



Title: **Review of Guidance on Principal Holiday Accommodation Areas**

Public Agenda Item: **Yes**

Wards Affected: **All Wards, principally Wellswood, St Marychurch, Tormohun, Cockington with Chelston, Roundham with Hyde, Preston**

To: **Council** On: **13 July 2011**

Key Decision: **No**

Change to Budget: **No** Change to Policy Framework: **Yes**

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## **1. What we are trying to achieve and the impact on our customers**

- 1.1 To ensure that planning policies on the protection of holiday accommodation are appropriate, and to balance a flexible approach to loss of accommodation with the need to ensure that Torbay has a sustainable base of high quality accommodation.
- 1.2 Revised Guidance on the Interpretation of Policies TU6 (Principal Holiday Accommodation Areas) and TU7 (Holiday Accommodation Outside PHAAs) was approved by Council on 25 March 2010. This report reviews the experience of operating the Revised Guidance and sets out options for Members about how to interpret planning policy in PHAAs.

## **2. Recommendation(s) for decision**

- 2.1 That the "Revised Guidance on the Interpretation of Policy TU6 (Principal Holiday Accommodation Areas)" (March 2010) be withdrawn pending review as part of the emerging Local Development Framework (LDF) Core Strategy.
- 2.2 That pending the evolution of revised policy as part of the LDF Core Strategy, that the Council relies on Policy TU6 of the Saved Adopted Torbay Local Plan for the determination of applications in PHAAs.

## **3. Key points and reasons for recommendations**

- 3.1 Principal Holiday Accommodation Areas (PHAAs) are defined by Policy TU6 of the Saved Adopted Torbay Local Plan 1995-2011. This is in accordance with Policy TO1 of the Saved Devon Structure Plan, which indicates that resort

authorities should identify areas in which tourism uses will be protected. Policy TU6 of the Local Plan sets out criteria for considering planning applications within PHAAs.

- 3.2 It is important to note that Policy TU6 of the Local Plan does not prohibit all changes of use within PHAAs. The first part of the policy sets out that development will not be permitted if it is to the detriment of the character and function of PHAAs. The second part of the policy sets out conditions where change of use of holiday accommodation may be permitted. Broadly these conditions are:
- The existing holiday facilities are not fit for purpose and do not offer scope or potential for improvement.
  - Existing bedspace or numbers of holiday apartments in the application site are small.
  - The holiday character will not be adversely affected and an unacceptable precedent in relation to the other properties role will not be set.
  - The new use and development is compatible with the rest of the PHAA.
- 3.3 A Briefing Note was prepared for the (then) Development Control Committee in November 2007 which provides further guidance on the implementation of Policy TU6. This note is appended at Appendix 1 of this report. The full wording of Policy TU6 is reproduced at Appendix 2 (Para 2.20, page 21 of the appendices).

### **Tourism Strategy and Review of PHAAs**

- 3.4 A number of recent documents point to the need to modernise and revise Torbay's holiday accommodation. In particular the **Torbay Tourism Strategy "Turning the Tide for Tourism in Torbay"** was approved by Council in September 2009 and recommended, among other things, a reduction of at least 3,500 bed spaces in small 4-10 bedroom hotels, and a focus on improving quality.
- 3.5 PHAA boundaries were reviewed in March 2010, with a view to implementing the Tourism Strategy. This resulted in a Revised Guidance document which set out a traffic light based approach whereby PHAAs were colour coded into 3 areas:
- **Red "Core"** areas which are in key seafront locations. All holiday accommodation should remain protected for hotel/ tourism/ leisure use, unless shown to be not viable. (In addition key hotels such as the Imperial and Palace Hotel outside PHAAs are protected by Policy TU7 of the Torbay Local Plan).
  - **Amber areas:** where larger hotels and the best medium sized ones should be retained.
  - **Green Areas:** Where only 50+ bed hotels will be protected as holiday accommodation.

These maps are reproduced from page 34 of Appendix 2.

- 3.6 The Revised Guidance also sought to allow flexibility over the occupation of holiday apartments (including permanent occupation) to help drive up the standard of accommodation and allow poorly located premises to revert to residential use. The report presented to Council in March 2010 is attached at appendix 2

3.7 The Revised Guidance (and traffic light system) was approved by Council in March 2010, following targeted consultation with the tourism industry in Winter 2009/10. It amounted to a much more flexible approach to about 80% of the Bay's PHAAs. The Revised Guidance does not supersede the Torbay Local Plan, but sets out advice on the interpretation of the Policy tests set out in Policies TU6 (PHAAs) and TU7 (accommodation outside PHAAs).

3.8 Since the Revised Guidance document was approved there have been a number of concerns about its implementation. These include:

- A number of applications have been submitted in "Green" areas, where Members have taken the view that the tests in Policy TU6 can not be met, and have accordingly refused the application in accordance with the development plan.
- Worries that the Revised Guidance could go too far in cutting accommodation and result in harm to the essential accommodation base in the resort. There were 38 new dwellings completed from holiday accommodation in PHAAs in 2010/11 and around 22 additional units granted permission. This compared to 5 completions in 2009/10 and 16 in 2008/9. However these figures do not include current applications and refusals submitted in key locations such as Roundham and Preston Seafront.
- Potential lack of clarity of the revised Guidance's status, with regard to how much weight it should be accorded when deciding planning applications, given that it is only informal policy delivered outside of the Development Plan, with limited consultation in its preparation.
- 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.
- The revised Guidance seeks to resist houses in multiple occupation (HMOs) and other uses that are potentially incompatible with tourism areas. However, there are concerns that the remaining policy framework would be inadequate to protect holiday areas from potential "bad neighbour" developments where PHAA policy is relaxed. This is compounded by changes to the Town and Country Planning Use Classes Order that were introduced in 2010. These made the conversion from Class C3 (dwellinghouse) to a small HMO "permitted development". This removed an important control over the use of premises in PHAAs that could not have been anticipated when the Revised Guidance was approved.

3.9 In the light of concerns outlined at paragraph 3.6 above it is recommended that the March 2010 Guidance should be withdrawn until a formal review of policy is agreed by Council as part of the LDF process. In the interim, the Saved Torbay Local Plan should be used as the basis for determining proposals. Because the March 2010 "Revised Guidance" was approved by Council, it will be necessary for the matter to reported to Council to withdraw it.

3.10 The emerging Local Development Framework Core Strategy will set out revised policies on tourism accommodation. The LDF process will be subject to public consultation and independent examination and will, when adopted, replace the Local Plan. If amended PHAA/ Core Tourism Area boundaries are consulted upon as part of the Core Strategy, they will carry weight as development plan policy. However, draft revised proposals can be brought forward quickly as part of the Core Strategy consultation process.

**For more detailed information on this proposal please refer to the supporting information attached.**

**Les Crump  
Executive Head of Spatial Planning**

## **Supporting information**

### **A1. Introduction and history**

- A1.1 Torbay Council has had Principal Holiday Accommodation Areas since the late 1980s. They have been reviewed and “trimmed” a number of times, including a 20% cut in 2000 as part of the preparation of the Local Plan. A much more far-reaching review took place in 2009/10 in response to the Torbay Tourism Strategy “Turning the Tide For Tourism in Torbay”. This review introduced a “traffic light” approach to PHAAs seeking to allow a more relaxed approach to accommodation in about 80% of PHAAs: i.e. all but the most vital “core” tourism areas.
- A1.2 This review was in response to the Tourism Strategy’s recommendation that there is a significant over-supply of small hotels and a need for higher end of the market accommodation. It was approved by Council on 24 March 2010 following consultation with the holiday industry.
- A1.3 As noted in the main report, concerns have been expressed that the Revised Guidance may go too far in designating “green” areas where change of use of holiday accommodation is deemed acceptable. There have also been concerns about the status of the guidance and the council’s ability to control houses in multiple occupation (HMOs) and other possible “bad neighbour” developments in PHAAs.

### **A2. Risk assessment of preferred option**

#### **A2.1 Outline of significant key risks**

- A2.1.1 Reverting to the Local Plan (without additional guidance) may result in complaints that planning applications have been considered inconsistently. However the Local Plan has been the legal basis for decision making since 2004 and therefore the formal development plan policy has not changed. It may however be argued that the age of the policy (2004) means that it does not take modern circumstances into account.
- A2.1.2 The council’s planning policy and development management functions need to have regard to the evidence base. The Tourism Strategy indicates that there is an oversupply of small hotels and a need for larger “up market” accommodation. Government policy on planning, including planning for Tourism calls for a lighter touch control. It is therefore important that Policy TU6 is treated as a flexible, criteria based policy and not as a blanket ban on changes of use in PHAAs. It is considered that this flexibility exists within the wording of Policy TU6, as set out in the Briefing Note on PHAAs prepared in November 2007 (reproduced at Appendix1).
- A2.1.3 It is essential that momentum is maintained on preparation of the LDF Core Strategy. Reliance on non-statutory interim plans could leave the Council vulnerable to planning by appeal. It is therefore recommended that preparation of a revised approach to PHAAs be carried out as part of the Core Strategy. This will give it greater weight in determining planning proposals.

### **A3. Other Options**

**A3.1.1** Several other options are possible, including:

**A3.1.2 Retain the existing planning policy framework** (i.e. Policy TU6 and the 2010 Revised Guidance). Legal advice is that the Local Plan has primacy. The Revised Guidance (and “traffic light system”) has less weight than the Local Plan and therefore can be interpreted flexibly. However, this may lead to confusion over the status accorded to areas, and would not overcome the concerns noted in the main report.

**A3.1.3 Amend the “Revised Guidance” document outside of the LDF process.**

There are work stream issues here and an informal revision would lack the strength of formally adopted LDF policy and be open to challenge at appeal. Furthermore, Policy TU6 allows the flexibility the council needs in responding to applications.

### **A4. Summary of resource implications**

**A4.1** Preparing a revised guidance note can be carried out relatively speedily. However, consultation etc is likely to be time consuming. As noted above, preparing a new Revised Guidance document in conjunction with Core Strategy preparation will make best use of resources and mean that the final document carries more weight.

### **A5. What impact will there be on equalities, environmental sustainability and crime and disorder?**

**A5.1** Allowing flexibility over change of use of holiday accommodation will provide a source of housing on brownfield sites, and could provide opportunities for affordable housing.

**A5.2.** The provision of housing would need to be balanced against the economic impact of proposals upon Torbay’s tourism economy.

**A5.3** There is concern that houses in multiple occupation in key tourism areas would harm the character of the resort, whilst providing an unsatisfactory standard of accommodation.

### **A6. Consultation and Customer Focus**

**A6.1** Developing revised PHAA boundaries in the context of the Core Strategy will allow a full range of consultation to take place.

### **A7. Are there any implications for other Business Units?**

**A7.1** It is important that any review takes into account the views of the English Riviera Tourism Company.

## **Appendices**

Appendix 1 Briefing Note to Development Control Committee. November 2007.

Appendix 2 Report to Council 24 March 2010, and Revised Guidance on the Interpretation of Policies TU6 (Principal Holiday Accommodation Areas) and TU7 (Holiday Accommodation Elsewhere) of the Adopted Torbay Local Plan.

## **Documents available in members' rooms**

### **Background Papers:**

The following documents/files were used to compile this report:

Saved Adopted Torbay Local Plan 1995-2011

Saved Devon Structure Plan 2001-2016

Revised Guidance on the Interpretation of Policies TU6 (Principal Holiday Accommodation Areas) and TU7 (Holiday Accommodation Elsewhere) of the Adopted Torbay Local Plan.

**Briefing Note to Development Control Committee November 2007.**

**Note**

- 1. Subject** Principal Holiday Accommodation Areas and retention of existing holiday accommodation and important tourism facilities.
- 2. Background** The Mayor and leading Members of the Cabinet have recently sought clarification from me of the Council's current policy in this regard. They have expressed concern that this is too restrictive and is forcing many owners to operate unviable businesses. As a result, fringe residential use such as winter residential lets, hostels and HIMO's sometimes creep into such areas which are difficult to enforce against and have potential for generating anti-social behaviour coupled with low standards of maintenance. In this way the overall quality and ambience of PHAA's can be brought down making it all the more difficult for otherwise viable and healthy holiday businesses to continue.
- 3. Purpose** The purpose of this note is to make Members of the Development Control Committee in making decisions and officers in consideration of delegated decisions and recommendations aware of the Mayor's views. It also seeks to clarify the current policy and how it should be interpreted.
- 4. Current Policies** Policy TU6 (Principal Holiday Accommodation Areas) of the adopted Torbay Local Plan 1995-2011 relates. This is set out in full at Appendix A attached.

The principle of protecting key areas of holiday accommodation was pioneered by Torbay over 25 years ago and has been followed subsequently by most major resorts. Those seaside towns that failed to take this type of policy approach have generally witnessed a greater decline in the quality and range of holiday accommodation available and the overall holiday atmosphere in prime areas. It is important that the existing policy framework is reinforced by a proactive enforcement regime in order to minimise the creep of uses referred to in Section 2 above (Background).
- 5. Interpretation** Importantly this policy is written in two parts. The first is written restrictively i.e. it identifies the types of new development, which will not be permitted because of their likely adverse effect on the character and function of a PHAA. The second part relates to circumstances wherein loss of holiday accommodation or important tourism-related facilities may be permitted providing certain criteria apply. Importantly this policy should not therefore be interpreted as a blanket restriction in PHAA's either of new non-holiday uses, including new buildings and extensions; or change of use or demolition of any existing holiday accommodation.



In interpretation of the first part of the policy, decision-makers must make a judgement about what is and what is not a development, which would be 'to the detriment of the character and function of the PHAA'. For example, a tourism / leisure related use or a quality new block of apartments or offices might enhance the overall architectural quality of the area and should be approved, whereas a car breakers yard would almost certainly not and would be refused.

In relation to the second part of the policy i.e. when the loss of existing holiday accommodation and important tourism-related facilities may be permitted all four of the criteria set out below must apply:- (I have sought to simplify the wording).

- the existing holiday facilities are not fit for purpose and do not offer scope or potential for improvement.
- existing bedspace or numbers of holiday apartments in the application site are small.
- the holiday character will not be adversely affected and an unacceptable precedent in relation to the other properties role will not be set.
- the new use and development is compatible with the rest of the PHAA.

Paragraphs 5.59 to 5.63 of the explanation assist in interpretation of the policy. Apart from what is said in the policy itself, the latter part of 5.60 clarifies that the location of the affected building in the PHAA will be taken into account e.g. if it is part of an important group of holiday premises and will therefore be a 'missing tooth' or if it is a landmark location. If so it is less likely to be approved. The explanation goes on to guard against deliberate under-investment and low maintenance being a way round the policy.

## **6. Recommendations and decisions**

It is important when officers and Members take decisions in such matters that the policy as described above is carefully taken into account and weighed up. If officers are minded to refuse under delegated powers or recommend refusal to Members, it should be standard practice to first obtain the views of the Director of Tourism (D of T) at the TDA. Full information about the existing use, its facilities, condition etc should first be obtained to enable the D of T to comment:

Clear evidence of how the policy has been weighed up in reaching the decision to refuse will be required in officer reports which should normally be presented to Committee.

## **7. The Next Steps**

The D of T has informally expressed the view that generally we have too much sub-standard accommodation and we must manage a reduction in quantity and an improvement in quality in accommodation standards.

Policy TU6 will need to be carefully reassessed as part of the

emerging Local Development Framework. However, this work will take some time as it will need to take its course through the LDF work programme. The Council's annual PHAA Monitor is carried out in August each year to analyse and record any changes taking place in these Areas. The data obtained from this Monitor will be fed into the next review of PHAAs, which will take place in the new year as part of the emerging Core Strategy.

In the meantime, Policy TU6 is a 'saved policy' following the Government's assessment of the Torbay Local Plan in Spring 2007. This policy therefore remains fit for purpose and has a legal status that makes it difficult to change. It is considered, therefore, that providing care is taken to interpret the existing policy as indicated in this note, Policy TU6 can be relied upon until the LDF revisits the issue.

Additional resource has also recently been put into enforcement and some priority will be given to PHAAs in consideration of unauthorised use and untidy buildings and land.

**Report to Council, March 2010**

Report No: Public Agenda Item: **Yes**

Title: **Revised Guidance on Principal Holiday accommodation Areas in response to the Adopted Torbay Tourism Strategy**

Wards Affected: **All Wards, principally Wellswood, St Marychurch, Tormohun, Cockington with Chelston, Roundham with Hyde, Preston**

To: **Council** On: 24 March 10

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**1. Introduction**

- 1.1 This report proposes that revised guidance on the interpretation of Principal Holiday Accommodation Areas (PHAAs) be adopted as interim Council Policy guidance.
- 1.2 Consultation on the proposed Revised Guidance on PHAAs took place between 25<sup>th</sup> January and 19<sup>th</sup> February 2010. There were 33 responses, of which 22 supported relaxing controls on PHAAs. There were 2 objections to the zoning in the proposed revised Guidance, and several comments/concerns about houses in multiple occupation. Several amendments have been suggested as a result of the consultations, which are set out in Section 3 below.
- 1.3 The Revised Guidance on PHAAs has been prepared to ensure that planning policies are in alignment with the Adopted Torbay Tourism Strategy "Turning the Tide for Tourism". The revised guidance introduces a more relaxed approach to the conversion of small and medium sized hotels in about 80% of PHAAs, and a less restrictive approach to the occupation of holiday apartments.
- 1.4 The Concept of Core Tourism Development Areas will be developed further in the emerging Local Development Framework Core Strategy, which will be published for consultation in autumn 2010.

**2. Recommendations for decision**

- 2.1 That the Revised Guidance on PHAAs be adopted by the Council as interim planning policy guidance.
- 2.2 That the Revised Guidance be incorporated as part of the emerging Core Strategy, subject to further review and development.

### **3. What we are trying to achieve and the impact on our customers**

- 3.1. The Revised Guidance on PHAAs is intended to achieve a modernisation and rejuvenation of Torbay's holiday accommodation, in line with the recommendations of the Adopted Tourism Strategy. It will allow more flexibility in the occupation of accommodation and help to provide additional homes.

### **4. Key points and reasons for recommendations**

- 4.1 Principal Holiday Accommodation Areas (PHAAs) are defined by Policy TU6 of the Saved Adopted Torbay Local Plan 1995-2011. This sets out criteria for considering planning applications within PHAAs. A number of recent documents point to the need to modernise and revise Torbay's holiday accommodation. In particular the Torbay Tourism Strategy was approved by Council in September 2009 and recommends among other things a reduction of at least 3,500 bedspaces in small 4-10 bedroom hotels and a focus on improving quality. It also recommended action to prevent the proliferation of houses in multiple occupation (HMOs).

- 4.2 The proposed Revised Guidance is intended to amend the planning framework to implement aspects of the Adopted Tourism Strategy that relate to holiday accommodation. The proposed Guidance recommends:

- Principal Holiday Accommodation Areas (PHAAs, as defined in Policy TU6 of the Adopted Torbay Local Plan) be colour coded into 3 areas:
  - Red "Core" areas which are in key seafront locations. All holiday accommodation should remain protected for hotel/ tourism/ leisure use, unless shown to be not viable. (In addition key hotels such as the Imperial and Palace Hotel outside PHAAs are protected by Policy TU7 of the Torbay Local Plan).
  - Amber areas: where larger hotels and the best medium sized ones should be retained.
  - Green Areas: Where only 50+ bed hotels will be protected as holiday accommodation.
- This amounts to a much more flexible interpretation of Torbay Local Plan Policy TU6 in about 80% of PHAAs (measured by amount of holiday accommodation).
- A more flexible approach to holiday apartments to allow full time or second home occupation (rather than tied solely to holiday use)
- Guidance on testing the viability of accommodation, and standards for conversion/ redevelopment to improve the appearance of areas.
- Proactive enforcement against activities and uses that detract from the character of tourist areas, particularly unauthorised houses in multiple occupation (HMOs).

- 4.3 The Proposed Revised Guidance was the subject of public consultation and a more targeted consultation with the tourism industry between 22 January and 19 February 2010. There were 33 responses from the consultation, which largely came from people involved with the tourism industry. There were 22 comments in support of relaxing controls on PHAAs, many of which pointed to problems with the viability of hotels and supported the case to allow a managed reduction in supply. There were two area specific objections and a number of suggested minor

amendments.

- 4.4 The main issue of concern was about the spread of Houses in Multiple Occupation and the harm that these can cause to maintenance and the character of areas. There were 8 comments about this. The proposed Revised Guidance is clear that HMOs will not be approved within PHAAs, and the Guidance was strengthened to emphasise that HMOs will not be permitted in PHAAs and that a Section 106 contribution will be sought for monitoring and enforcement.
- 4.5 The Local Development Framework Working Party of 5 March 2010 considered the representations received and agreed the Revised Guidance, with amendments, for recommendation to Cabinet and Council for approval as interim policy guidance.

**For more detailed information on this proposal please refer to the supporting information attached.**

## Supporting information to Report

### A1. Introduction and history

A1.1 The Revised Guidance provides planning policy advice on the change of use or redevelopment of hotels, guest houses and holiday apartments to residential dwellings. It follows the recommendation of the **Adopted Torbay Tourism Strategy** to change the tourism product to maintain and reinvigorate Torbay as a major resort. It seeks to achieve this through a reduction in small and marginally located accommodation, particularly where it is not capable of being upgraded; whilst promoting and focussing on the best areas as Core Tourism Development Areas. In particular the guidance expands on Adopted Torbay Local Plan Policies TU6 'Change of use or redevelopment of holiday accommodation within Principal Holiday Accommodation Areas' and TU7 'Change of use or redevelopment of holiday accommodation outside Principal Holiday Accommodation Areas'.

A1.2 The document provides guidance and advice on the implementation of existing Local Plan Policy. In the medium term (by 2012) fully revised policies will be introduced through the Local Development Framework Core Strategy. In line with the Adopted Torbay Tourism Strategy, the Core Strategy will consider revising Principal Holiday Accommodations Areas to become Core Tourism Development Areas (CTDAs). These will have a wider remit for attracting regeneration investment and also cover some Mayor's Vision sites where appropriate.

A1.3 Since the mid 1980s, Torbay Council has protected significant areas of hotels and guest houses, particularly through Principal Holiday Accommodation Areas (PHAAs). However the Torbay Tourism Strategy (adopted September 2009) indicated that changes within the tourism industry have resulted in a need to re-align policy. In summary the Revised Guidance seeks to meet the Tourism Strategy's recommendations through the following measures:

- Allowing a reduction in the quantity of small and poorly located hotels, guest houses and holiday apartments particularly those which are not capable of being upgraded. This will be achieved through a more flexible interpretation of Policies TU6 in about 80% of PHAAs.
- Protection of the most important parts of PHAAs (about 20% of the area by number of hotels), as a means to encourage regeneration, and as a location for new, purpose built accommodation.
- A more flexible approach to holiday apartments outside of the Red "Core" Areas to allow full time or second home use.
- Guidance on the testing of viability of holiday accommodation, in line with the adopted Planning Contributions and Affordable Housing Supplementary Planning Guidance.
- Guidance on the conversion of holiday accommodation to self-contained family houses or reasonably sized apartments. Change of use to houses in multiple occupation will not be permitted, in accordance with Policy H7 of the Saved Adopted Torbay Local Plan.

- Proactive development management in dealing with planning applications to secure improvements to the built environment, such as the removal of unsightly features such as box dormers, porches etc.
- Proactive enforcement against activities and uses that detract from the character of tourist areas, particularly HMOs.

A1.4 The Proposed Revised Guidance on Principal Holiday Accommodation Areas has been prepared to provide interim planning policy advice on PHAAs. The emerging guidance was considered by the LDF Working Party on 5 March 2010, following consultation with the public and tourism industry in January - February 2010. The proposed Revised Guidance has been amended in line with consultation comments, as set out in the main report.

## **Supporting information to Report**

### **A2. Risk assessment of preferred option**

#### **A2.1 Outline of significant key risks**

A2.1.1 Two principal risks were highlighted in the preparation of the Tourism Strategy and internal consultation on the report. Firstly that hotels would become houses in multiple occupation (HMOs) and secondly that the review takes too much accommodation out of (protected) holiday use which could undermine the “critical mass” of accommodation necessary for a premier resort.

A2.2 The Revised Guidance indicates that permission will not be granted to houses in multiple occupation or other uses that would harm the holiday character of the area. Proactive enforcement will need to be pursued against unsuitable uses. The emphasis on enforcement of HMOs has been increased in response to consultation comments. The use of S106 contributions to monitor and enforce against HMOs is recommended. In addition, the purchase of properties for registered social landlord managed affordable housing could help meet the area’s pressing housing need whilst ensuring proper management of premises within PHAAs.

A2.3 With regard to concerns about undermining the critical mass of accommodation, the Revised Guidance follows closely the recommendations of the Adopted Tourism Strategy, which has been the subject of consultation with the tourism industry. Other evidence such as the Torbay Economic Development Strategy and Employment Land Review has identified a need to modernise and rationalise the stock of accommodation in Torbay. There was a high level of support for reducing the extent of PHAAs in the consultation comments received.

A2.4 Some PHAAs, particularly in Paignton east of the railway line are within Environment Agency Zone 3 flood risk areas. The forthcoming Stage 2 Strategic Floodrisk Assessment will provide more detailed advice on the approach that the Council should take to development in these areas. Both hotels and dwelling houses are within the same classification of “more vulnerable” uses. Basement flats are within a “highly vulnerable” category and should not be permitted in Zone 3 flood risk areas (see PPS25, table D3, p27). The Guidance has been amended to refer to this risk, and promotes resilience measures.

### **A3. Other Options**

A3.1 The alternatives would be to retain the existing interpretation of the Saved Adopted Torbay Local Plan, until a revised framework is in place in an adopted LDF Core Strategy. This is unlikely to be until 2012 and interim policy guidance is considered to be necessary to bring development management in line with the recommendations of the Adopted Tourism Strategy.

### **A4. Summary of resource implications**

A4.1 The revised guidance on PHAAs is likely to result in an increase in the number of planning applications, which in turn will impact on the workload of development management staff. The main impact will be in terms of additional enforcement work to ensure that HMO issues are addressed proactively. This needs to be properly resourced. The Revised Guidance seeks to use S106 Contributions for investigation and enforcement of breaches of planning control relating to HMOs.

### **A5. What impact will there be on equalities, environmental sustainability and crime and disorder?**

A5.1 The redevelopment of small hotels could result in the loss of jobs. However this is likely to be outweighed by the improvement in overall economic prospects resulting from a modernised tourism sector, and opportunities afforded to hoteliers by a lighter regulatory touch. The proposed revised approach to PHAAs will create opportunities for new housing. The purchase of run-down properties to provide registered social landlord managed housing would have significant social benefits.

A5.2 Anti social behaviour arising from poorly managed houses in multiple occupation was raised as a concern in the Tourism Strategy. Proactive development management and where necessary enforcement will be needed to ensure that hotels are properly converted to self contained dwellings, and not HMOs.

### **A6. Consultation and Customer Focus**

A6.1 The Tourism Strategy has been the subject of consultation with the tourism industry. The proposed revised guidance was agreed by the Torbay Tourism Strategy Project Delivery Team in December 2009 and the Tourism Steering Group on 14 January 2010. It was subject to public consultation between 25 January and 19 February 2010. A letter was sent to all holiday accommodation in PHAAs as part of this consultation.

A6.2 The majority of public consultation responses have supported changes to PHAA guidance. The major concern related to HMOs, which is addressed above. The representations and amendment to the Guidance were considered and agreed by the LDF Working Party on 5 March 2010.

### **A7. Are there any implications for other Business Units?**

A7.1 There could be implications for Housing and the TDA where hotels are converted to affordable housing. It could create opportunities for well managed



affordable housing. The proposal seeks to implement the Tourism Strategy which affects Residents' and Visitors' Services.

**Appendix 1.** Revised Guidance on the interpretation of Policies TU6 (Principal Holiday Accommodation Areas) and TU7 (Holiday Accommodation elsewhere) of the Adopted Torbay Local Plan. (As agreed by the LDF Working Party on 5 March 2010).

## **Documents available in members' rooms**

### **Background Papers:**

The following documents/files were used to compile this report:

Adopted Torbay Tourism Strategy 2010-2015 "Turning the Tide for Tourism in Torbay".  
Saved Adopted Torbay Local Plan 1995-2011  
Good Practice Guide on Planning For Tourism, DCLG 2007.

**Revised Guidance on the interpretation of Policies TU6 (Principal Holiday Accommodation Areas) and TU7 (Holiday Accommodation elsewhere) of the Adopted Torbay Local Plan.**

**Approved Version**

**March 2010**

**Revised Guidance on the interpretation of Policies TU6 (Principal Holiday Accommodation Areas) and TU7 (Holiday Accommodation elsewhere) of the Adopted Torbay Local Plan.**

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Appendix 1: Maps showing traffic light coding of PHAAs: (Separate document).

Appendix 2: Quantitative Implications of Relaxing Controls in PHAAs.

## **Revised Guidance on the interpretation of Policies TU6 (Principal Holiday Accommodation Areas) and TU7 (Holiday Accommodation elsewhere) of the Adopted Torbay Local Plan.**

### **1. INTRODUCTION**

- 1.1 This document provides guidance on the change of use or redevelopment of hotels, guest houses and holiday apartments to residential dwellings. It follows the recommendation of the **Adopted Torbay Tourism Strategy** to change the tourism product to maintain and reinvigorate Torbay as a major resort. It seeks to achieve this through a reduction in small and marginally located accommodation, particularly where it is not capable of being upgraded; whilst promoting and focussing on the best areas as Core Tourism Development Areas. In particular this guidance expands on Adopted Torbay Local Plan Policies TU6 'Change of use or redevelopment of holiday accommodation within Principal Holiday Accommodation Areas' and TU7 'Change of use or redevelopment of holiday accommodation outside Principal Holiday Accommodation Areas'.
- 1.2 This document provides guidance and advice on the implementation of existing Local Plan Policy. In the medium term (by 2012) fully revised policies will be introduced through the Local Development Framework Core Strategy. In line with the Adopted Torbay Tourism Strategy, the Core Strategy will consider revising Principal Holiday Accommodations Areas to become Core Tourism Development Areas (CTDAs). These will have a wider remit for attracting regeneration investment and also cover some Mayor's Vision sites where appropriate.
- 1.3 Since the mid 1980s, Torbay Council has protected significant areas of hotels and guest houses, particularly through Principal Holiday Accommodation Areas (PHAAs). However the Torbay Tourism Strategy (adopted September 2009) indicated that changes within the tourism industry have resulted in a need to re-align policy. In summary this document recommends the following:
- Allowing a reduction in the quantity of small and poorly located hotels, guest houses and holiday apartments particularly those which are not capable of being upgraded. This will be achieved through a more flexible interpretation of Policies TU6 in about 80% of PHAAs.
  - Protection of the most important parts of PHAAs (about 20% of the area by number of hotels), as a means to encourage regeneration, and as a location for new, purpose built accommodation.
  - A more flexible approach to holiday apartments outside of the Red "Core" Areas (see below) to allow full time or second home occupation
  - Guidance on the testing of viability of holiday accommodation, in line with the adopted Planning Contributions and Affordable Housing Supplementary Planning Guidance.
  - Guidance on the conversion of holiday accommodation to self-contained family houses or reasonably sized apartments. Change of use to houses in multiple occupation will not be permitted, in accordance with Policy H7 of the Saved Adopted Torbay Local Plan.

- Proactive development management in dealing with planning applications to secure improvements to the built environment, such as the removal of unsightly features such as box dormers, porches etc.
  - Proactive enforcement against activities and uses that detract from the character of tourist areas.
- 1.4 This document was approved as interim planning guidance by full Council on 25 March 2010.

## **2.0 TOURISM ISSUES, STRATEGY AND POLICY**

### **Tourism Issues**

- 2.1 There is a general recognition that Victorian seaside towns need to regenerate and revitalise themselves. The concept of the “Resort Cycle” where resorts go through a cycle of growth, mass tourism and decline as they become jaded is well known. In Torbay, visitor numbers and spending peaked in 1977 at 12.8 million tourist nights. There has been a worrying and dramatic fall from 8.4 million tourist nights in 2004 to 7.9 in 2007.
- 2.2 There are many contributory factors that are beyond Torbay’s control, such as the weather and the wider economy. However, there is a growing concern about the lack of investment in tourist areas, over supply of sub standard accommodation and a need for regeneration

### **National and Regional Policy Framework**

- 2.3 The **Draft Planning Policy Statement 4 On Economic Prosperity (2009)** includes tourism as a form of economic activity. It recognises the role of planning authorities to act as place shapers in areas facing economic restructuring such as coastal towns, although single use areas are discouraged
- 2.4 **Good Practice Guide on Planning For Tourism (DCLG 2007)**. This sets out practice guidance for planning for tourism to which local planning authorities are required to have regard. Planning should provide well designed, safe developments. Development plans should maximise the benefits of tourism whilst minimising any adverse impacts. Incredibly, the Good Practice Guide contains no specific guidance on seaside resorts, but does contain guidance on holiday accommodation (Annexes A and B). Holiday accommodation should be located in town centres or where it serves particular locations, such as outdoor recreation (Paragraph A4). Accommodation should fit in with its surroundings in terms of siting, scale, residential amenity, noise, traffic etc. The Spatial Planning system emphasises the role of evidence based policy and this is a test of soundness of plans in PPS12. The Good Practice Guide sets out several methods to measure tourism impact (Annex C).
- 2.5 **Regional Planning Guidance Note 10 (2001) Policy TCS1** indicates that local authorities and other agencies should improve the quality and range of attractions and accommodation within the regions, especially where this supports regeneration in resorts.
- 2.6 The **Draft Revised Regional Spatial Strategy (RSS) for the south West**,

**incorporating the Secretary of State's Proposed Changes** was published for consultation in 2008. The final Regional Spatial Strategy will not be issued until at least 2010, and may be superseded by political events. Policy **TO1** requires planning authorities to have regard to the development of sustainable tourism by improving the quality and diversity of existing facilities and accommodation throughout the region, particularly where this would increase out of season visitor numbers. **Policy TO2 Safeguarding and Investing in Tourism Destinations** indicates that: *"The role of existing resorts should be maintained and enhanced, especially the major resorts of Bournemouth, Poole, Torbay, Weymouth, Weston-super-Mare and Newquay, by safeguarding existing high quality accommodation and facilities, developing new facilities where appropriate and be of an appropriate scale and supporting the specialisation of resorts into particular markets suited to their location"*. **Policy TO3** indicates that new tourism attractions should be built close to strategically significant towns or cities (SSCT). Torbay is identified as an SSCT.

- 2.7 **The Saved Adopted Devon Structure Plan 2001 – 2016** will remain part of the development plan until the RSS is issued. **Policy TO1 "Tourism Development in Resorts"** states that: *"Within coastal resorts, Local Plans should consider the need for additional tourist accommodation and tourism facilities on a scale compatible with existing development which would not adversely impact on the environment. In these resorts, Local Plans should also identify the main tourist areas within which proposals that would detract from their tourist function and character would not be permitted"*.
- 2.8 The **Community Plan Turning the Tide for Torbay 2007** makes improving Torbay's Economic prosperity a key theme. One of the plan's ambitions is to compete on the world stage in tourism. Under the 'new economy' theme, the plan seeks to achieve growth in tourism.
- 2.9 **The New English Riviera "Mayor's Vision"** sets out in broad terms a regeneration vision for Torbay, which is intended to inform the Local Development Framework. It proposes that Torbay should "put on the style" so that the built and natural environment reflect the quality, glamour and exuberance of the Riviera. It contains an Action Plan that identifies 19 sites with potential for transformational redevelopment. Many of these would have a major impact on Tourism. One of the findings of the Vision is that the current uses, signage etc do not reflect the quality of the architecture or the area's incomparable setting.
- 2.10 **The Torbay Tourism Strategy 'Turning the Tide for Tourism in Torbay 2010 – 2015'** was adopted by the Council in September 2009. It promotes 3 main objectives:
- to arrest the decline in visitor numbers and spend.
  - to increase the value of tourism to the Torbay economy.
  - destination.
- 2.11 The strategy contains detailed recommendations on product development, training and business development, marketing and management. It contains 10 key recommended actions, which include to **Establish Core Tourism Development Areas and revise supplementary planning policy**. This Paper seeks to provide an interim revision to policy. The Core Strategy will provide a more comprehensive set of policies that implement the Torbay Tourism Strategy.

- 2.12 The Tourism Strategy contains a detailed assessment of tourism bednight, spending, occupancy and trends. It also involved detailed consultation with the industry. A number of significant visitor trends are noted between 2001 and 2007:
- overall decline in demand for serviced accommodation
  - overall increase in demand for self catering accommodation
  - consistent and growing demand for holiday park accommodation
  - renewed increase in demand for touring pitches

- 2.13 The Strategy makes detailed recommendations about the need to reduce the supply of poor accommodation, whilst focusing on high quality accommodation and attractions. These are set out below.

### **Serviced Accommodation (Hotels and Guest Houses)**

**Current Situation:** 18,400 serviced beds are currently recorded as being available, with 70% of this total (12,880 beds) estimated to be in the 4 to 10 bedroom category.

#### **Research confirmed:**

- reduction in occupancy to an all time low of 27.5% in the 4 to 10 bedroom category
- growth in occupancy to 74.1% in the 51 to 100 bedroom category

#### **Forecast need**

- reduce bed spaces by a minimum of 3500, in the 4 to 10 bedroom category to address over supply
- increase bed spaces by a minimum of 400, in the 51-100 bedroom category to address under supply

### **Flats and Houses (Self Catering)**

7,220 flats and houses were formally recorded as available for holiday accommodation in 2007. (Source: Devon County Council - Tourism Trends in Devon)

#### **Forecast need**

- increase number of self catering units by 1155 to a total of 8375

- 2.14 The Tourism Strategy made the following specific recommendations on planning policies on holiday accommodation:

- robust review and reduction of PHAAs
- establishment of new Core Tourism Development Areas
- introduction of viability test to protect best accommodation across Torbay
- encouragement to fill identified product gaps
- encouragement to convert 4-10 accommodation to residential use/quality self catering
- preparation of planning document to mitigate against potential for Houses of Multiple Occupation (HMO) explosion
- release of old 'chalet' holiday park units

- 2.15 Appendix 2 of this Guidance sets out how this guidance meets the Tourism Strategy's forecasted accommodation requirement. Over 80% of serviced

accommodation falls within a Red or Amber Area where a more relaxed planning control could be adopted. Less than 20% of serviced accommodation in PHAAs is within the Green Area. It suggests that about 2000 bedspaces may be reduced within PHAAs (two thirds of the target). About 50% of serviced accommodation in Torbay falls outside of PHAAs and is subject to a more relaxed planning control (policy TU7). On this basis it is considered that the revised guidance makes appropriate provision for the reduction in bedspaces recommended by the Torbay Tourism Strategy.

**Towards Torbay's New Economy: Torbay Economic Development Strategy**  
(TDA 2006).

- 2.16 The Economic Development Strategy highlights Torbay's severe economic problems including low wages and GVA. The economic development strategy looks at the Tourism and Leisure Sector at some length, as set out in Table 1.



**Table 1: Torbay Economic Development Strategy: Tourism**

	OVERVIEW	KEY ISSUES / CHALLENGES
<b>Tourism &amp; Leisure</b>	<p>Torbay's economy has historically been, and remains, heavily dependent upon the tourism and leisure sector. The size of the tourism industry is notoriously difficult to quantify because of the interrelations with other industries. South West Tourism estimates that tourism expenditure in Torbay totalled £398m in 2003 and employed 13,388 people, supporting 25% of employment in Torbay.</p> <p>Although Torbay has suffered declining visitor numbers and bed nights in recent year, this decline now appears to have stabilised but Torbay's core customer base has an increasingly ageing and less wealthy profile, and this lack of higher expenditure has stifled investment.</p> <p>Despite the maturity of the tourism industry in Torbay, future growth is forecast and there is significant underexploited potential, particularly regarding opportunities in the marine leisure sector.</p> <p>Tourism is also identified as a priority sector in the Regional Economic Strategy (RES).</p>	<ul style="list-style-type: none"> <li>• Some negative visitor perceptions of Torbay being old fashioned, run down, and down market.</li> <li>• <b>The outdated nature and lack of quality of much of the accommodation stock and visitor facilities in Torbay and lack of a branded hotel.</b></li> <li>• The need to engage the private sector in the development and implementation of tourism strategies.</li> <li>• The ageing and less wealthy profile of visitors.</li> <li>• Lack of new / innovative tourism businesses.</li> <li>• Transport issues – especially traffic congestion, but also poor rail links and perceptions regarding car parking.</li> <li>• Increasing competition from other resorts and destinations both within the UK and overseas.</li> </ul>

Source: Torbay Development Agency / GHK Consultants 2006. **Emphasis added.** A need to increase 'value added' to key sectors, especially Tourism is identified.

2.16 A key priority identified by the Torbay Tourism Strategy is: **Redirecting Torbay's Tourism Offer for Greater Value to the Economy:**

*"A first priority for the strategy will be to recognise the need for a new direction in Torbay's tourism offer to attract a much broader base and longer season of visitors including those coming for short breaks, business visitors and, particularly to attract those visiting with a specific activity, leisure or other specialist purpose. This will require closer integration in the provision of facilities for, and marketing to, residents as well as tourists. This approach will build on the priorities of the recent 2005-15 Tourism Strategy's intention of "ensuring the tourism product and associated marketing is developed to meet the needs of market segments" but should also be reflected in other leisure, cultural and economic regeneration plans and policies".*

## Local Planning Policy Framework

### 2.17 Saved Adopted Torbay Local Plan 1995 – 2011

The Adopted Torbay Local Plan 1995 – 2011 is a saved document until replaced by the Local Development Framework particularly the Core Strategy. As part of the development plan, it has legal weight in determining planning applications.

### 2.18 Aim 3 of the Adopted Local Plan is to improve economic prosperity. Objectives 4 and 5 relate to tourist accommodation:

*4. To provide for the future of the tourism industry, sustaining the essential base of the tourism infrastructure and ensuring adequate protection of existing hotel stock and other forms of holiday accommodation from change to inappropriate uses, especially within the main ‘shop window’ areas.*

*5. To allow for the loss of holiday accommodation in premises which are no longer viable or practicable for continued holiday use, and which are inappropriately located, and to support appropriate changes of use of such accommodation.*

### 2.19 Policy TUS: Tourism Strategy states:

*“Torbay’s tourism industry will be developed in a sustainable and competitive manner having regard to environmental resources, through the retention of existing attractions; the retention of existing tourism accommodation within PHAAs and the most important holiday accommodation outside PHAAs; the investment in new facilities; and by the sensitive development of Torbay’s heritage as a tourism asset”.*

### 2.20 Policy TU6 designates Principal Holiday Accommodation Areas (PHAAs) and sets out criteria for determining proposals for change of use within them:

#### TU6: Principal Holiday Accommodation Areas

***Proposals for new building, extensions, change of use or other developments which are to the detriment of the character and function of the Principal Holiday Accommodation Areas (PHAAs) identified below will not be permitted:-***

<b>1</b>	<b><i>Babbacombe Downs, Torquay</i></b>
<b>2</b>	<b><i>Newton Road, Torquay</i></b>
<b>3</b>	<b><i>Torre, Torquay</i></b>
<b>4</b>	<b><i>Belgrave Road, Torquay</i></b>
<b>5</b>	<b><i>Torwood Gardens, Torquay</i></b>
<b>6</b>	<b><i>Meadfoot Road, Torquay</i></b>
<b>7</b>	<b><i>Meadfoot Sea Road, Torquay</i></b>
<b>8</b>	<b><i>Torbay Road Seafront, Torquay</i></b>
<b>9</b>	<b><i>Preston Seafront, Paignton</i></b>
<b>10</b>	<b><i>Paignton Seafront – North</i></b>
<b>11</b>	<b><i>Paignton Seafront – South</i></b>
<b>12</b>	<b><i>Roundham Road West, Paignton</i></b>
<b>13</b>	<b><i>Roundham Road East, Paignton</i></b>

***The loss of holiday accommodation or important tourism- related facilities may, however, be permitted within PHAAs 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 accommodation) 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.***

2.21 Policy TU6 does not veto all changes of use to non-holiday accommodation, but rather sets out criteria for considering proposals. Paragraphs 5.53 – 5.63 of the Explanation to the policy (Pages 87-88) sets out the purpose of PHAAs. A briefing note was prepared by the Executive Head of Spatial Planning in November 2007 for Development Control Committee, which set out how the policy should be interpreted. It allowed for a more flexible approach to accommodation in areas of more marginal or limited tourist importance.

2.22 **Policy TU7 “Change of use or redevelopment of holiday accommodation outside Principal Holiday Accommodation Areas”** sets out criteria for considering the loss of serviced accommodation or holiday apartments outside PHAAs. Policy TU7 States that:

***The redevelopment or change of use of hotels, guest houses and holiday apartments to non-holiday accommodation will be permitted outside the Principal Holiday Accommodation Areas (PHAAs) where:-***

***(1) the loss of the holiday accommodation would not undermine the holiday character in the locality, or the range of tourism facilities or accommodation offered by the resort;***

***(2) the site of the accommodation is of limited significance in terms of its holiday setting, view and relationship to tourism facilities; and***

***(3) the new use would be compatible with the character and other uses in the area***

2.23 Policy TU7 is more permissive than TU6. However, it is important that major hotels outside PHAAs for example the Palace Hotel and Imperial Hotel in Torquay are protected for the future of tourism and it is for this reason that Policy TU7 exists. (The Grand Hotel would be a similar example, but this is within a PHAA).

2.24 **Strategic Housing Land Availability Assessment (SHLAA)**, (Baker Associates, 2008). The conversion of hotels into apartments has been identified as one source of brownfield housing. A reduction of 3500 bedspaces (recommended by the Tourism strategy) would represent about 500 hotels which could create up to 500 family houses or a greater number of apartments. However, the actual number of

dwellings created by a relaxation of PHAAs is likely to be below this total potential yield, since total take up is unlikely.

### **Review of PHAAs in Torbay**

- 2.25 PHAAs were reviewed by the Strategic Planning Group in liaison with the (then) Head of Tourism, in spring 2008, and Summer/Autumn 2009 with the current Tourism Strategy Project Manager. Areas were assessed on a number of factors, such as character, range of facilities, proximity to the seafront and other attractions. A review of policies in other resort authorities was also undertaken. The review provided colour coded “scores” for the resort’s PHAAs and these form the basis for the “zoning” set out below. The review also recommended that a study be undertaken to assess the level of demand/ need for holiday accommodation within Torbay. The Tourism Study outlined above provides such an assessment.
- 2.26 On the basis of the above, PHAAs have been colour coded into 3 “traffic light” areas:
- Red: Strong holiday character or critical location. These form the core of Torbay’s holiday accommodation offer.
  - Amber: Some holiday character or less critical location.
  - Green: Limited holiday accommodation or marginal location.
- This zoning is used to interpret the criteria in Policy TU6, which is set out in the next section.

### 3. AM I LIKELY TO GET PLANNING PERMISSION TO CHANGE THE USE OF HOLIDAY ACCOMMODATION?

#### (A) Within Principal Holiday Accommodation Areas

3.1 This section provides advice on the interpretation of policies TU6 and TU7 of the saved Torbay Local Plan based on the findings of the Torbay Tourism Strategy and the 2008 and 2009 review of PHAAs. It sends out a positive message that the most important areas should be the focus for investment as Core Tourism Development Areas. Elsewhere it allows a more flexible approach to accommodation, to allow the residential conversion of small hotels/guesthouses and much reduced restriction on the occupancy of holiday apartments. Within this framework, the conversion to houses in multiple occupation is robustly prohibited, and problematic uses will be proactively enforced against.

3.2 Proposals within Principal Holiday Accommodation Areas are subject to the following criteria:

***The loss of holiday accommodation or important tourism- related facilities may, however, be permitted within PHAAs 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 accommodation) 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.***

3.3 In the light of the review of PHAAs noted in Section 2, this guidance divides the Local Plan PHAAs into three areas. Red Areas (marked red on the attached map) are the most important “core” areas in terms of character and closeness to tourism facilities. Amber Areas are of mixed character or slightly less well located to facilities. In these amber areas, a more relaxed interpretation of policy can be applied. Green Areas may contain well run hotels but are more marginally located or contain mainly small hotels/guest houses. Proposals to change the use of holiday accommodation (up to 50 bedrooms) in the green areas would, in principle, meet the tests in Policy TU6. The following considerations will apply to proposals in these areas:

#### **Red “Core” Areas**

3.4 These are the core of Torbay’s holiday area and, as such, it is essential that the holiday use and character is maintained and enhanced. They will form the basis of Core Tourism Development Areas in the forthcoming Core Strategy, although these

may be amended and extended, for example to cover Mayors Vision sites or wider regeneration areas. Applications for non holiday use in the Red “Core” Areas will conflict with Policy TU6.3 and have a detrimental impact on the holiday character of the area and will therefore be resisted.

- 3.5 In the Red “Core” Areas, the Council will seek to encourage and retain serviced accommodation. Permission will in principle be granted for other tourism or leisure uses so long as they enhance the role and character of the holiday area. Conversion of serviced accommodation to apartments will only be permitted in the Red “Core” areas where in it has been shown that a hotel or other holiday/leisure use is not viable in principle (see below). Permission will not be granted to relax existing occupancy conditions in red “core” areas unless the use has been shown to be not viable, and an overall improvement to the character or ambience of the holiday area is achieved as a result.
- 3.6 Investment in new or improved tourism accommodation and facilities and complementary uses such as leisure, will be encouraged and promoted, in accordance with Policy TU5 of the Saved Torbay Local Plan and the Torbay Tourism Study.

#### **Viability Test in the Red “Core” Area**

- 3.7 Where it is claimed that holiday accommodation in the Red “Core” Area (or significant hotels elsewhere) is not economically viable, the Council will require an assessment, indicating that the building is not viable for holiday use. The level of investment in a property will be a material consideration, and the Council will normally seek 3 years evidence of non-viability. In addition the scope to extend or use for other tourism/leisure purposes will be taken into account. The viability assessment will be assessed by representatives of the Tourism Strategy Management/Torbay Development Agency and advisors on viability issues. Where no agreement can be reached on viability issues, the Council will invite the applicant to submit details (at the applicant’s expense) to an independent viability assessor. A similar process of independent scrutiny of viability for Section 106 contributions purposes currently operates and details are set out in the Adopted Planning Contributions and Affordable Housing Supplementary Planning Document.
- 3.8 Where holiday accommodation in the Red “Core” Area is shown not to be viable for tourism use, the authority will promote solutions such as allowing residential pump-priming on part of the site, or other uses that are compatible with the tourism character of the area. Such uses should be subsidiary to the main tourism use of the site. For example they should be to the rear of the property or away from primary seafront frontages. As a rough rule of thumb, about 25% of premises’ use for residential “pump priming” will be seen as reasonable, so long as this does not undermine the intrinsic viability of the holiday use that remains. Full residential use will only be permitted where there are no viable preferable solutions. In any event, replacement uses must be compatible with the holiday character of PHAAs, and not seek to limit remaining tourism businesses.
- 3.8 Within the Red “Core” Area cross cutting service enforcement of unauthorised uses, amenity, nuisance, graffiti, etc., will be given the highest priority. Houses in multiple occupation (HMO) will be strongly resisted. Any existing HMOs or similar use will be required to demonstrate their lawfulness; for example, through having an

existing planning permission or obtaining a certificate of lawfulness.

- 3.9 The Council undertakes that insofar as practicable, graffiti and disrepair of public buildings will be made good within 7 days hours of it having been reported.

### **Amber Areas**

- 3.10 These areas may retain a fair holiday character and are often well located to beaches, etc. However, it is accepted that they are no longer at the very heart of Torbay's holiday hub, and contribute to the oversupply of small hotels/guest houses. These areas are **not** intended as "Twilight Zones" and remain important for tourism, possibly as "niche" areas. However, a more flexible approach is recommended to allowing change of use of serviced accommodation, and a less restrictive approach to the occupancy of holiday apartments.
- 3.11 **Small Hotels/Guest Houses (Serviced Accommodation with 10 or fewer letting bedrooms).** Within Amber Areas, the change of use or redevelopment of serviced accommodation (hotels or guest houses) with fewer than 11 letting bedrooms will normally be considered to meet the criteria in Policy TU6, and be granted permission for residential use, without being required to demonstrate viability. However, encouragement is offered to the creation of good quality accommodation to meet the forecast need for up-market holiday apartments that can be flexibly occupied.
- 3.12 **Medium Sized Hotels (Serviced accommodation with 11-49 letting bedrooms)** in the Amber Areas will be assessed on the criteria in Policy TU6. In particular, the range of facilities, scope to improve etc. will be taken into account. Applicants are strongly urged to submit supporting evidence. In particular financial details will be an important consideration. Where it is considered that the accommodation is of limited significance to the Resort's tourism offer, or is not capable of being viably upgraded to a good modern standard, the Council will consider change of use proposals favourably.
- 3.14 **Large Hotels (50+ bedroom).** The change of use of serviced accommodation with 50 or more letting bedrooms in the Amber Areas will usually be considered contrary to the criteria in Policy TU6 and be resisted accordingly, unless there are significant reasons to grant permission for a change of use. The hotel's facilities and location will be important issues. Change of use will only be allowed where evidence of viability has demonstrated that the property is not capable of being viably used for tourism accommodation.
- 3.15 **Holiday Apartments.** Whilst it is hoped that the "Amber" areas will remain attractive for holiday apartment use, it is recognised that a more flexible approach to their occupancy may allow for a better overall contribution to the economy of Torbay. On this basis, the Council will consider favourably applications to relax occupancy restrictions on holiday apartments to allow residential or second home use in the Amber Areas.
- 3.16 The Council's current policy on affordable housing will apply to developments of 15 or more apartments. In cases where conditions on existing holiday apartments are relaxed, the Council may accept a commuted payment for off site provision. Regard will be had to viability. Further guidance, including measures for testing viability are set out in the Adopted Planning Contributions and Affordable Housing

### **Green Zones**

- 3.17 The Green Zones are areas which are- now considered to contain limited intrinsic holiday character, although they may be pleasant living environments, or contain well-run and attractive accommodation. 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.
- 3.18 Larger hotels (i.e.50+ bedrooms) will be required to demonstrate that they are no longer capable of being operated viably, or economically redeveloped for holiday use.

### **General Points**

- 3.19 All changes to residential use should meet the criteria set out in Section 4 (below). They should be for self contained dwellings. Houses in multiple occupation will not be permitted, since they would conflict with Policies H7.4 and TU6.
- 3.20 Houses in Multiple Occupation, poor maintenance and other matters that are alleged to be detrimental to the holiday character of the area will be a priority for proactive enforcement action.

### **Outside Principal Holiday Accommodation Areas**

- 3.21 Proposals for change of use or redevelopment of holiday accommodation outside of PHAAs will be determined on the basis of Policy TU7 of the Saved Torbay Local Plan. This Policy seeks to protect "special" hotels and holiday apartments located outside PHAAs, but which add to the resort by providing important facilities, spectacular views, etc. In determining applications, the site of the accommodation and its significance in terms of holiday setting or relationship to tourism facilities will be highly relevant.
- 3.22 **Small Hotels.** Hotels with fewer than 11 letting bedrooms outside PHAAs will normally be considered to meet the criteria in Policy TU7. However, there are exceptions such as very well located "country house" style hotels, whose loss would seriously detract from the integrity of Torbay as a resort, and would therefore be unlikely to be permitted. .
- 3.23 **Medium and Large Hotels.** The criteria in Policy TU7 are more relaxed than TU6 and seek to protect only the best located and most significant hotels. Examples include (but are not limited to):
- The Palace Hotel, Torquay;
  - The Imperial Hotel, Torquay;
  - The Grand Hotel, Torquay, (is within a PHAA).
  - The Berry Head Hotel, Brixham.
- Applications for the change of use of other medium-large hotels are encouraged to submit details of viability etc, to support their proposal
- 3.24 Where the principle of residential use is accepted, the Council will seek family



housing or self contained apartments. Apartments will be encouraged to provide an appropriate range of facilities, such as communal areas, swimming pools, gyms, etc that are capable for holiday or residential use. Houses in multiple occupation are highly likely to conflict with Criteria (3) of Policy TU7 if the premises are located close to a holiday area or in a sensitive location in other respects; for example, in an area with high concentrations of retirement accommodation, or in areas where housing deprivation could be compounded.

3.25 Figure 3.1 summarises the above guidance. This should be considered in the context of the text and Policy criteria in Policies TU6 and TU7.

**Table 3.1 Summary of Considerations for Different Colour Areas.**

	Serviced accommodation (Hotels and Guest houses)			Holiday Apartments
	Small up to 10 bedrooms	Medium 11-49 bedrooms	Large 50+ bedrooms	
<b>Red "Core" Areas</b>	Should be retained as serviced accommodation	Should be retained as serviced accommodation	Should be retained as serviced accommodation	Conditions on holiday occupancy unlikely to be relaxed
<b>Amber Areas</b>	Residential use likely to be allowed	Residential use may be permitted, subject to consideration of facilities and viability	Should be retained as serviced accommodation	Conditions on occupancy likely to be removed
<b>Green Areas</b>	Residential use likely to be allowed	Residential use likely to be allowed	Should be retained as serviced accommodation	Conditions on occupancy likely to be removed
<b>Outside PHAAs (Policy TU7)</b>	Residential use likely to be allowed, unless of special character etc	Residential use likely to be allowed, unless of special character etc	Should be retained as serviced accommodation unless not viable	Conditions on occupancy likely to be removed

Notes: (1) The viability of accommodation, or alternative tourism/leisure uses and ability to meet modern standards will be a consideration in all cases.

(2) Where accommodation has a special character or location, its retention for holiday use may be sought.

(3) Conversion to residential use will only be granted for self contained dwellings that meet the conditions set out in Section 4 below. Accommodation should not be restricted to *solely* residential use: i.e. holiday letting should be permitted.

#### 4. GUIDELINES ON CONVERSION OF HOLIDAY ACCOMMODATION TO RESIDENTIAL USE

4.1 This section provides detailed guidance on Policies that will apply when the principle of changing the use of holiday accommodation has been accepted, in the context of advice set out in section 3 above. It should be noted that planning permission is required to change the use of buildings or to remove conditions on occupancy: this guidance does not confer permitted development.

4.2 Although these guidelines relate primarily to residential conversion, the Council will support and promote other uses that are compatible with the holiday character of PHAAs. In particular tourism and related leisure uses are actively promoted by Policy TU6 of the Saved Adopted Torbay Local Plan.

4.3 The following Policies in the Saved Adopted Torbay Local Plan are applicable:

- Policy H4 Conversion and Subdivision into flats;
- Policy H7 Houses in Multiple Occupation;
- Policy H9 Layout, Design and Community Aspects
- Policy H10 Housing Densities;
- Policy CF6 Community Infrastructure Contributions
- Policy BES Built environment Strategy
- Policy BE1 Design of New Development.
- Policy BE5 Policy in Conservation areas
- Policy BE7 New Uses for Historic Buildings
- Policy T25 Car Parking and New Development

Regard should also be given to guidance set out in the Adopted **Urban Design Guide** and Homes and Communities Agency – ‘**Places, Homes, People**’, Policy Guidance 2007). In addition, the Adopted Planning Contributions and Affordable Housing Supplementary Planning Document (SPD) sets out guidance on Section 106 Contributions. In the context of the current advice on PHAAs it seeks contributions towards monitoring, enforcement and safer communities.

4.4 Within PHAAs (regardless of zoning set out above) permission will normally only be granted for self contained flats or town houses. (Unless a tourism or leisure use is being proposed: which would be supported in principle). There has been considerable concern about the over development of unsustainable housing, such as HMOs and small flats, which will harm the character of tourism areas, whilst failing to provide for families or mixed and balanced communities. Proposals for such uses will be resisted. Planning Notices for the conversion of holiday accommodation will contain an informative that the approved use is or self contained dwellings and that further sub-division, or occupation of a dwelling by 3 or more unrelated persons would be a breach of planning control that is likely to result in planning enforcement.

4.5 In the light of this, minimum space standards will apply to the conversion of hotels/guest houses to residential use as follows:

- No flat/apartment will have less than 66m<sup>2</sup> internal floor space, (excluding communal areas). This is to meet the requirement of Local Plan Policy H4. Regard has been had to the requirements of PPS3, but it is considered appropriate to resist very small dwellings within PHAAs, in order to foster the creation of mixed and prosperous communities.
- Bin storage for twin wheelie bins shall be provided, to meet the requirements of Policy H4 and W6 of the Local Plan.

- Outside amenity space should be provided for all dwellings, to meet Policy H4 and H9 of the Local Plan. .
  - Secure, covered cycle/pram parking of a minimum of 2m<sup>2</sup> per dwelling shall be provided. Further details are set out in the Transport and Accessibility Chapter of the Local Plan.
  - Sound proofing, flood resilience and fire safety measures shall be carried out to the satisfaction of Building Control Section. This is to meet Policy H4 and H9 of the Local Plan
  - Parking should be provided in compliance with Policy T25 of the Torbay Local Plan
- 4.6 Apartments will be encouraged to provide an appropriate range of facilities, such as communal areas, swimming pools, gyms, etc that are capable for holiday or residential use. The Council wants to encourage a supply of good quality accommodation that may be occupied flexibly either for holiday residential use. Therefore it will make permissions subject to a condition that accommodation cannot be restricted to residential use only.
- 4.7 Where the above standards cannot be achieved, for example because of floor area, parking, amenity space etc, the council will encourage and support the creation of houses rather than apartments.
- 4.8 The Council will encourage the sale of properties to partner registered social landlords to provide properly regulated affordable housing. Such units should be self contained general needs affordable housing and meet the standards outlined above. Where properties are run-down or their conversion is not viable, the Council will promote its purchase by a registered Social Landlord, since this will secure built environment benefits, and provide much needed affordable homes. Their management will need to have regard to the holiday character of the area.
- 4.9 Conversely, it is recognised that PHAAs are an unsuitable location for emergency homeless accommodation, since they lack important community facilities and is likely to conflict with the holiday nature of the area. Therefore the council will avoid placing people into non-self contained dwellings in PHAAs, and will not use the red “core” areas for emergency housing.

### **Removal of Unsightly Features**

- 4.10 Many hotels, guest houses and holiday flats have unsightly features, such as large porches or box dormers. Where planning permission for residential use is granted, such features should be removed and original buildings restored, in order to meet the requirements of Policy BE1 of the Torbay Local Plan. This will be a particular priority within Conservation Areas (where Local Plan Policy BE 5 also applies). Early contact with the Council’s Conservation and Design Team (207797) will help determine works and improvements that need to be carried out.

### **Demolition**

- 4.11 It is accepted that demolition and redevelopment of some buildings may be a more effective way to achieve a high quality of development, particularly where buildings are not easily converted to residential use. Moreover, redevelopment can assist in making more effective use of land. Care should be taken to retain buildings of historic importance and to preserve or enhance the character of conservation

areas.

### **Development and Flood Risk**

- 4.12 Several PHAA areas are within areas identified by the Environment Agency as being prone to flooding. Paignton to the East of the railway has been identified as such an area (Zone 3). Government Policy on Floodrisk is set out in Planning Policy Statement 15 (2006) and accompanying Good Practice Guide. Torbay's Stage 2 Strategic Floodrisk Assessment is due for publication in summer 2010. Regard should be had to Planning Policy Statement 25 "Development and Flood Risk". It is not considered sensible or sustainable to abandon large urban areas of Torbay. PPS15 (Para D15) indicates that sequential test is not needed for changes of use, but applications will still need to meet the requirements of the Flood risk assessment and provide flood risk reduction measures. Nevertheless, developments in Zone 3 flood areas should introduce flood resilience measures and avoid creating sleeping accommodation on the ground floor. Basement dwellings should not be permitted.

### **Planning Obligations (Section 106 Agreements)**

- 4.13 The Council's policy on developer contributions (Section 106 Agreements) is set out in the Adopted Planning Contributions and Affordable Housing Supplementary Planning Document. An update and mitigation paper was agreed by the LDF Working Party in July 2009. Policy CF7 of the Saved Adopted Torbay Local Plan seeks community Infrastructure contributors, whilst Policy H11, RS and the Adopted Greenspace Strategy require the provision of open space.
- 4.14 Physical improvements and flood resilience measures, noted above, will be treated as a site acceptability matter that must be carried out in order to allow development to proceed. These are likely to be direct works on-site, and may be achievable by planning condition rather than S106 Agreement.
- 4.15 The main issue to arise from the consultation on PHAA boundaries was concern about Houses in Multiple Occupation. In addition, the Government has recently introduced tighter planning controls on HMOs. The Planning Contributions and Affordable Housing SPD makes provision for contributions to be sought where applications raise a need for additional monitoring and enforcement. Given the high level of concern about HMOs, it is proposed that a monitoring and enforcement contribution be sought as a priority on applications for change of use to holiday apartments. This will be used to fund the council's investigation and enforcement of alleged issues that harm the character of PHAAs. The pro-rata contribution based on the Planning Contributions SPD) is set out below. The SPD seeks contributions for safer communities on schemes of 10 or more dwellings. Because of the specific concerns raised in the consultation, it is recommended that these apply to all developments. Because the main issues are likely to arise in smaller flats, the table below has been adjusted to reflect this.

## Monitoring, Enforcement and Safer Communities Contributions.

Size of dwelling Created from conversion/ redevelopment of holiday accommodation (per dwelling).	Monitoring and enforcement	Safer Communities Contribution	Total
Up to 54 sq m (see note 1)	£400	£180	£580
55-74 sq m	£200	£130	£330
75-94 sq m	£200	£170	£370
95-sq m and larger	£200	£200	£400

Note 1. Permission will not usually be granted for very small units within PHAAs. This contribution reflects the additional burden of monitoring that such dwellings are likely to impose.

- 4.16 Loss of employment contributions (see 4.25- 4.30 of the Planning Contributions and Affordable Housing SPD) may apply to changes of use of 11+ bedroom hotels/guest houses. The English Partnerships/ARUP Employment densities Guide (2001) indicates an average of 1 full time equivalent (fte) employee per 2 bedrooms in a 3 star hotel and 1 fte employee per 3 bedrooms in a budget hotel.
- 4.17 On the basis of the Adopted SPD, contributions will be sought as follows, when dealing with applications for the conversion of holiday accommodation to residential use:
- 1-10 dwellings: Monitoring/ safer communities, Open space provision, education and lifelong learning, waste management.
  - 11-14 dwelling: Monitoring/ safer communities, Open space provision, community safety, education and lifelong learning, waste management.
  - 15+ dwellings: Monitoring/ safer communities, Affordable Housing, Open space provision; community safety, education and lifelong learning, waste management.
  - Loss of employment contributions will be sought on 11+ bedroom serviced accommodation that changes its use to residential. The contribution will be calculated on the basis of £4,125 per 3 bedrooms (guest houses/budget hotels) and £4,125 per 2 bedrooms for a 3 star hotel.
- 4.18 Sustainable Transport contributions will be sought from developments. However, it is likely that the existing traffic generation from the hotel use will cancel this out.
- 4.19 The impact of existing uses may be taken into account as mitigation. It will be assumed that hotels contain one de facto dwelling (i.e. owners' accommodation), which will not be counted for S106 Contributions purposes other than monitoring. Given the particular issues surrounding monitoring and investigation, it is proposed to seek these through unilateral undertaking even where a s106 is not sought for other contributions.
- 4.20 The operation of S106 contributions are not intended to create an undue burden on development. The Planning Contributions and Affordable Housing SPD sets out criteria for assessing and negotiating viability and related matters. This includes independent mediation of viability where appropriate. Where viability problems remain, the Council will consider using an "overage" arrangement. This allows a lower S106 Contribution to be agreed, which increases if prices improve above an

agreed level. Further information on viability and mitigation arrangements are set out in the Planning Contributions and Affordable Housing SPD, and the July, 2009 Update and Mitigation Paper.

### **Holiday Character**

- 4.21 It is emphasised that Torbay remains a premier tourist resort and PHAAs remain tourism-oriented areas. Therefore, the Authority will support tourism businesses that remain. Whilst residential use is considered in principle to be an acceptable use in “Amber” and “Green” areas, residents within or close to PHAAs must bear in mind the tourism character of the area. As such there is likely to be more night time bustle and noise etc than would be expected in a purely residential area.
- 4.22 The Council wants to ensure that PHAAs remain holiday areas in character, albeit with a much more flexible range of permitted uses. Therefore, residential permissions will be subject to a condition that the property cannot be restricted by covenant etc to being solely for residential use, but must be capable of also being occupied for tourism purposes.
- 4.23 It is recognised that the character of such areas is vulnerable to anti-social behaviour and other nuisance (as opposed to general holiday bustle, which is to be expected in such areas). Therefore anti social behaviour and unauthorised properties that contribute to nuisance this will be a priority for enforcement by the Local Authority.

## **5. SUMMARY**

- 5.1 This document provides advice on the interpretation of Policies TU6 and TU7 of the Adopted Torbay Local Plan. It responds to the recent Tourism Strategy’s identification of an over supply of small hotels/guest houses, and a need to increase quality.
- 5.2 The guidance divides PHAAs into three zones:
- Red “Core” Areas are at the heart of Torbay’s Tourism Investment Areas and change of use to non-holiday uses will be resisted, unless holiday accommodation is shown to be unviable. Holiday apartments should be controlled by a condition or S106 condition and proposals for new holiday apartments should provide a good range of core facilities (e.g. swimming pool, communal areas etc).
  - ‘Amber Areas’ retain a fair holiday character. However, changes of use will be approved for smaller premises (up to 10 bedrooms). Change of use to residential may be granted for medium sized hotels, subject to location, range of facilities, viability and other considerations. Permission will normally be granted to allow non-holiday use of holiday apartments.
  - ‘Green Areas’ retain little intrinsic holiday character or are marginally located, (although they may contain well run businesses or be pleasant areas). Within these areas, change of use of small and medium sized premises will usually be permitted. The Council will usually seek to retain 50+ bedroom hotels unless there are viability or other considerations. Permission will be granted to allow non-holiday use of holiday apartments.

- 5.3 Where change of use is acceptable in principle, the Council will require:
- Larger, self-contained flats or family houses. Houses in multiple occupancy will not be permitted.
  - Removal of unsightly/out of character additions and extensions.
  - Sound proofing, flood resilience etc.
  - Provision of twin-bin storage and cycle storage.
  - Parking provision in accordance with Policy T25 of the adopted Torbay Local Plan.
- 5.4 Non residential uses that would conflict with the holiday character of the area will be resisted. Conversely, non residential uses that would be beneficial to tourism will be supported in principle.
- 5.5 Developer contributions may be payable on larger schemes. Improving the physical fabric of buildings will be a priority.
- 5.6 The areas remain “holiday areas” and businesses that wish to operate within these areas (and elsewhere) will be supported. Residential occupiers must bear in mind that they are living within tourism areas and not purely residential areas. Conversely it is recognised that anti-social behaviour, bad maintenance and vandalism can seriously harm the character of tourism areas and this will be a priority for enforcement for the Council and partner organisations.















**Revised Guidance on the Interpretation of Policies TU6 and TU7 of the Torbay Local Plan. 26/02/10.**

**Appendix 1: Maps showing traffic light coding of PHAAs**

**Table: Summary of Considerations for Different Colour Coded Areas.**

	Serviced accommodation (Hotels and Guest houses)			Holiday Apartments
	Small up to 10 bedrooms	Medium 11-49 bedrooms	Large 50+ bedrooms	
<b>Red "Core" Areas</b>	Should be retained as serviced accommodation	Should be retained as serviced accommodation	Should be retained as serviced accommodation	Conditions on holiday occupancy unlikely to be relaxed
<b>Amber Areas</b>	Residential use likely to be allowed	Residential use may be permitted, subject to consideration of facilities and viability	Should be retained as serviced accommodation	Conditions on occupancy likely to be removed
<b>Green Areas</b>	Residential use likely to be allowed	Residential use likely to be allowed	Should be retained as serviced accommodation	Conditions on occupancy likely to be removed
<b>Outside PHAAs (Policy TU7)</b>	Residential use likely to be allowed, unless of special character etc	Residential use likely to be allowed, unless of special character etc	Should be retained as serviced accommodation unless not viable	Conditions on occupancy likely to be removed

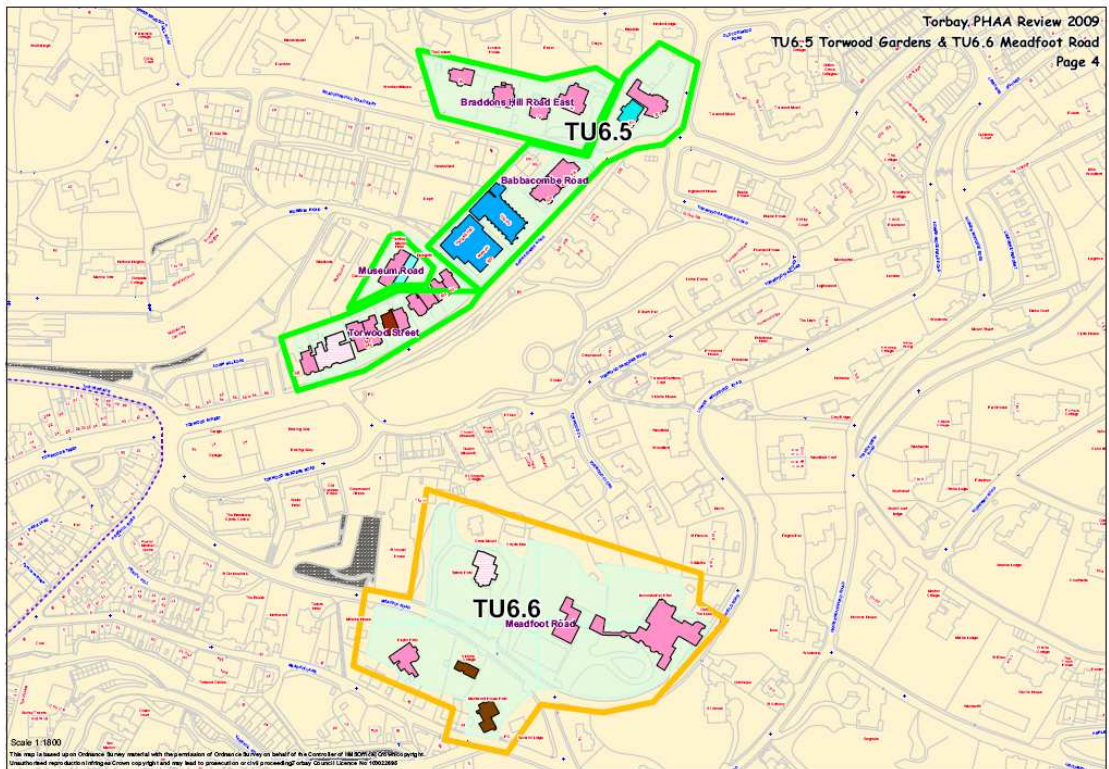
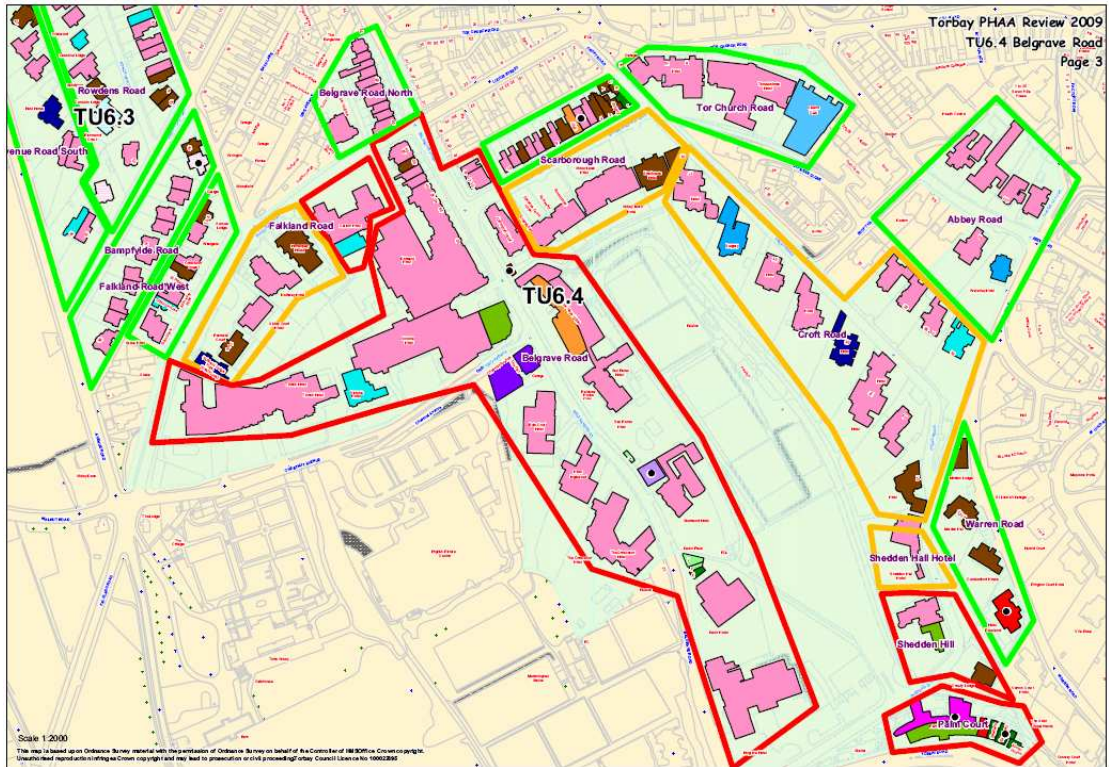
**Key to uses within PHAAs from the PHAA Monitor**

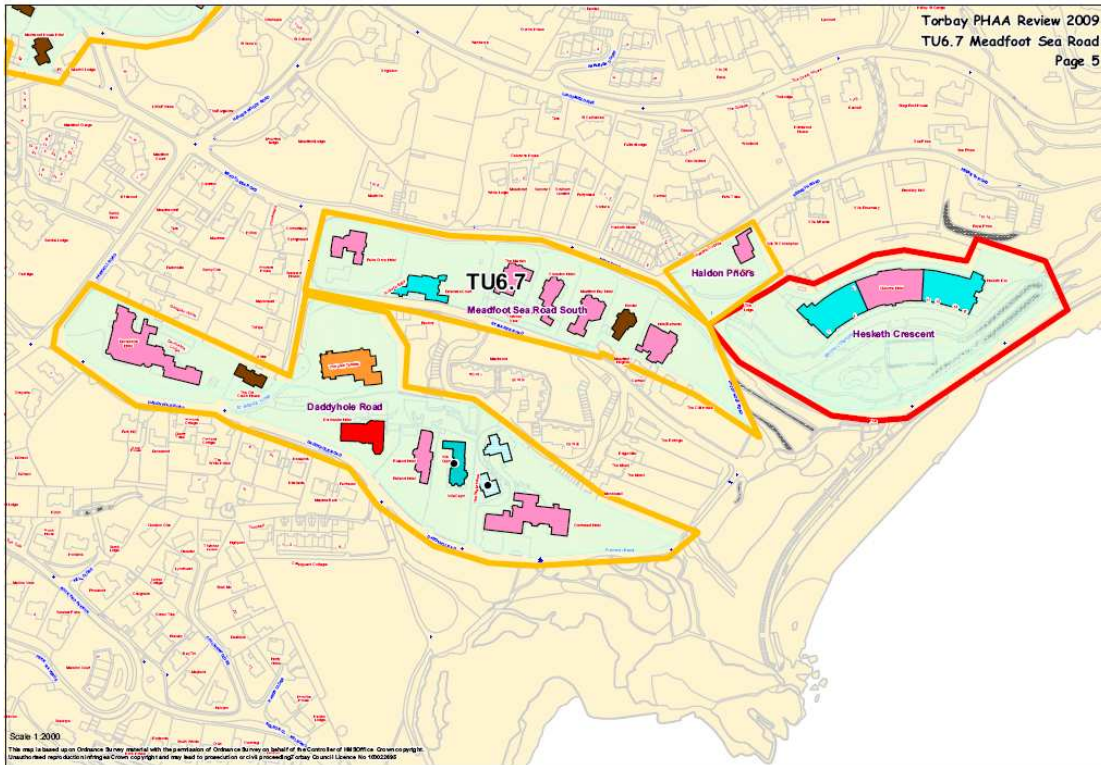
-  A1 Shops
-  A3 Cafes, Restaurants
-  A4 Drinking Establishments
-  A5 Hot Food Takeaways
-  B1 Business
-  B2 General industrial uses which generate noise and/or fumes
-  C1 Hotels, Guest Houses and B&Bs
-  C2 Care Homes and other residential institutions
-  C3 Holiday Flats
-  C3 Houses and Residential Flats
-  D1 Museums, Churches, Doctor's Surgeries and other non-residential institutions
-  D2 Assembly and Leisure Uses
-  Sui Generis - uses that do not fall within the use classes laid down in the Use Classes Order and are therefore in a class of their own
-  Indicates a property is vacant



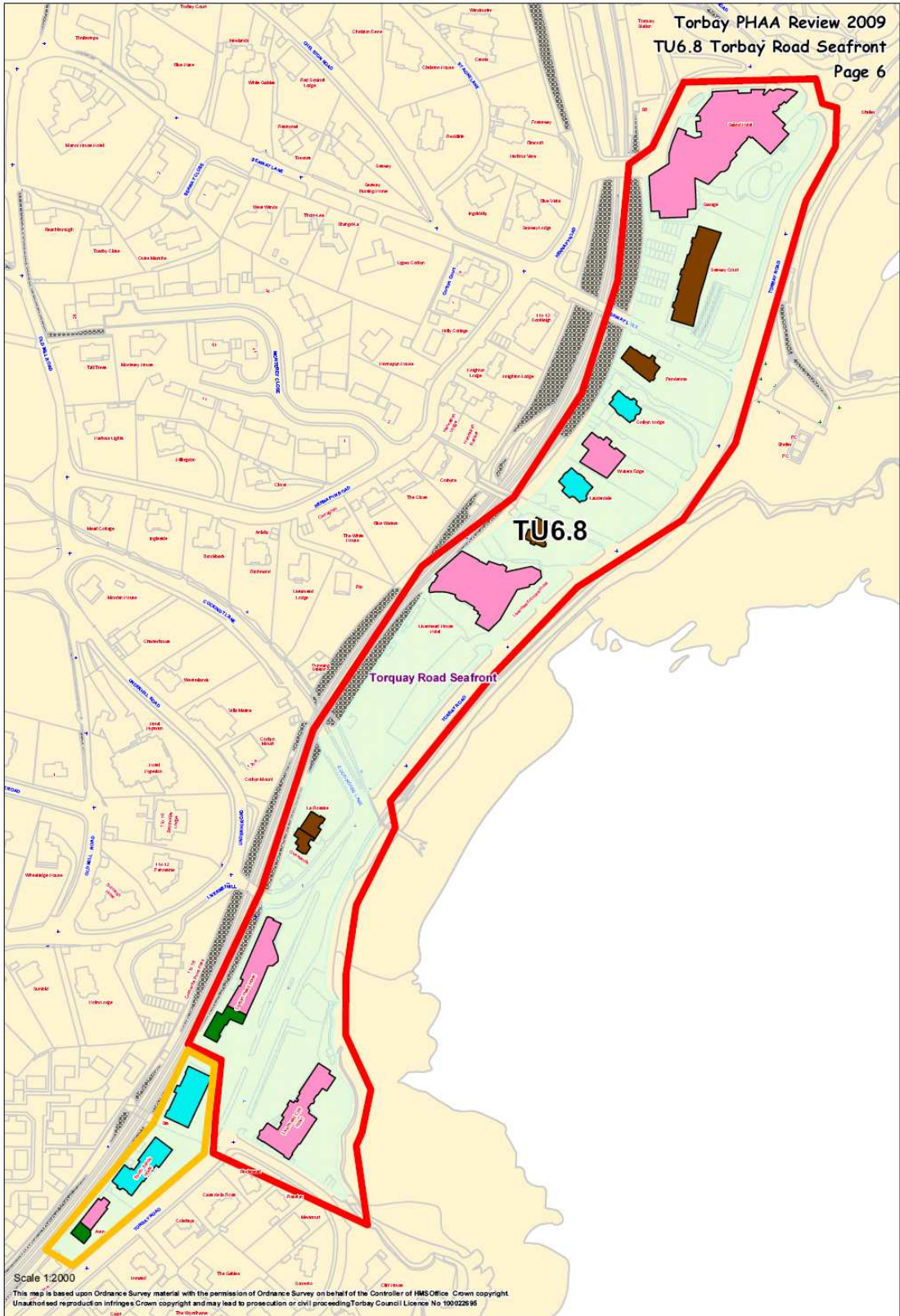






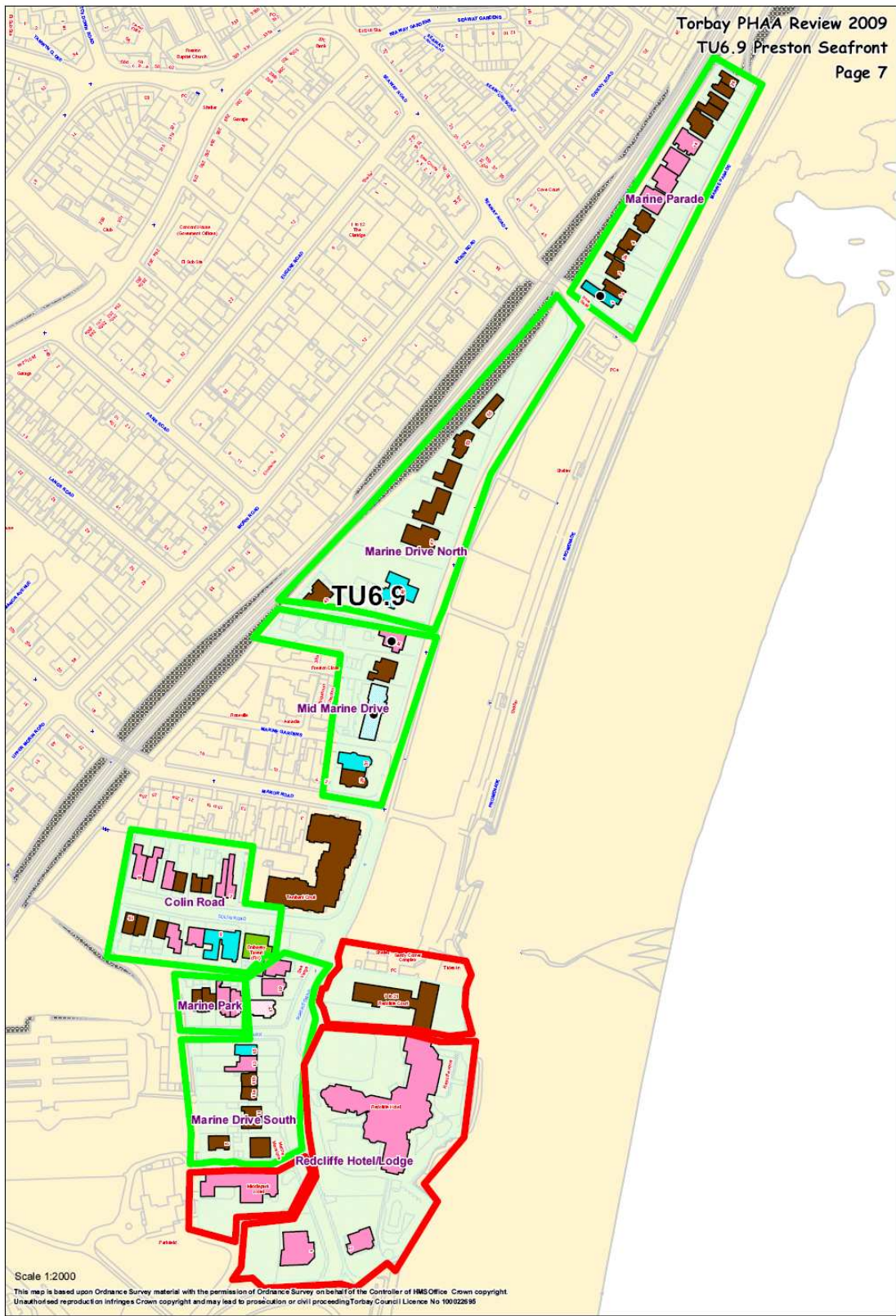






Scale 1:2000

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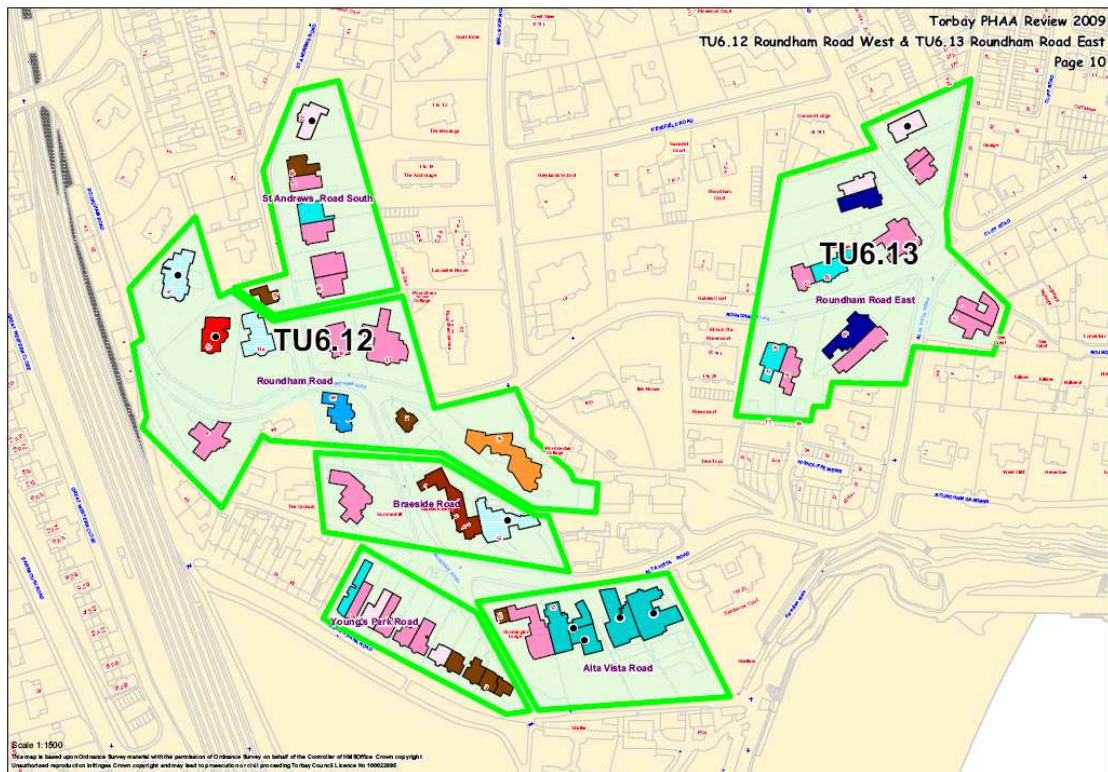
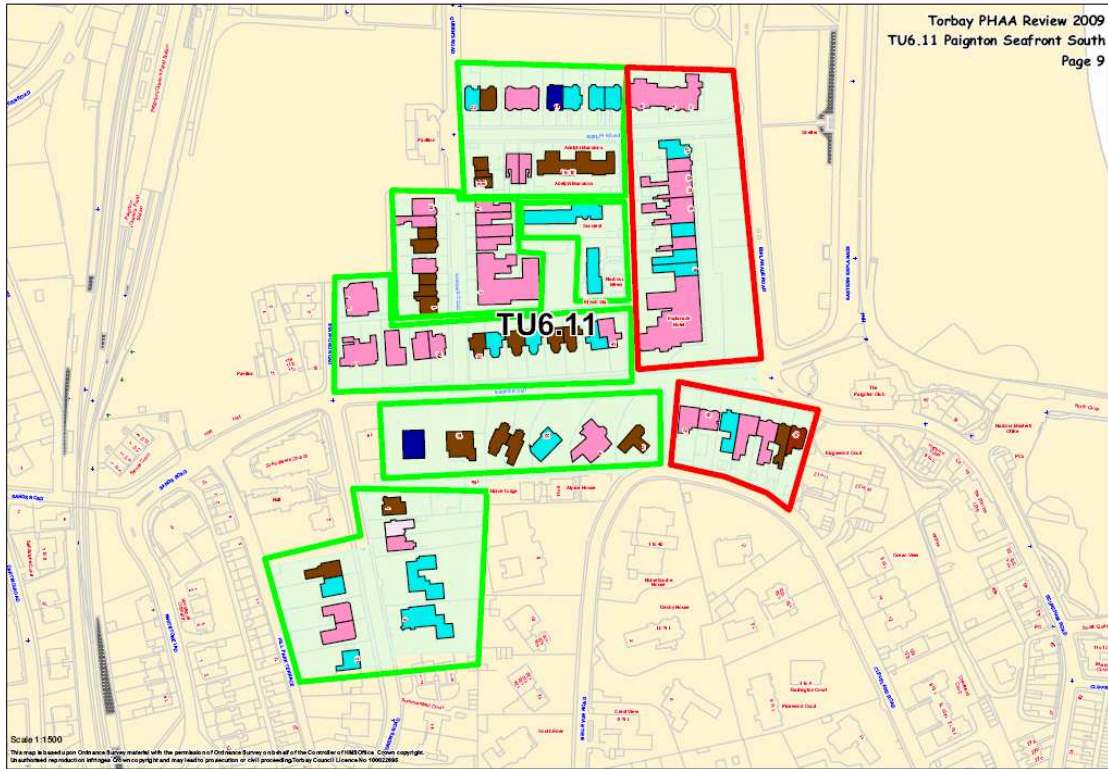
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## Appendix 2 Quantitative Implications of Relaxing Controls in PHAAs: Estimate of Contribution to the Adopted Torbay Tourism Strategy Figures.

The Torbay Tourism Strategy 2010-2015 recommends a reduction of 3500 bed spaces in the 4-10 bedroom size of hotels/guest houses. Most hotel bedrooms will be double rooms, and singles/triples cancel each other out overall. Assuming an average of 7 letting bedrooms, this would mean an average of 14 bed spaces per small hotel. 3500 bed spaces would equate to 250 small hotel/guests houses. ( $3500 \div 14 \text{ bed spaces} = 250$ ).

The review of PHAAs suggests that up to 235 hotels/guests houses could be redeveloped (this is the stock of serviced accommodation in PHAAs outside the proposed Green Area).

This would represent at least 3290 bed spaces, but in practice considerable more as it includes some larger hotels.

In practice, many properties will remain as holiday accommodation. Clearly, different take up rates will yield different figures. The table below sets out a range of forecasts. . The 'core' forecast of 30% conversion rate is considered by the Tourism Strategy Project manager to be the most likely outcome. This could see a reduction the stock of bed spaces in PHAAs by about 1750 bed spaces by 2015. This is about half of the required figure. About 50% of serviced accommodation is outside PHAAs (Torbay Local Plan, Paragraph 5.55) where a less restrictive policy applies. On this basis it is argued that the review appears to make ample provision to meet the Tourism Strategy figures for bedspace reduction. However these figures are estimates based on broad assumptions, and the effect of the shift in policy will need to be carefully monitored.

	Number of hotels/ guesthouses/ <b>bed space reduction</b> if 100% conversion	Low Forecast: Number of hotels/ guesthouses/ bed space reduction if 10% conversion	Core Forecast Number of hotels/ guesthouses/ bed space reduction if 30% conversion	High: Number of hotels/ guesthouses/bed space reduction if 75% conversion
Unadjusted total (assumes 14 bedspaces per hotel average)	235/ <b>2390</b>	24/ <b>336</b>	70/ <b>987</b>	176/ <b>2468</b>
Adjusted Total *	235/ <b>7050</b>	24/ <b>336</b>	90/ <b>1750</b>	176/ <b>5280</b>

\*In practice many larger hotels would be included in higher take up rates, so a greater number of bedspaces will be reduced. This is reflected in the assumed adjusted average bedspace numbers above: 10% take up average 14 bedspaces; 30% take up 25 bedspaces; 75% take up 25 bedspaces; 100% take up: 30 bedspaces.