

**Application Number**

P/2012/0396

**Site Address**

Units 1,4,5,6,7,8,9 And 12  
Sunhill Apartments  
19 Alta Vista Road  
Paignton

**Case Officer**

Mr Robert Pierce

**Ward**

Roundham With Hyde

**Description**

Variation of Conditions to Change Use To Full Residential Use

The application seeks permission for the removal of restrictive conditions to allow 8 of the holiday flats to become residential.

When considered against Policy TU6 it is considered that the removal of the restrictive conditions is acceptable. Three other units in the block and others in the wider area have already gained permission for similar proposals.

**Recommendation**

Approval.

**Site Details**

Block of 12 holiday apartments situated on the south side of Alta Vista Road. Specifically this application relates to 8 of the flats.

**Detailed Proposals**

Permission is sought to vary conditions of the original planning applications (P/2004/0038) and (P/2003/0571) for the holiday apartments to allow 8 of the flats to be used as unrestricted residential dwellings.

**Summary Of Consultation Responses**

None.

**Summary Of Representations**

None.

### **Relevant Planning History**

P/2003/0571	Alterations and Conversion of Part Of Hotel to Form 6 Holiday Units (Phase 1) Approved 16th July 2003
P/2004/0038	Alterations an Conversion of Part of Hotel to Form 6 Holiday Units (Phase 2) Approved 25th February 2004
P/2010/1245	Change of use from holiday to residential at unit 5 Vista Apartments. (Next Door to this Application) Approved 13 April 2011.
P/2010/1364	Change of use from holiday to residential at unit 15 Vista Apartments. (Next Door to this Application) Approved 13 April 2011.
ZP/2010/0322	Pre Application Enquiry 11 Sunhill Apartments Holiday Use to Permanent Residential. Likely to receive favourable consideration 10 August 2010
P/2011/0271	Change of Use from Holiday Use to Residential Use Flat 11 Sunhill Refused 26th September 2011
P/2011/0215	As above Flat 2
P/2011/0437	As above Flat 3
P/2011/1202	Change of use Flat 2 Sunhill Approved 13 December 2011
P/2011/1197	As above Flat 3
P/2011/1192	As above Flat 11

### Relevant Appeal Decisions :

APP/X1165/A/11/2154771 Goodrington Lodge Alta Vista Road Variation of Condition to allow permanent Residential Occupancy Appeal allowed 30th September 2011. Conclusion - The proposal would not harm the character or function of the PHAA.

APP/X1165/A/11/2155002, 2154467 and 2156709 Belvedere, Marine Drive, Paignton. Variation of Condition to allow permanent Residential Occupancy. Appeals Allowed 30th September 2011. Conclusions - The proposals would not harm the character of function of the PHAA

### **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, they are not all in the same ownership, so there is little scope for improving the holiday facilities.

It is deemed that the apartments do have restricted bedspace capacity as they are single units.

There is a mix of holiday and residential uses in the area and therefore there is not an overall strong holiday character. The principle of converting these units from holiday to residential is considered to be acceptable.

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

Suitable on site parking is available to accommodate the 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 meet all the test criteria of

## Policy 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 Roundham Road 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 this PHAA 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 or function of the PHAA.

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

### **S106/CIL -**

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 result of this assessment is that the following contributions will be required...

Sustainable Transport	£ 9085	(Included 50% discount for change of use from Holiday Accommodation to Residential).
Lifelong Learning	£ 2330	
Greenspace	£ 6965	(Included 50% discount for change of use from Holiday Accommodation to Residential).
Education	£ 6210	
Waste Management	£ 400	
<b>TOTAL CONTRIBUTION</b>	<b>£24990</b>	

5% Discount for early payment £1250

£23740 payable as an upfront payment.

### **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 decisions, it is considered to meet the criteria for conversion and would not cause demonstrable harm the character or function of the PHAA.

### **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, CF6 & CF7

### **Relevant Policies**

TU6 Principal Holiday Accommodation Areas  
CF6 Community infrastructure contributions

CF7 Educational contributions