

Application Number

P/2013/0254

Site Address

County Hotel
52/54 Belgrave Road
Torquay
Devon
TQ2 5HS

Case Officer

Mr Scott Jones

Ward

Tormohun

Description

Change of use from former hotel to 8 holiday letting apartments and 2 full residential use apartments on top floor

Executive Summary/Key Outcomes

The proposal seeks the change of use of the building from a 24-bed hotel with residential accommodation at lower ground floor, to that of 8 holiday letting apartments and 2 full residential apartments.

The intention is to provide 2 holiday letting apartments on each of the floors lower-ground through to the 2nd floor (8 in total), with 2 residential flats provided within the 3rd floor at roof level. Physical changes are also proposed, which include removing later additions to the building, replacing the windows, and altering access at lower ground floor level.

The site lies within the 'red core' area of the Principle Holiday Accommodation Area (PHAA), where the retention of serviced holiday uses is the clear objective of both the policy and the revised guidance on PHAAs.

In terms of use, the proposal is considered to provide an acceptable alternative to the current holiday offer provided by the site. This is subject to viability findings, the continuation of sole ownership and management, and restricted occupancy of the 8 units as holiday accommodation.

The visual alterations are largely considered acceptable, subject to the improvements set out in this report. As such, subject to revised plans that incorporate the addition of appropriate window openings within the ground floor side elevation, an improved boundary treatment, improvements to the roofscape and revised signage for the new holiday offer, the impact upon the wider built environment is acceptable.

Sustainable development planning contributions should be attained as per the sums outlined within this report, to offset the impact upon local infrastructure.

Recommendation

Site Visit; Conditional Approval; Subject to the further improvements to the building set out in this report (additional windows, roofscape changes, signage and boundary treatment); subject to the findings of the viability assessment; subject to planning conditions to include those laid out within this report, and; subject to a S106 Legal Agreement to achieve planning contributions, a holiday use monitoring contribution and clauses pertaining to holiday occupancy and ownership.

The application is to be refused for lack of a s106 agreement, if the agreement is not completed and signed by or before 24 July.

Statutory Determination Period

13 weeks / 24.07.2013

Site Details

The site is 5-storey hotel set in a prominent corner plot at the junction of Belgrave Road and Falkland Road, with 3 principle storeys and additional rooms at lower ground floor and roof level. The building is Victorian, double width (being the combination of buildings 50 and 52), with stucco/rendered elevations. Modern mansard and flat-roofed dormer additions are present in the roof and lean-to additions sit at ground floor adjacent to Falkland Road.

The site sits within the Belgravia Conservation Area and is identified as a key building and part of an important building group within the associated character appraisal.

The building is also within the Belgrave Road PHAA (Principal Holiday Accommodation Area) and the "Red Core Area" as detailed within the 2010 revised guidance of PHAAs. It also sits close to the Belgrave Road / Lucius Street Local Centre and at an axis junction with good links to Torquay Town centre and Torre Abbey Sands and the wider promenade.

Detailed Proposals

Change of use from a 24-bed hotel with residential accommodation at lower ground floor to 8 holiday letting apartments and 2 residential apartments.

The submission is for 2 holiday letting apartments on each of the floors lower-ground through to the 2nd floor (8 in total), with 2 residential flats provided within the 3rd floor at roof level. The scale of the apartments is a mix of one and two bedroom.

Aside the change of use a number of physical changes are proposed, which include the removal of two lean-to structures at ground floor level adjacent to Falkland Road, removal of the stainless steel flue that runs up the corn of the building, formation of doorways at lower ground level to the front and rear, and the replacement of timber sash windows with Upvc sliding sash windows throughout.

Summary Of Consultation Responses

Highways/ Strategic Transport Pending Comments

Conservation Verbal advice offered that the removal of the lean-to structures and flue are positive enhancements, however window openings should be (re)formed within the exposed areas to either side to reinstate balance and detail to the side elevation. The replacement of timber sash windows with Upvc on a like-for-like basis sits comfortably with Policy guidance. Endorse improvements to the roofscape if at all possible.

Summary Of Representations

One letter of representation detailing that the existing plans fail to show a mutual fire escape shared with the adjacent 'Lancaster Flats' and the proposed plans fail to show how this facility is to be maintained as the owners/occupiers benefit from a easement over for emergencies. The implications upon the adjacent property should be considered.

This representation has been sent electronically to Members for consideration.

Relevant Planning History

Applications:

P/1988/2078 Alterations and Construction Of Pedestrian Bridge Between Front Terrace And Lounge Areas - PER - 03/11/1988

Pre-Applications:

ZP/2005/0678 Conversion from Hotel to Residential - REF - 29/07/2005
ZP/2012/0379 Use as holiday lets and residential use on top floor - REF - 21/11/2012

Development Enquiries:

DEP/2012/0310 Change of use to HMO - WDN - 03/08/2012
DEP/2012/0343 Change to use away from hotel - REF - 03/08/2012
DEP/2012/0378 Use as long term hotel - over 28 days to 1 year plus - REF - 31/10/2012

Key Issues/Material Considerations

Impact upon the PHAA -

As a hotel located within a defined PHAA where there is a change of use proposed, Policy TUS (Tourism Strategy) and TU6 (Principal Holiday Accommodation Areas) of the Saved Local Plan apply.

Policy TUS identifies the broad aspiration that holiday accommodation within PHAAs should be retained.

Policy TU6 seeks to resist changes of use of existing holiday accommodation which are to the detriment of the character and function of the PHAA. The policy states that the loss of holiday accommodation or important tourism-related facilities may, however, be permitted within PHAAs 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 accommodation) 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.

Revised guidance on the interpretation of Policy TU6 (2010) and “Red Core” areas, offers more specific guidance. The review outlined that the “Red Core” areas were the foundation of the holiday areas and it is essential that holiday use and character is maintained and enhanced. In such areas the Authority is to seek to encourage and retain serviced accommodation and the conversion of serviced accommodation to residential apartments should only be permitted where viability has shown a holiday/leisure use not to be viable. In all events replacement uses should be compatible with the tourism character.

The proposal, in this instance, seeks the conversion of a 24-bed hotel with one integral residential unit to 10 residential units, albeit that 8 of the units are proposed to be restricted by a holiday occupancy clause as they are described in the proposal as “holiday apartments”. In regard to policy the key test is whether viability shows that the current hotel use cannot be sustained, and whether the revised holiday use sustains or enhances the role or character of the holiday area.

The applicant has supplied information in respect to viability. At present confirmation is being sought for agreement to pay for viability testing of this information and it is hopeful that agreement will be provided and that a report can be provided to members on the day in respect to this issue. On face value the information provided concludes that bringing back the hotel to a usable standard is not viable. On this assumption the merits of the proposed use will be discussed below.

The conversion of the building to predominantly offer holiday apartments is considered a suitable alternative use supportive of the holiday character and role of the area. The provision of 2 unrestricted residential units (one net additional unit) on the uppermost floor is considered aligned with pump-priming advice contained within the 2010 update guidance for PHAAs. In both cases this is on the assumption that maintenance of the hotel is not viable.

The downside of holiday apartments is that they are principally residential units with a restricted occupancy clause and as such offer a degree of difficulty in establishing and maintaining a vibrant ongoing holiday offer. This is because there is the potential for the flats to be used as second homes or to be used for residential by the "back door" through breach of the condition.

However, from a planning perspective a restrictive occupancy condition offers a 10 year safeguard against unlawful established uses such as full residential. In addition, the agent has indicated that the business plan is that the building is to be maintained in sole ownership and the holiday flats retained as a single enterprise.

From a planning perspective retaining the units as a single commercial enterprise is far more preferable to the sale of the individual flats. As a single enterprise there is a commercial imperative to develop the business and keep the flats occupied, it is also easier to monitor marketing and occupancy of the units. The agent has been requested to provide a business management statement to that effect, that could be engrained within a planning condition should the proposal be acceptable. A further safeguard that the flats are not to be sold, let or otherwise disposed of can also be written into an accompanying S106 Legal Agreement.

Provided that the continued hotel use is proven to be unviable (this to be confirmed following the assessment of the viability submission), the proposed uses are considered to sit comfortably with tourism policy.

This is subject to restrictions on occupancy, sole ownership of the holiday flats as a single owned/run apartment block, and submission of a revised signage scheme aligned to the revised business. The use restriction should be maintained through conditions and similar clauses engrained within a S106 legal agreement.

Neighbour impacts

The submitted public representation states that the scheme would impact upon the adjacent business due to no reference being shown to the maintenance of a shared escape route. The layout is one commonly established by mutual arrangement and largely born from the need to meet with building regulations for fire access/egress. The matter of easement is considered a civil matter and not one that the planning system can seek to maintain or protect in this instance.

Visual -

The proposal seeks a number of physical alterations, which are discussed in turn below.

Firstly the removal of the two lean-to additions on the side elevation fronting Falkland Road is considered a positive move, as the structures are incongruous and visually detrimental to the building's character and appearance. Notwithstanding this, the scheme proposes to render and make good the resulting elevation and offer a blank finish, which would remain visually harmful. Considering the wider elevation treatment, it is strongly recommended that the scheme provides window openings to each side of the porch detail, to run the detail through from the floors above. This aspiration has been outlined to the agent and there is broad agreement that revised plans will show the re-instatement of windows within this area.

The proposal also removes the prominent and unsightly stainless steel flue that sits on the outer rear corner elevation. This is a positive outcome for the building's visual character and results from the removal of the commercial kitchen.

On floors lower-ground to the second, it is proposed to replace the original timber sliding sash window stock with Upvc sliding sash windows. Considering Authority planning policy guidance the move is considered acceptable, with limited visual impact and positive thermal and maintenance improvements.

Lower ground floor amendments involve the addition of two doors and the provision of a rear access. Subject to detail on the doors and the steps/railings the proposal are unlikely to offer any discernible visual harm.

The proposal does not deal with the matter of any revised signage. The current hotel sign is in poor repair and would not reflect the use that is sought as holiday apartments. In order to update the building and ensure that a revised signage scheme is suitably detailed it is advised that a condition be imposed to implement a revised signage scheme for holiday apartments.

Although no change is offered, the existing roofscape is visually harmful to the

building's character and its contribution to the wider Conservation Area. The matter has been raised with the agent in respect to whether enhancements can be brought into the scheme. Observations are awaited. However, given the nature of the proposed change of use it is advised that a positive enhancement should be sought if at all possible, in order to obtain positive Conservation Area benefits as a result of the acceptance of a more viable use for the site.

Finally, reinstatement of a suitable border treatment to define the curtilage is considered vital, as presently the definition of public and private space aside Falkland Road has been lost. This desire has been outlined to the agent and observations are awaited.

All matters considered, subject to revised plans that include the introduction of windows within the Falkland Road elevation and restatement of the border treatment, together with improvements to the roofscape and revised signage via condition, the visual implications are acceptable.

Highways / Parking / Movement -

The building sits on a restricted site with little curtilage and parking presently for 6 cars. It does however sit in a central location close to facilities, the town centre and seafront area, which offers ease of movement for occupiers, be they holidaying or resident.

The current hotel use should, under policy guidance, have 23 associated parking spaces to serve it. It is therefore presently massively undersupplied in regard of parking for the present use. The proposed use should, again under policy guidance, provide 11 spaces, which is again an undersupply for the 6 offered.

Observations of the highway and movement implications from the highway department are awaited however, on face value, the proposed use appears to be a less trip-generating use and thus it would appear to offer betterment over the existing arrangement in parking and highways terms.

S106/CIL -

The matter of viability has been discussed separately above. Aside this, the change of use has been assessed against Council policy pertaining to Planning Contributions and Affordable Housing.

In-line with policy, with mitigation for the current use, the proposal should provide the following obligations for community infrastructure:-

South Devon Link Road:	£2290.00
Waste:	£ 50.00
Monitoring Fee:	£1600.00
Admin Charge:	£ 197.00

Total Payable via a S106 Legal Agreement: £4137.00 + Legal Fees Approx £500.00

The matter has been raised with the agent and a response is awaited.

Conclusions

In terms of use, subject to viability findings and attainment of sole ownership and management of the units as a holiday package, the change from hotel to holiday apartments is considered a pragmatic revision of the holiday package offered by the site.

The visual alterations are largely considered acceptable and subject to revised plans that incorporate appropriate window openings within the ground floor side elevation, improvements to the roofscape, an improved boundary treatment, and revised signage reflective of the new holiday offer (potentially by condition), the impact upon the wider built environment is acceptable.

Sustainable development planning contributions should be attained as per the sums outlined within this report to offset the impact upon local infrastructure.

Draft Conditions

1. Agreed management plan
2. Holiday occupancy restriction + flats not to be sold or leased and only to be let on a short term holiday basis
3. Register of visitors to be maintained
4. Holiday flats not to be a person's sole or main residence
5. Signage and any other relevant details for the external works to the building to be submitted and agreed and completed prior to first occupation

Relevant Policies

BES	Built environment strategy
BE1	Design of new development
BE5	Policy in conservation areas
H2	New housing on unidentified sites
H9	Layout, and design and community aspects
CFS	Sustainable communities strategy
LDD6	Affordable Housing Contributions

TS Land use transportation strategy
T25 Car parking in new development
TUS Tourism strategy
TU6 Principal Holiday Accommodation Areas