

**Application Number**

P/2012/0181

**Site Address**

Brampton Guesthouse  
11 Beach Road  
Paignton  
Devon  
TQ4 6AY

**Case Officer**

Mr John Burton

**Ward**

Roundham With Hyde

**Description**

Change of use from trading bed and breakfast into 3 self contained flats

**Executive Summary/Key Outcomes**

The application seeks to change the use of a small mid-terraced guesthouse that is located between Paignton Seafront and the Victoria Park Multi-Storey Car Park. The change of use proposed is to a residential use for a scheme that will provide three flats within the main building.

The site sits within a Principal Holiday Accommodation Area (PHAA) that covers a number of streets adjacent to Paignton Green. It is however within the 'Green Zone', as identified within the Council's supplementary guidance in respect to PHAAs, which suggests that a change to residential use would normally be supported subject to certain criteria.

Despite the fact that the site is within a primary tourism designation area, the proposal, which is for three residential units in place of the 9-bed guesthouse, is considered acceptable. This judgment has been formed on the basis that, following the criteria in policy TU6; a) the tourism offer of the existing hotel is limited and there is little scope or potential for improvement, b) the number of rooms and bed-space is limited, c) the loss of the premises, within a wider area where there are numerous guesthouses and larger hotels, would not be detrimental to the holiday character, and d) the residential occupancy of three flats would not harm the holiday character or atmosphere of the area.

**Recommendation**

Subject to revised plans showing the upper floors having access to the rear for waste disposal purposes; and subject to the payment of planning obligations inline with adopted policy, via an upfront payment or a formal S106 Legal Agreement within 6 months of the date of this committee; Conditional Approval.

### **Site Details**

The site holds a three-storey mid-terraced building that is currently in use as a guesthouse. Internally the building features an owner's residential flat to the rear of the ground floor, with a communal room to the front. In the two upper floors there are a number of small bedrooms and washing facilities.

Externally to the front there is a small garden/patio delineated by low rendered walls. To the rear the building has pitched and flat-roofed extensions, a small degree of outdoor space and access to a pedestrian alleyway. The wider terrace houses mostly guesthouses and the road has only limited street parking.

In regard to land designations the plot sits within a PHAA and within a 'Green Zone' as identified in the supplementary *Revised Guidance on the interpretation of Policies TU6 (Principal Holiday Accommodation Areas) and TU7 (Holiday Accommodation elsewhere) of the Adopted Torbay Local Plan*. The site also sits within a flood risk zone.

### **Detailed Proposals**

Change of use from a guesthouse with nine letting rooms to three residential flats. The flats are provided within the main building, with flat 1 (ground floor and part first floor) being 97m sq; flat 2 (first floor) being 47 m Sq; and flat 3 (second floor) being 46 m Sq. All units are to be accessed via the established front entrance with communal lobby areas. The upper floor flats do not appear to have access to the rear of the building and so it is not certain how they would dispose of their waste.

### **Summary Of Consultation Responses**

*Highways Officer:* The proposed use would not provide any net increase in vehicle movements, or increase the pressure on local street parking. As such the provision of three residential units in this central location without parking is considered acceptable.

*Environment Agency:* No objection to the proposal subject to the Council being satisfied that the occupants of the ground floor residence would be safe from the risks that flooding poses over the lifetime of the development.

### **Summary Of Representations**

No representations received.

### **Relevant Planning History**

P/2011/0910 No. 9 Beach Road (next door but 1), 3 flats and 1 maisonette (giving 4 residential units in total), approved 3/01/2012

following consideration by Members at their meeting in November 2011.

### **Key Issues/Material Considerations**

#### **Principle and Planning Policy -**

The last authorised planning use for this property was as a hotel. Having 9 letting rooms, this would have made it small/medium sized serviced accommodation. The property is situated within a Principle Holiday Accommodation Area, as defined by policy TU6.10 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. In 2010 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 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.

Of the 4 considerations in policy TU6, (a) is applicable 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 considered that (b) is also applicable, because the hotel has only 9 bedrooms and this is considered to be a restrictive number. 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 size, it is felt that (c) would also apply as the loss of the hotel would not be to the detriment of the holiday character and atmosphere of the PHAA. It is considered that (d) would apply because there are other residential properties in the area and the proposed use would be compatible with these.

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 revised guidance on PHAA's (March 2010) placed this part of the PHAA in a green zone where residential use would be likely to be allowed.

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 this property.

Considering the guidance outlined above, the loss of the holiday accommodation is acceptable in this case, as the building is one of the many small-scale guesthouses located in a side street off the main frontage to Paignton Green. The building would appear to provide low-key accommodation within what are clearly small rooms with little in the way of supporting facilities. This restriction of space is also clearly a limiting influence on the potential of the business. It would also appear that the lack of outdoor space or parking also have a bearing on the overall quality of the tourism provision offered and the potential that it could offer.

It is also relevant that the conversion of no. 9 Beach Road was approved at committee in November 2011. Nevertheless, that conversion did allow for

access to the rear courtyard for each of the residential properties to allow for external bin storage. As such, it is considered that this should be sought in this instance too.

#### **Visual enhancement -**

In regard to the Authority's desire for visual enhancements through conversions, the rear extensions here are commonplace in the terrace and are also located away from open public view. The existing form is therefore considered acceptable as it stands. To the front the building, as with most within the terrace, the roof has been 'boxed' to give an appearance of the three storey building. Given the extent of this treatment along the run of properties it is not considered suitable to redress this in this case. Further improvement works are not considered appropriate or necessary within the context of the streetscene and with appreciation that the area is not under conservation area designation.

#### **Neighbour amenity issues -**

The change from a nine bed guesthouse to three permanent residential units would itself raise no implications upon amenity. In addition as there are no external additions there would appear little chance for a change in circumstance in respect to established overlooking.

#### **Flood Risk Issues -**

The proposal does not introduce a 'more vulnerable' use and therefore due to the 'maintenance of the status quo', the risk of flooding does not raise any new concerns that should require addressing. The Environment Agency has confirmed that it has no objections, provided there is safe refuge for the ground floor flat in the event of a flood. This is provided for within the plans as the ground floor flat will also incorporate a second bedroom at first floor level.

#### **Highway Matters -**

The proposed use is considered to generate less vehicle movements and parking pressures over the previous use. As the highway implications of the development are deemed to be lessened should the building change use, the lack of parking provision on site is considered acceptable. The central location and proximity to nearby public parking provision is also a relevant consideration.

#### **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 (45 - 54 Sq. M.)		
Municipal waste and recycling		£ 50
Sustainable transportation	£1260 x 50% =	£ 630
Education (zero as 1 bed flats)		£ 0
Lifelong learning		£ 160
Green space and recreation	£ 550 x 50% =	£ 275
<b>TOTAL</b>	<b>£1115 x 2 units =</b>	<b>£2230</b>

Category 4 (95 - 119 Sq. M.)		
Municipal waste and recycling		£ 50
Sustainable transportation	£2710 x 50% =	£1355
Education		£1240
Lifelong learning		£ 410
Green space and recreation	£2370 x 50% =	£1185
<b>TOTAL</b>	<b>£2370 x 4 units =</b>	<b>£4240</b>

This gives a total contribution due of (£2230 + £4240) = £6470.

It follows that if Members wished to alter the internal layout of the flats in any way as referenced above, then this might alter the amount of the contribution. It might also be found that sustainable transport contributions are not sought as the proposed use constitutes a reduced impact upon the transport infrastructure.

### **Conclusions**

The proposal is considered to be a suitable change of use for a small guesthouse within this location. All matters considered the scheme is deemed inline with policy guidance if accompanied by the appropriate level of planning obligations.

## **Relevant Policies**

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