

Application Number**Site Address**

P/2011/1053

Julie Court
5 Colin Road
Paignton
Devon
TQ3 2NR**Case Officer****Ward**

Mr Alexis Moran

Preston

Description

Removal of condition 2 on application P/1987/1109; condition 1 on application P/1996/1527 and condition 1 on application P/2002/1896 to allow the holiday flats and owners accommodation to be occupied without limitation, internal alterations & removal of exterior signage

Site Details

The site, Julie Court, 5 Colin Road is a detached unit currently in use as holiday apartments. It is located adjacent to the Embassy Tavern and off of Marine Drive.

Relevant Planning History

ZP/2011/0507 Alterations to Flat 1, Flat 6, Flat 9 and 10. 11 Flats to then become 9 Flats; officer recommendation was that the proposal would be likely to gain permission if a full application was received - 24/08/11.

P/2011/0363	Removal of condition 2 on application P/1987/1109; condition 1 on application P/1996/1527 and condition 1 on application
P/2002/1896	To allow the holiday flats and owners accommodation to be occupied without limitation – Application withdrawn
P/2010/1174	The Chalet, 5 Colin Road; Certificate of lawfulness for an existing use as a dwelling house (Class C3)
P/2002/1896	Variation off condition 2 attached to 96/1527/PA in order to allow continued use by a new owner; Approved
P/1996/1527	Variation of condition 1 of Consent 96/0262/PA; use of the flats for non-holiday purposes between the period of November-Easter. Approved

Other similar applications seeking residential use of holiday properties at the following addresses are also on this agenda:-

P/2011/0898	Flat 3 Carlton Manor
P/2011/1202	Apartment 2, Sunhill

P/2011/1192 Apartment 11, Sunhill
P/2011/1197 Apartment 3, Sunhill

Relevant Policies

Saved Adopted Torbay Local Plan, relevant policy

H4 Conversion and Sub-division into flats
TU6 PHAA, and the revised guidance on PHAA's adopted by the Council in March of this year (Report no. 73/2010).
CF6 Community infrastructure contributions
CF7 Education contribution
LDD6 Planning contributions and affordable housing adopted April 2008, and the subsequent update (mitigation and clarification) paper of July 2009.

Revised guidance on PHAA's adopted by the Council in March 2010 (Report no. 73/2010), and

LDD6 (Planning contributions and affordable housing) adopted April 2008, and the subsequent update (mitigation and clarification) paper of June 2010.

Proposals

Permission is sought to vary the original planning conditions that restricted occupancy. Condition 2 of permission 1987/1109 states that occupancy is restricted to the period between 15 March and 15 January in any twelve month period; Condition 1 of application P/1996/527 limited winter use of holiday flats for non holiday purposes for the period of November to Easter & condition 1 of application P/2002/1896 which gave a personal permission for the use of the owners accommodation.

These conditions relate to 10 units overall, 9 of which would be turned from holiday to residential all of which are under the same ownership.

In order to provide sufficient sized units of accommodation the application seeks to convert the property from 10 holiday units with associated owners accommodation to 8 residential units plus an office/store and the existing owners accommodation.

As part of the conversion from a guest house to a residential the applicant proposes to remove any external advertisements.

Consultations

None.

Representations

None received.

Key Issues/Material Considerations

The starting point for consideration is the fact that the property is a medium sized block of holiday flats situated within a Principle Holiday Accommodation Area, as defined by policy TU6.9 of the Saved Adopted Torbay Local Plan. 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.

This policy 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, have a basic range of facilities, however some units are more basic than others, there is the potential for improvement by means of reducing the existing density of the units to provide fewer, but higher quality units.

It is deemed that the premises does not have restricted bedspace capacity as there are 10 units at present plus 1 unit of owners accommodation.

There is a mix of holiday and residential uses in Colin Road and therefore there is not an overall strong holiday character in the immediate area. The principle of converting this property from holiday to residential is considered to be acceptable and supporting evidence does suggest that the existing use is not viable.

It is considered that a change from holiday to residential is unlikely to impact on the holiday character and atmosphere as the accommodation due to its limited functionality as a unit of holiday accommodation. Similarly, the units are self-catering and there are no convenience shops within easy walking distance of the units and as such this may promote an unsustainable form of tourist accommodation.

Suitable on site parking is available to accommodate residential units and is

located to the rear of the premises and accessed via a driveway to the side elevation.

It is considered that the proposed change would not meet all the requirements of TU6.

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. Last year, 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 LDF or 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 Preston seafront PHAA which was identified as a green area. Para 3.17 of the Revised Guidance states 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.

In addition to this a 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 another PHAA (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 of function of the PHAA.

In view of the recent appeal decisions and the weight placed on the revised guidance the proposed residential occupancy of this site is now considered to be acceptable.

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 proposed sum and workings are shown below and is based on ten holiday flats (with a discount included as mitigation for the existing holiday use) with permission for residential winter lets being replaced with eight permanent flats (therefore resulting in a further discount). The owners' flat is already a 'permanent' flat and therefore there are no contributions payable.

PROPOSED FLATS

up to 54sq m

Waste Management	£ 50
Sustainable Transport	£ 1260
Education	00
Lifelong Learning	£ 160
Greenspace	£ 550

TOTAL PER FLAT £ 2020
TOTAL FOR 6 FLATS(a) £12120

55-75 sq m

Waste Management	£ 50
Sustainable Transport	£1720
Education	£ 410
Lifelong Learning	£ 220
Greenspace	£1120

TOTAL PER FLAT £3520
TOTAL FOR 2 FLATS(b) £ 7040

OVERALL TOTAL FOR 8 Proposed Flats (c = a + b) £19160.00

EXISTING FLATS

Units up to 54sq m

Waste Management	£ 50	75% discount	£ 37.50
Sustainable Transport	£1260	75% discount	£945.00
Education	00		

Lifelong Learning	£ 160	75% discount	£120.00
Greenspace	£ 550	75% discount	£412.50
TOTAL DISCOUNT PER FLAT			£ 1515.00
TOTAL DISCOUNT FOR 9 FLATS		(d)	£13635.00

55-75 sq m

Waste Management	£50	75% discount	£37.50
Sustainable Transport	£1720	75% discount	£ 1290
Education	£410	50% discount	£ 205
Lifelong Learning	£220	75% discount	£ 165
Greenspace	£1120	75% discount	£ 840
TOTAL DISCOUNT PER FLAT		(e)	£2537.50

OVERALL DISCOUNT FOR 10 EXISTING FLATS (f = d + e)£16172.50

NET CONTRIBUTION (c - f) £2987.50

Sustainability

The proposal is a sustainable one in as much as it creates residential accommodation on an existing brownfield site.

Crime and Disorder

No issues.

Disability Issues

This will remain the same as existing, and so there are no new issues arising from these current proposals.

Conclusions

When this proposal is tested against policy TU6 of the Saved Adopted Local Plan, the revised guidance on this policy and the recent appeal decision, it is considered to meet the criteria for conversion and would not cause demonstrable harm the character or function of the PHAA.

Recommendation

Conditional approval subject to the completion of a section 106 legal agreement.

Condition(s)/Reason(s)

01. The unit described on approved plan PGN/0088/11/2 as "OFFICE/STORAGE" on the Ground Floor Layout shall not be used as a separate unit of accommodation and shall remain as an office/store at all times.

Reason: To ensure that adequate residential accommodation is provided and to comply with policies H4 & TU6 of the saved adopted Torbay Local Plan (1995-2011) and the Adopted Supplementary Planning Document LDD6 ('Planning Contributions and Affordable housing: Priorities and Delivery').

02. Before the new accommodation hereby approved is occupied, a program of works to improve the exterior of the building and remove all signage shall be submitted to and approved by the Local Planning Authority.

Reason: In the interest of the amenity and privacy of the adjoining property and to comply with the policy TU6 of the saved adopted Torbay Local Plan 1995-2011 and Adopted Supplementary Planning Document LDD6 ('Planning Contributions and Affordable housing: Priorities and Delivery').

Informative(s)

01. Town and Country Planning (General Development Procedure) (Amendment) Order 2003.

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

TU6

Relevant Policies

BES Built environment strategy
BE1 Design of new development
H4 Conversion and sub-division into flats
TU6 Principal Holiday Accommodation Areas
CF6 Community infrastructure contributions
CF7 Educational contributions