

Application Number

P/2011/1391

Site Address111 Abbey Road
Torquay
Devon
TQ2 5NP**Case Officer**

Mr John Burton

Ward

Tormohun

Description

Change of use and conversion of a disused hotel to 8 residential apartments with 2 bedrooms and associated building works; demolition works

Executive Summary/Key Outcomes

The proposal involves the loss of a former 24 bed hotel, although the use has been ceased for approximately 3 years and there has been an unlicensed HiMO in situ for some of the intervening years. The former Westwood Hotel is situated within an identified Principle Holiday Accommodation Area and as such saved adopted Local Plan Policy TU6 is a relevant consideration. This would tend to indicate that permission should not be granted. However, the Revised Guidance on PHAA's identifies the site as being within a green area where residential use of holiday accommodation may be permitted. Recent appeals within Torbay that also sought conversion of holiday accommodation have confirmed the materiality of this revised guidance. Indeed the Inspector confirmed that this is a consideration that holds significant weight when determining the application.

It is considered that Abbey Road at this point does not contribute much to the holiday character of the PHAA, and there are other residential and non-holiday uses in the area. It is not considered that there would be any benefit to the Torbay tourism industry in keeping this property in hotel use, and given the large cost that would be involved in bringing the dilapidated building back into a fit state, use for holiday purposes in this location is unlikely to be viable. There are no transportation issues as the proposed use would generate less traffic and demand for off-street parking than the former use.

Recommendation

The developer will need to enter into a Planning Obligation in order to guarantee payment for costs that would arise from the development. The developer will also be asked to consider further physical and visual improvements to the fabric of the building in order to meet the requirements of policies BE1 and BE5 of the saved adopted Torbay Local Plan and the terms of paragraph 4.10 of the 'Revised guidance on the interpretation of policies TU6 and TU7 of the Adopted Torbay Local Plan' (March 2010). However, subject to these matters, the

recommendation is one of conditional approval.

Site Details

Large developed site containing an altered Victorian Villa with modern extensions, on the eastern side of Abbey Road, immediately due south of Castle Circus Health Centre. The last authorised use of the site was as an hotel, but it has not been used as such for approximately 3 years and has had intermittent HiMO use since.

Detailed Proposal

The application seeks permission to convert and refurbish the existing former hotel for use as eight 2-bed residential dwellings. The building is effectively arranged on a split level, with the original villa being two storeys high at the front/Abbey Road side of the site and later two storey extensions at the rear but at a higher level. There is also a free standing bungalow within the north-eastern corner of the site at the rear, which was granted planning permission in 2003 (revised scheme in 2004) as owners accommodation, thereby having a residential use and so is excluded from the application site. This would effectively make a ninth dwelling unit at the site. The plans show 3 units within the original Victorian villa at ground floor level together with a laundry room, refuse store and cycle storage. Four units are shown at first floor level extending into the more modern extensions at the rear. One unit is shown at first floor-upper level at the rear of the site. 9 car parking spaces are shown at the front of the property on the existing hard surfaced area. These would serve the 8 flats proposed by this application and the 1 residential unit at the rear in the former owners accommodation (not part of this application). This is a ratio of 1 to 1. There is no vehicular access to the rear of the site. It is understood that the former hotel operated mainly as coaching holidays.

Summary Of Consultation Responses

Highways Authority: No objections.

Summary Of Representations

One representation has been received and re-produced at Page T.202.

Relevant Planning History

P/2011/1392	Conservation Area Consent application to accompany this current proposal. Concurrent application, also on this agenda.
P/2004/0394	Single storey detached building at the rear to provide owners accommodation (revised scheme). Approved 29.04.2004
P/2003/1304	Single storey detached building at the rear to provide owners accommodation. Approved 10.09.2003
P/1990/1663	2 storey extension to form new bedrooms and sun lounge. Approved 13.11.1990
P/1989/2790	Extension to dining room. Approved 06.02.1990

P/1989/2117	2 storey extension to form new bedrooms. Approved 24.11.1989
P/1988/2767	Demolition of existing hotel and erection of sheltered flats (in outline). Refused 01.03.1989.

Key Issues/Material Considerations

Principle and Planning Policy -

The last authorised planning use for this property was as an hotel. Having 24 letting rooms, this would have made it medium sized serviced accommodation. The property is 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. However, recent changes in holiday trends have led the Council to re-examine and re-interpret the policy in order to ensure that it is up to date, clear and gives a degree of flexibility in the current economic climate. The Council's adopted Tourism Strategy (2009) recommends a reduction in small and marginally located accommodation and the promotion of the best areas as Core Tourism Development Areas. Last year, the Council adopted a revised interpretation of the PHAA policy. Although the Revised Guidance does not form part of the LDF or Local Plan, it is capable of constituting a material consideration although it would not carry as much weight as the Saved Adopted Torbay Local Plan.

Legal advice has indicated that Policy TU6 of the Saved Torbay Local Plan and TO1 of the Saved Devon Structure Plan remain the relevant development plan policies. Section 38 of the Planning and Compulsory Purchase Act 2004 indicates that applications should be determined in accordance with the development plan unless material considerations indicate otherwise. Therefore the tests in Policy TU6 (a) - (d) should be a starting point when determining applications for proposals affecting PHAAs. 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 bed space 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.

Of the 4 considerations in policy TU6, (a) applies as the property does not meet the standards required by the modern day tourist and holiday maker. There would be limited room for improvement as such a high proportion of the site is already covered with buildings. It is not clear if (b) applies, because the hotel did have 24 bedrooms and this is not considered to be a restrictive number. However, some of these were very small and would be incapable of being improved without a significant loss in overall numbers of bedrooms. Given the state of the building and its location, it is felt that (c) would apply as the loss of the hotel would not be to the detriment of the holiday character and atmosphere of the PHAA. The property has not now been used as an hotel for approximately three years and there has been no appreciable or detrimental impact upon the PHAA. In fact this part of Abbey Road is in any event very much at the margins of the PHAA. This part of Abbey Road already has a wide range of uses including residential, casino, offices, medical, multi storey car park, as well as some (but not many) hotels. It is doubtful whether it could truly be considered to have a holiday character or atmosphere. The surrounding uses are truly mixed in type although there is a predominance of residential properties. It is considered therefore that (d) would also apply. It is for considerations such as these that the revised guidance on PHAA's (March 2010) placed this part of Abbey Road in a green zone where residential use would be likely to be allowed.

Following recent similar proposals elsewhere in the Bay, the Council has looked again at its policy in relation to PHAA's. A paper was presented to and agreed by the 'Place Policy Development Group' of the Council and subsequently presented to Full Council on July 13th 2011. The recommendation was that the revised guidance on the interpretation of policy TU6 (March 2010) be withdrawn pending review as part of the emerging Local Development Framework core strategy and that the Council should rely upon policy TU6 of the Saved Adopted Local Plan for the determination of applications in PHAA's. However, this motion was defeated, confirming that the Revised Guidance was still in force.

Since that time, determination has been made of several appeals where it was proposed to convert holiday accommodation to residential use, following the Council's resolution to refuse planning permission. These appeals have all been allowed effectively over turning the Council's objection. In reaching the various decisions, the Inspector concluded that the Revised Guidance on PHAA's should be given considerable weight in determining the appeals. He also concluded that allowing the appeals "would be very unlikely to have any perceptible impact upon the holiday atmosphere of the wider PHAA or the locality, and that there was nothing to demonstrate that it would harm the character or function of the PHAA". It is considered that this phrase is applicable to the Westwood Hotel. These appeal decisions have significant weight when determining the current and future applications for the loss of holiday accommodation.

Highways and transportation issues

The plans show 9 car parking spaces at the front of the property on the existing hard surfaced area. These would serve the 8 flats proposed by this application and the 1 residential unit at the rear in the former owners accommodation (not part of this application). There is no vehicular access to the rear of the site. The parking provision is at a ratio of 1 to 1. This is acceptable given that the site is on a well served bus route and very close to the town centre and to other services and facilities. It is also relevant that the former hotel operated mainly for coaching holidays, and the loss of this would be advantageous to the passage of vehicles along the important district distributor of Abbey Road. Given that the hotel had 24 bedrooms and this application proposes 8 flats, it is unlikely that there would be a detrimental impact on parking or highways issues anyway. The Highways Authority has confirmed this and do not object.

Design and visual appearance

The original Victorian villa at the site is stated as being 'a key building of architectural importance or which makes a significant contribution to the townscape' in the Abbey Road Conservation Area Character Appraisal (revised edition adopted July 2005). On this basis it is important to seek to conserve and enhance its appearance. This would be beneficial to the appearance of the Abbey Road Conservation Area. It is also a test referred to in paragraph 4.10 of the 'Revised guidance on the interpretation of policies TU6 and TU7 of the Adopted Torbay Local Plan' (March 2010). The Adopted guidance is quite clear that where permission is sought for residential use of holiday properties within a PHAA, unsightly features such as large porches or box dormers should be removed and original building restored in order to meet the requirements of policies BE1 (and BE5 where applicable) of the saved adopted Torbay Local Plan. The applicant has offered selective demolition of some of the low grade buildings at the rear of the site, removal of the blue canopies on the front elevation, add new windows to match the existing, and repainting. The Senior Urban Design Officer has been asked for his view on whether there area any other important changes required as part of any approval, and his views will be reported to the Committee.

Economy -

In theory, this proposal will result in the loss of some jobs to the tourist industry (hotel workers and service personnel). However, the site has not operated as an hotel for approximately 3 years and it is unlikely that the site would thrive in the holiday industry in the future given the location and state of the premises. It would appear that this property has been operating as an hotel for some years now at the margins of economic viability and so the loss of employment opportunities to the holiday industry is not an over-riding or significant issue.

Closing the gap -

The residential units proposed are each 2 bedroom properties with a minimum floor area of 66 square metres. This is in line with the requirements of the

Torbay housing market and would be providing residential accommodation of the type much needed in the Bay.

S106/CIL -

This proposal is liable for a planning obligation under s106 of the Town and Country Planning Act to offset the costs that would arise from it. The 'Planning contributions and affordable housing supplementary document, update 3', was adopted by the Council in March 2011. Both the original document and the current update form part of the Torbay Local Development Framework. The document splits contributions up into 5 categories according to size. It is considered that contributions would be due for the following items - municipal waste and recycling, sustainable transportation, lifelong learning, and green space/recreation. The amount that is currently charged for each new dwelling unit is now based on floorspace to be created. However it is reasonable to mitigate the transportation costs and greenspace/recreation costs to take account of the fact that the previous use as an hotel would have utilised these services to some degree. The figure charged should reflect the net additional impact as stated in the S.P.D. and so these two amounts are reduced :-

Category 2 (55 – 74 Sq. M.)

Municipal waste and recycling		£ 50
Sustainable transportation	£1720 x 50% =	£ 860
Lifelong learning		£ 220
Green space and recreation	£1120 x 50% =	£ 560

TOTAL **£1690 x 3 units = £5070**

Category 3 (75 – 94 Sq. M.)

Municipal waste and recycling		£ 50
Sustainable transportation	£2350 x 50% =	£1175
Lifelong learning		£300
Green space and recreation	£2050 x 50% =	£1025

TOTAL **£2550 x 4 units = £10200**

Category 4 (95 – 119 Sq. M.)

Municipal waste and recycling		£ 50
Sustainable transportation	£2710 x 50% =	£1355
Lifelong learning		£ 410
Green space and recreation	£2370 x 50% =	£1185

TOTAL **£3000 x 1 units = £3000**

This gives a total contribution due of (£5070 + £10200 + £3000) = £18270.

At the time of writing this report, further checks were being undertaken to see if the sustainable transportation was still required.

Conclusions

The former Westwood Hotel is situated within an area in which the Revised Guidance on PHAA's states that residential use of holiday accommodation may be permitted. An Inspector has confirmed the materiality of this policy on previous similar appeals within Torbay. The applicant has offered to refurbish the external fabric of the building including the removal of some of its current worst features. This would benefit the appearance of the Abbey Road Conservation Area. Parking is provided for at a ratio of 1 space per unit, and the site is on good bus routes close to the town centre and required facilities. There is thus significant weight in favour of approving this application.

Condition(s)/Reason(s)

01. The development hereby approved shall not commence until sections and elevations to a scale of not less than 1:20, showing the reveals to all new windows and doors, including details of the glazing bars have been submitted to and approved by the Local Planning Authority: The building shall not be occupied until it has been completed in accordance with these details.

Reason To ensure that the architectural detailing of the development is appropriate within a designated Conservation Area, in accordance with policies BES, BE1 and BE5 of the Saved Adopted Torbay Local Plan.

02. The development hereby approved shall not be used or occupied until all of the car parking spaces and access thereto shown on the approved plans have been provided and made available for use, or to a stage previously agreed in writing with the Local Planning Authority. The car parking spaces shall be kept permanently available for parking purposes to serve the development at all times thereafter.

Reason To ensure that adequate off-street parking and access thereto is provided and kept permanently available for use, in accordance with policy T25 and T26 of the Saved Adopted Torbay Local Plan, in the interests of highway safety, and in order to protect the residential amenities of the neighbourhood.

03. The development hereby approved shall not be commenced until details of the colour type and texture of all proposed new external materials, including hard-surfaced areas, to be used have been submitted to and approved by the Local Planning Authority.

Reason To allow the Local Planning Authority to assess this element of the

proposal and ensure that the new works are finished in a way that does not prejudice the character and appearance of the Abbey Road Conservation Area in accordance with policies BES, BE1 and BE5 of the Saved Adopted Torbay Local Plan.

Relevant Policies

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