an enforcement notice, if you want to appeal against your local planning authority's decision on your application, then you must do so within 28 days of the date of this notice.

If an enforcement notice is served relating to the same or substantially the same land and development as in your application and if you want to appeal against your local planning authority's decision on your application, then you must do so within:

- 28 days of the date of service of the enforcement notice or
- 6 months (12 weeks in the case of a householder appeal) of the date of this notice

whichever period expires earlier.

If this is a decision to refuse planning permission for a householder application, if you want to appeal against your local planning authority's decision then you must do so within 12 weeks of the date of this notice.

Otherwise, if you want to appeal against your local planning authority's decision then you must do so within 6 months of the date of this notice.

Appeals must be made using a form which you can get from the Secretary of State at

Temple Quay House
2 The Square
Temple Quay
Bristol
BS1 6PN

or online at www.gov.uk/government/organisations/planning-inspectorate

The Secretary of State can allow a longer period for giving notice of an appeal, but will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal.

The Secretary of State need not consider an appeal if it seems to the Secretary of State that the local planning authority could not have granted planning permission for the proposed development or could not have granted it without the conditions they imposed, having regard to the statutory requirements, to the provisions of any development order and to any directions given under a development order.

In practice, the Secretary of State does not refuse to consider appeals solely because the local planning authority based their decision on a direction given by the Secretary of State.

Section 76 of the Town and Country Planning Act 1990 requires that your attention is drawn to the provisions of the Chronically Sick and Disabled Persons Act 1970, the Code of Practice for Access for the Disabled to Buildings (BS 5810:1979) and Design Note 18 "Access for the Disabled to Educational buildings" in relation to buildings which the public will be admitted. Further information about this may be obtained from the Building Control Team on 01803 208095.

This permission does NOT include authority to execute any works within the boundary of the public highway, or in any way affecting the public highway, or the sewers system in the highway without the permission of the Highway Engineer. You may contact the Highways Team on 01803 207671 or the Drainage Team on 01803 207821.

Purchase Notices

If either the local planning authority or the Secretary of State refuses permission to develop land or grants it subject to conditions, the owner may claim that the owner can neither put the land to a reasonably beneficial use in its existing state nor render the land capable of a reasonably beneficial use by the carrying out of any development which has been or would be permitted.

In these circumstances, the owner may serve a purchase notice on the Council (that is, where the land is situated in a National Park, the National Park authority for that Park, or in any other case the district council (or county council which is exercising the functions of a district council in relation to an area for which there is no district council), London borough council or Common Council of the City of London in whose area the land is situated). This notice will require the Council to purchase the owner's interest in the land in accordance with the provisions of Chapter I of Part 6 of the Town and Country Planning Act 1990.