

## REPORT TO THE EAST AREA PLANNING COMMITTEE

Report No.1

<b>Date of Meeting</b>	21 <sup>st</sup> April 2011
<b>Application Number</b>	E/10/1632/FUL
<b>Site Address</b>	Ivy House Hotel, 43 High Street, Marlborough, SN8 1HJ
<b>Proposal</b>	Change of use from Hotel (C1) to Boarding House (C2). Internal and external alterations.
<b>Applicant</b>	Marlborough College
<b>Town/Parish Council</b>	MARLBOROUGH
<b>Grid Ref</b>	418687 168878
<b>Type of application</b>	Full Planning

### **Reason for the application being considered by Committee**

Members will recall that this application was discussed at the meeting of the Eastern Area Planning Committee on February 17<sup>th</sup> 2011. It was resolved to defer consideration of the application pending receipt of a report by the Council's Economic Regeneration Team.

Since that meeting, the agents acting for the applicants have supplied further factual information relating to the viability, occupancy and marketing for sale of the hotel. The Council's Economic Regeneration Team has supplied a report looking at the economic impact of the loss of the Ivy House hotel. A copy of the report is attached as an appendix to this agenda. A copy of the comments of the agent acting for the applicant on the contents of the report is attached as appendix 2.

The report set out below is an updated version of the one initially considered on February 17<sup>th</sup>.

### **1. Purpose of Report**

To consider the recommendation that the application be approved.

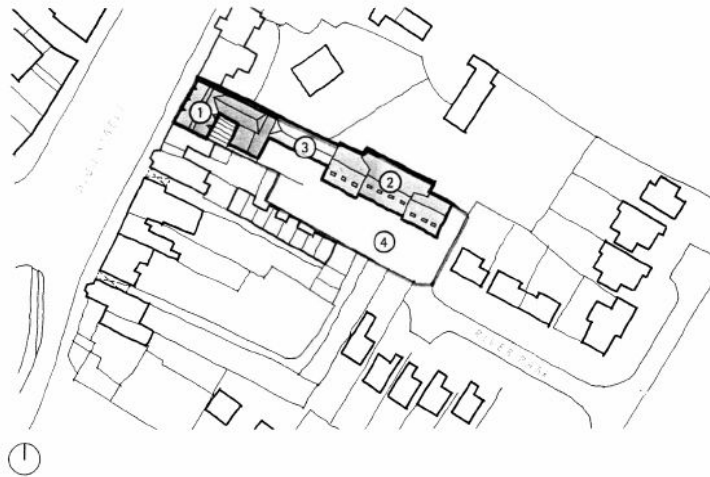
### **2. Report Summary**

The main issues in this case are:

- The principle of change of use from hotel to boarding house;
- The impact on the character of the area (including its status as a conservation area);
- The impact on the listed building;
- The impact on highway safety;
- The impact on residential amenity.

### **3. Site Description**

The application site is located on Marlborough High Street with vehicular access at the rear from River Park. The site is presently used as a 28 bed hotel and conference facility with car park.



#### *Site Location*

The building on the site is listed grade II. It comprises a relatively grand mid 18<sup>th</sup> century 'house' fronting the High Street with early 20<sup>th</sup> century addition to the rear, and a further substantial accommodation wing beyond this erected in 1986.

The site lies within the "Town Centre" and "Prime Shopping Area" as defined in the local plan. It is also within the Marlborough Conservation Area and the Area of Outstanding Natural Beauty.

#### **4. Relevant planning history**

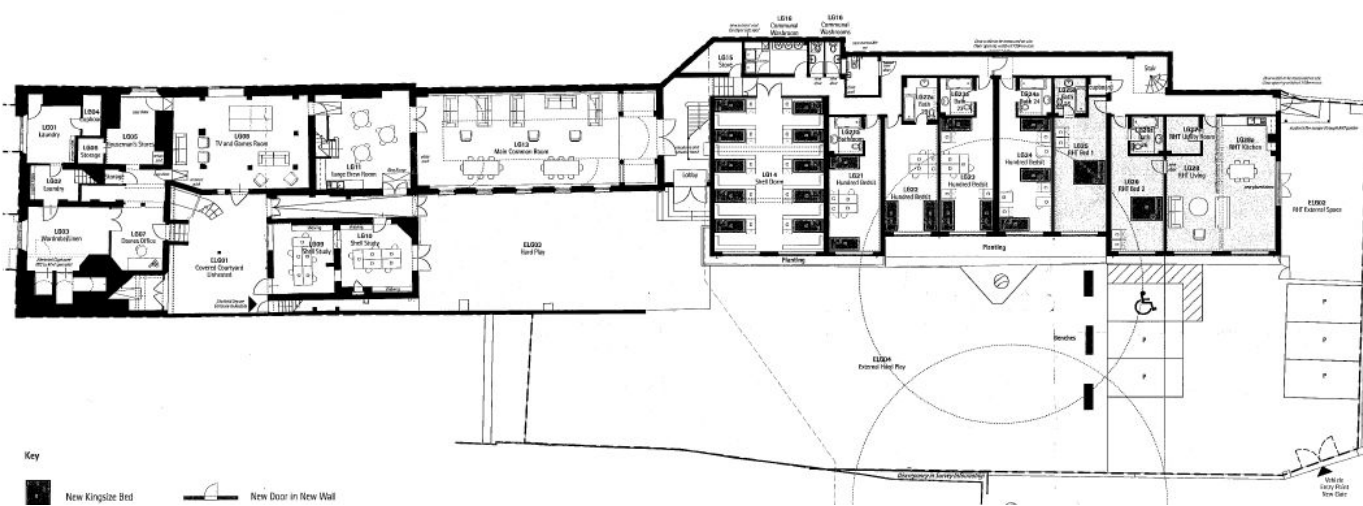
K/57896/F – Change of use of part of existing hotel to six residential units at the rear – refused 17/03/08.

#### **5. The Proposal**

This application seeks planning permission to change the use of the site from hotel (Class C1 use in terms of the Planning Use Classes Order) to student boarding house (Class C2 use). The applicant is Marlborough College, and the intended occupiers of the site would be up to 50 single-sex boarding students aged between 13 and 18. Accommodation would also be provided for a house master and resident house tutor. There would be no on-site full catering facilities as students eat all main meals at the college itself. That said, a central 'brew room' would be provided. Outside of term time, the property would be available for conferences and the Summer School run by the College.

Very minor alterations are proposed to the exterior of the building. The alterations principally relate to the end gable wall of the 1986 extension wing where the existing door would be widened and a pair of glazed doors flanked by glass panels inserted serving the resident house tutors accommodation. In relation to the front elevation of the building, the existing 'Ivy House Hotel' sign would be removed together with all other hotel signage and a flag pole. Internal alterations are also limited largely to minor room re-ordering.

Outside, the existing car park would be reduced in size to six spaces. The remaining area would be laid out as "hard play" space for the students. A portacabin presently standing at the far end of the site would be removed.



*Proposed Lower Ground Floor Plan*



*Existing Elevations*



*Proposed Elevations*

## **6. PLANNING POLICY**

Kennet Local Plan 2011: Policy PD1, ED18.

Planning Policy Statements: PPS4 and PPS5.

## **7. CONSULTATIONS**

**Marlborough Town Council:** no objection.

**Wiltshire Council highways:** no objection.

## **8. PUBLICITY**

The application has been advertised by press and site notices and notification to occupiers of nearby properties. The application has generated 20 letters of objection and 4 letters of support. It has also generated a 15 signature petition raising objection.

The objections are summarised as follows:

- Presently insufficient hotel accommodation in Marlborough to meet demand. Existing hotel contributes positively to Marlborough's economy;
- Ivy House Hotel not as good as it was when in others ownership, but cannot understand why a purchaser cannot be found to continue to run it as a developing, profit-making concern given the tourist attraction of Marlborough. Present owners of hotel are not hoteliers, but business investors more interested in selling the site than developing the hotel. The right investor could enhance the hotel and its profitability;
- Loss of Ivy House Hotel would leave only the Castle and Ball hotel. According to the TIC there is often a shortage of hotel accommodation in the area. Accommodation is needed for events such as the jazz festival and summer schools, and to accommodate Marlborough College parents;
- Marlborough College owns plenty of land elsewhere where it could build a new boarding house;
- Likelihood of noise nuisance from student's playing loud music. Inappropriate use adjacent to River Park which is a tranquil estate occupied largely by more elderly residents;
- Increased traffic in River Park from parents dropping-off/collecting boarders and/or attendees at summer schools;
- Concerns over security if access is closed through hotel between High Street and River Park;
- Concerns over opportunity this gives for college to access High Street via the adjacent abandoned stable block.

The letters of support are summarised as follows:

- The proposal is the only way forward to guarantee the preservation and maintenance of this historic building;
- The proposed change of use is not a lot different to what occurs at present – people pay to stay;
- A 'white knight' hotelier with lots of money is not going to happen because the hotel has been on the market for years. The fabric of the hotel will never get the attention it demands;

- Site will eventually be sold, and less attractive propositions than the college might include a nightclub or gym;
- There is no right of way through the hotel, just the good will of the management;
- Young people would be welcomed in this neighbourhood currently largely made up of elderly people.

## **9. PLANNING CONSIDERATIONS**

The main issues to consider in this case are, firstly, the principle of the proposal, and then (assuming the principle is established) the impact on the listed status of the building, the conservation area, highway safety and residential amenity.

### **9.1 Principle of change of use**

There are two considerations relevant to the issue of principle. The first is the loss of the hotel per se, and the second is the acceptability of an alternative use on the vitality and viability of the town centre in any event.

Regarding the loss of the hotel, there are no specific policies set out in the development plan for protecting this form of land use within the town. In view of this, resistance to loss based on non-compliance with the development plan would be impossible to sustain.

In support of the application the applicant's agent has provided more detailed evidence on the occupancy rates, profitability and marketing of the hotel since 2006. In terms of occupancy rates, the annual average has not exceeded 61%, with peak occupancy in the summer months of June to September. Revenue has decreased during the recession, whilst the net profit has been relatively small at a peak of some 5% of total sales (before the recession) The property has been extensively marketed for sale from April 2008 – March 2009, with sales agreed only to fall victim to the inability of buyers to obtain the necessary bank funding to proceed. In the current financial climate, it is difficult to see new purchasers emerging.

Although the detailed evidence from the agent has been made available to the Council's Economic Regeneration Team, the report they have produced confesses to being reliant on 'largely anecdotal evidence'. They point out that the change of use will result in the 'loss of an employment/investment opportunity' (although as the premises have been made available for others to purchase as an investment opportunity it is difficult to see how this can be argued). They point out that the change of use would result in the loss of 6 full time jobs and estimate that if it was operating at capacity it would generate a total of 25 full time jobs, or approximately £500,000 in employment income. It notes that Marlborough College estimate that the change of use to a boarding house would generate £600,000 in the form of additional employment income, with a further spend on capital of £150,000 for maintenance/repair and £40,000 for food purchases and other supplies.

In terms of viability, the Council's Economic Regeneration team consider that the Ivy House Hotel could be brought up to the standard of a quality establishment, generating sales of £1.5 million in year 1 following an investment of £280,000, with a profit before tax, depreciation, interest and amortisation of over £291,000. Unfortunately, none of the assumptions that underlie this forecast, or the evidence on which it is based, have been supplied, so neither the applicant's agent nor the Council's Planning Officers can test or assess these.

In terms of alternative accommodation provision, the report notes that the loss of the 28 rooms at the Ivy House would have a detrimental effect on visitors to the town as it would significantly reduce the number of serviced rooms in the town Centre.

The net result of the information supplied by the agent and the report by the Council's Economic Regeneration Team, set against the planning policy background, can be summarised as follows:

- There are no development plan policies that support the retention of the current use;
- The proposal would result in the loss of jobs in the town in the hotel trade and an increase in the number in education;
- The hotel is currently not a viable business;
- Whilst the Council's Economic Team consider that new investment could make it a viable business, the fact remains that no party seeking to invest in the Ivy House Hotel as a business has been able to secure the bank lending required to complete the transaction.

In these circumstances, it is difficult to see how the Council can object to the principle of the proposal on planning grounds.

In terms of impact on vitality and viability of the town centre, Policy ED18 of the local plan states that planning permission will not be given for the change of use of ground floor premises to uses other than those within Class A1 (shops) unless, in particular, the use makes a positive contribution to the vitality and viability of the centre. This is a policy designed to protect the retail heart of Marlborough's town Centre from the loss of shops to alternative uses that would undermine the vibrancy of the town centre that relies primarily on its mix of retail uses for its vitality. This policy cannot realistically be relied upon in this situation where the existing use is not retail.

Having regard to the foregoing conclusions the proposal to change the use of the hotel to a boarding house is, as a matter of principle, considered to be acceptable.

### **9.2 Impact on character of area and listed building**

The proposal involves very few changes to the both the interior and exterior of the building. Removal of the "Ivy House Hotel" letters and other hotel clutter from the front elevation would re-establish the historical 'house' character of the building. No harm would be caused to the listed status of the building or its situation within the conservation area.

On the positive side, the proposal would provide a viable use that would safeguard the future of the listed building for the foreseeable future and allow investment in its maintenance to be undertaken.

### **9.3 Impact on highway safety**

The proposal includes provision for six parking spaces to be accessed at the rear of the site through River Park. The remainder of the hard-surfaced rear 'yard' would be used as play areas for the boarders. Historically the hotel has used the rear area as a car park for some 20+ cars.

The Council's highway officer is satisfied that 6 spaces are sufficient for the day to day running of the boarding house. The spaces would be used by the two members of staff based at the house and servicing vehicles. At the beginning and the end of term additional parents' vehicles would require access to the site, and at these times access would be allowed by the college over the play areas for parking and turning to avoid overflow on to River Park (which has parking restrictions). This is considered a satisfactory method of dealing with the occasional peak demands. There are no other highway safety issues.

#### **9.4 Impact on residential amenity**

Some third parties have expressed concern that the boarders would cause noise disturbance, in particular from loud music. The college has its own strict rules relating to the conduct of pupils. In relation to noise the general rule is that noise which disturbs other members of the house and prevents them from working or sleeping is unacceptable. It follows that noise generation is unlikely to be cause for concern.

The alterations to the rear elevation (insertion of glazed door) would have minimal impact on the adjoining house in River Park. This door would serve the resident house tutor's accommodation which is a residential use in itself.

Regarding public access through the hotel between River Park and the High Street, this is an informal arrangement which could be curtailed at any time. It does not, therefore, amount to a sound reason for resisting the current application. There is good public access between River Park and the High Street elsewhere in any event.

#### **10. CONCLUSION**

The proposal will provide a viable and suitable use that will preserve the listed building and enable it to remain in good order. It will have no adverse impact on the character or appearance of the Conservation Area. Although in some respects the loss of the hotel use may be regretted, this is more a commercial matter than one that can be opposed in planning terms as the development plan does not have any policies that would support a refusal. It should also be borne in mind that the College itself is an important part of the vitality and viability of the town and this proposal will enable this local business to continue to develop its facilities.

#### **RECOMMENDATION**

##### **Approve for the following reasons:**

The decision to grant planning permission has been taken on the grounds that the proposed development would not cause harm to interests of acknowledged importance. In particular, there is no sound planning reason for resisting the loss of the hotel, the future viability of which is demonstrably questionable in any event; and the proposed use will contribute to the vitality and viability of Marlborough town centre. Furthermore, no harm would be caused to the character and appearance of the locality, the listed building and its setting, highway safety and residential amenity. This is in accordance with policies PD1 and ED18 of the Kennet Local Plan 2011 and Central Government planning policy set out in PPS4 and PPS5.

**and subject to the conditions set out below:**

- 1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

REASON: To comply with the provisions of Section 91 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.

- 2 No part of the development hereby permitted shall be first brought into use until the turning area and parking spaces have been completed in accordance with the details shown on the approved plans. The areas shall be maintained for those purposes at all times thereafter.

REASON: In the interests of highway safety.

- 3 This decision relates to documents/plans submitted with the application, listed below. No variation from the approved documents should be made without the prior approval of this Council. Amendments may require the submission of a further application. Failure to comply with this advice may lead to enforcement action which may require alterations and/or demolition of any unauthorised buildings or structures and may also lead to prosecution.

Drawing nos. P0500 & P1301 dated 17/11/2010 and P1100A, P1101A & P1102A dated 13/12/2010.

**Appendices:**

Report of the Council's Economic Regeneration Team & comments on it by the applicant's agent.

**Background Documents Used in the Preparation of this Report:**

Application file, Development Plan, PPS4, PPS5