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COUNCIL - WEDNESDAY, 13 JULY 2011

The following documents were tabled at the meeting.

Agenda No	Item	Page
6.	Public questions	(Pages 1 - 6)
8.	Notice of motions	(Pages 7 - 8)
10.	Revenue Outturn 2010/11 - Subject to Audit	(Pages 9 - 10)
15.	Match Funding for South Devon Link Road	(Pages 11 - 12)

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Council – 13 July 2011

Public Question Time – Review of Guidance on Principal Holiday Accommodation Areas

Statement/Question 1 – Submitted by Carolyn Custerson

Accommodation Planning for Tourism

These are the views of the Chief Executive officer of the English Riviera Tourism Company (ERTC) who was also the consultant and lead author of Turning the Tide for Tourism Strategy (TTFTS) adopted by full council in September 2009.

“The TTFT received overwhelming support from the industry and was built on a business case that embraced local, regional and national industry consultation and research.

The fact is that changing expectations mean an increasing number of today’s visitors want to spend their holidays in good value, quality, modern accommodation that is at least as good if not better than their own homes.

Traditional poor quality seaside accommodation no longer has sufficient appeal. Strategy research confirmed that the resort currently has an over supply of poor quality traditional smaller unit accommodation, particularly in Torquay and Paignton where the PHAA policy applies. This is resulting in notably lower than average occupancy rates, turnover and profits.

I believe that this over supply maybe inhibiting tourism growth as its continuation is not only giving out a negative perception as was confirmed in recent consumer focus group research conducted by the ERTC but will mean that the English Riviera cannot compete effectively because the resort is not providing sufficient quantities of the style of accommodation now expected by visitors.

These concerns were reported in TTFTT along with several other tourism accommodation planning recommendations relating to for example: product gaps, including a shortage of modern large hotels, including branded hotels that I believe could also be inhibiting growth, particularly in respect of the conference market.

Adoption of the TTFTT led to a review of the PHAA policy with the objective to loosen control and let market forces take control. This has led to a number of applications for change of use being submitted, particularly in the green areas, which provides evidence that this change of policy has been welcomed by the industry.

This oversupply of traditional holiday accommodation is typical of many traditional seaside resorts and is being actively addressed in Blackpool where

a reduction of around 300 B&B's is planned as part of Blackpool's' overall rejuvenation plans.

Over supply of poor quality traditional accommodation will continue to drive prices and quality down and in so doing negatively impact the ability for businesses to reinvest.

The ERTC receives many letters of complaint from disappointed visitors relating to poor quality accommodation and threats never to return to Torbay.

The most recent PHAA review went some way to address this matter identifying that in green areas change of use from commercial to residential would not be resisted and this aligned to recommendations made in the TTFTT strategy.

I know and have evidence that over supply is presenting extreme trading conditions in one of our deepest ever recessions, demonstrated with increasing price wars and business closures.

Businesses have told me that they feel trapped as a result of the current PHAA policy.

I have also got evidence from numerous successful businesses that are doing well as a result of continual investment in quality standards and facilities which provides evidence that modernisation is key to the resort growing visitor numbers.

Those businesses that are continually investing however and trying to increase their tariff are I believe, being disadvantaged by the continual driving down of prices because of the over supply of poor quality accommodation.

I still support the need for a rigorous approach to accommodation planning and I am personally very disappointed that the proposal to withdraw the March 2010 revised guidance is now being proposed.

Trying to save all our tourism bed stock will not I believe restore growth of our visitor economy".

Thank you

Statement/Question 2 – Submitted by John Simmonds

Proposition: Review of Guidance on Principal Holiday Accommodation Areas

“To the chairman of the meeting would you please circulate this statement to all of the council members prior to the meeting, and please arrange if possible for the statement to be read out at the meeting.

I am asking all of the members present to consider the potential policy change very carefully and would respectfully ask that you consider putting the following or a similar Amendment to the Meeting:

“that any new or revised policy will not be applied retrospectively and all change of use planning applications validated by the planning department prior to the 13 July 2011 will be consider as per the policy in place on the date of validation.”

This is fair to all parties and could prevent any complaints being made against the council, because the council failed to treat all applications fairly in accordance with the planning policy in place at the time of the validated application.

Those properties that meet the requirements can then be given approval.

The council will still be in a position to refuse an application if it does not meet the policy in place at the time of validation.

All applications received after the 13 July would then be consider under the new policy.

It cannot be good practise to try and back date a policy, as this could leave the council open to further action by the applicants.

The full council have set a president in that when the policy was changed on the 24 March 2011 to include a development charge of up to £5000.00 per application, this charge was not applied retrospectively, so all change of use applications validated prior to the 24 March do not have to pay this charge”.

8 July 2011

Statement/Question 3 – Submitted by Mr Nigel Cobbold

Statement/Letter to Torbay Council Meeting on 13 July 2011.

Re Agenda Item 14

REVIEW OF GUIDANCE ON PRINCIPAL HOLIDAY ACCOMMODATION AREAS

From: Mr Nigel Cobbold

BACKGROUND INFORMATION

In September 2009, Torbay Council approved a document called 'TURNING THE TIDE FOR TOURISM IN TORBAY'.

On 25th March 2010 the 'REVISED GUIDANCE ON THE INTERPRETATION OF POLICES TU6 (Principal Holiday Accommodation Areas) & TU7 (Holiday Accommodation elsewhere) of the Adopted Torbay Local Plan was approved for implementation by the Planning Dept.

As a result of this guidance, the Roundham PHAAs were colour coded green. The implications of this guidance for Holiday Apartments in areas coded green was quote "Permission will be granted to allow non-holiday use of holiday apartments".

On 24th March 2011, the full Torbay Council amended the conditions for applying a planning obligation under S106 of the Town and Country Planning Act. Under that legislation, a charge to offset costs amounting to £5000.00 or more, which had arisen out of planning applications for change of use to Residential under the new colour coding system, had previously been levied. The amendment applied the levy to all such applications, whether the costs amounted to more or less than £5000.00.

The council, on that date, instructed that that newly applied contribution to costs (if below £5000.00) could not be put in place retrospectively. That is to say, not applied to applications submitted and accepted before 24th March 2011.

This Council meeting of 13th July 2011 is now being asked at agenda item 14, to review the Review of 25th March 2010, and the purpose is given as twofold.

1. To ensure planning policies protect holiday accommodation appropriately and to balance a flexible approach to loss of accommodation whilst sustaining a high quality base of accommodation, and

2. To review the experience of operating the guidance of March 2010 (The colour coding system) and set out options for Members about how to interpret planning policy in PHAAs.

This statement/question has no quibble with the purposes quoted, nor the three alternative decisions/solutions proposed. Suffice to say that my experience of legislation is that any number of reviews can be made, but clarification is always subject to debate, and particular cases will always throw up the need for specific decisions, even if only on appeal. Case law continues to multiply, but still the need for more is there. In the instance of the colour coding system, it is already agreed that that review of 2010 was/is subordinate to TU6 and 7. Surely all that is required at this stage is consistent and fair application of the relevant conditions and criteria as currently in place.

CONCLUSION/QUESTION

The point of this statement is the following Question:

"Whatever decision is made with regard to this Review of the Review, surely the fair and proper application of that decision has to comply with the same principle as that of 24th March 2011?

That is that any decision made on this matter, should not be applied retrospectively, and therefore not to appropriate planning applications submitted and accepted before the 13th July 2011".

Statement/Question 4 – Submitted by Mrs Pat Butcher

Review of Guidance on Principal Holiday Accommodation Areas
To be discussed at the full Torbay Council meeting to be held on the 13 July 2011

“The current policy after due consideration and consultation with other interested parties was approved by a full council meeting in March 2010. You might wish to ask the question as to why a change to the current policy now needs to be made after only 12 months have passed.

So far only very limited outside consultation has taken place and there appears to have been very little discussion within Torbay Council itself as this policy change was only added to the council meeting agenda on the 30 June 2011.

Is it wise to make a quick policy change, would members think this proposed change through very thoroughly and ask searching question as to why the proposed change is necessary after such a short time?

The current policy as it stands does not necessarily mean a loss of holiday accommodation in the area”.

11-7-11

Agenda Item 8

Agenda Item 8 (a): Notice of Motions – Palm Court Hotel

Liberal Democrat Group Update

Council Meeting

13 July 2011

(Update shown in bold text)

Proposed Up date to Notice of Motion:

This Council notes that the Palm Court Hotel site is an eyesore and, **should the current purchase offer be withdrawn**, agrees to request officers to proceed with negotiations to purchase the site with a view to developing it jointly with our LABVI partner. The development will be essentially leisure business orientated, and the Council understands that officer costs incurred in the process will be recouped from the development thus not adversely affecting Torbay taxpayers.

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Council Meeting

13 July 2011

(Amendments shown in bold text)

Proposed Amendment:

- 2.1 That the revenue outturn position for 2010/11 be noted.
- 2.3 That it be recommended to the Council that:
- (i) the transfer of £0.500m to the Comprehensive Spending Review reserve be approved (paragraph A5.1);
 - (ii) the transfer of £0.576m to the budget pressures reserve be approved (paragraph A5.1) **and that Executive Heads be requested to advise all members the plans already identified and emerging for the use of this reserve during the current financial year (2011/12) and for this to be provided within four weeks;**
 - (iii) the transfer of £0.275m of the revenue underspend to the General Fund Balance (paragraph A5.5) be approved; and
 - (iv) a sum of £0.300m is earmarked to be transferred to the Change Management and Financial Strategy Reserve subject to the final audit of the Council's Housing Benefit Subsidy be approved (paragraph A3.7).

Proposer: Councillor Darling
Seconder: Councillor Pentney

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S.D.L.R – Revised Scheme Costs

- Members will note from the table below that cost estimates and spending programme have been updated as set out in Table 1 below:

Table 1

SCHEME COST SUMMARY										
£m	Scheme Costs As Per January Expression of Interest							Latest Cost Estimate of Proposed Scheme		
LA contribution	33.311							33.920		
Third Party Contribution	0							0		
DfT Funding Contribution	75.000							76.391		
TOTAL	108.311							110.311		
Latest Estimate of the funding profile for the scheme you expect to bid for in September:										
Assume that no Dft funding will be available before 2101/13										
Please specify all third party (contributor(s)) listing each one on a separate line										
	Pre 2011/12	2011/12	2012/13	2013/14	2014/15	2015/16	2016/17	Post 2016/17	Total	% Total
LA contribution Devon CC		0.45	2.50	2.80	2.50	4.40	4.30	0	16.95	15.35
LA contribution Torbay C		0.45	2.50	2.80	2.50	4.40	4.30	0	16.95	15.35
Third Party contribution (a) (Name) (b) (Name) (c) (Name)										
Dft funding requested			5.0	26.4	25.0	20.0	0	0	76.4	69.30
TOTAL	0	0.9	10.0	32.0	30.0	28.8	8.6	0	110.3	

- It should be understood, however, that the scheme and associated costs and contributions may modify in small ways in response to the current consultation exercise and neither the DfT contribution nor the precise cost to the Council can be fixed with certainty at this time.
- These figures do not change recommendations 2.1 – 2.2 in the report, in that the Council is asked to authorise a final £11.5m of prudential borrowing, bringing the total in the order of £17-18m of borrowing.

**Les Crump, Executive Head
Spatial Planning**

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