

REPORT TO THE EASTERN AREA PLANNING COMMITTEE

Report No.1

Date of Meeting	14 th July 2011
Application Number	E/10/1632/FUL
Site Address	Ivy House Hotel, 43 High Street, Marlborough, SN8 1HJ
Proposal	Change of use from Hotel (C1) to Boarding House (C2). Internal and external alterations.
Applicant	Marlborough College
Town/Parish Council	MARLBOROUGH
Grid Ref	418687 168878
Type of application	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 17th 2011. It was resolved to defer consideration of the application pending receipt of a report by the Council's Economic Regeneration Team.

The application was rescheduled for the meeting on 21st April to reconsider the proposal with a report supplied by the Council's Economic Regeneration Team on the economic impact of the loss of the Ivy House hotel. Unfortunately, it was discovered that the consultant instructed by the Team had a potential interest in the property himself and that parts of the report lacked an evidential basis. The application was therefore removed from the agenda and the Economic Regeneration Team sought a fresh report.

In the interim period, the applicants have appealed against the Council's failure to determine the planning application within the normal 8 week period. This removes the application from the Council's jurisdiction and means that the decision will be taken by an Inspector appointed by the Secretary of State. The appeal will be determined by the written representations method. The Council must submit its views to the Planning Inspector before July 27th, meaning that this meeting is the last opportunity for the Council to express a view on this particular application.

The applicants have also submitted a second application for the same proposal. This 'twin-tracking' is not unusual in these circumstances as it enables the applicants to obtain a decision either from the Council or the Planning Inspector depending on who assess the application first. It is not possible to bring a report on this second application to the committee at this stage as the statutory consultations and advertisement period have yet to expire.

As the report from the Council's Economic Regeneration Team was only received on Monday July 4th, it has not been possible to include in this report the comments of the applicants on its contents. Any comments received will be reported at the meeting. A copy of the report is attached as an appendix to this agenda.

1. Purpose of Report

To consider the report and decide on the representations to be made to the Planning Inspectorate on the current appeal.

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. The rooms are all double or twin occupancy.



Site Location

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

The site lies within the "Town Centre" and the front part of the hotel (not including the annex at the rear) lies within the "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.

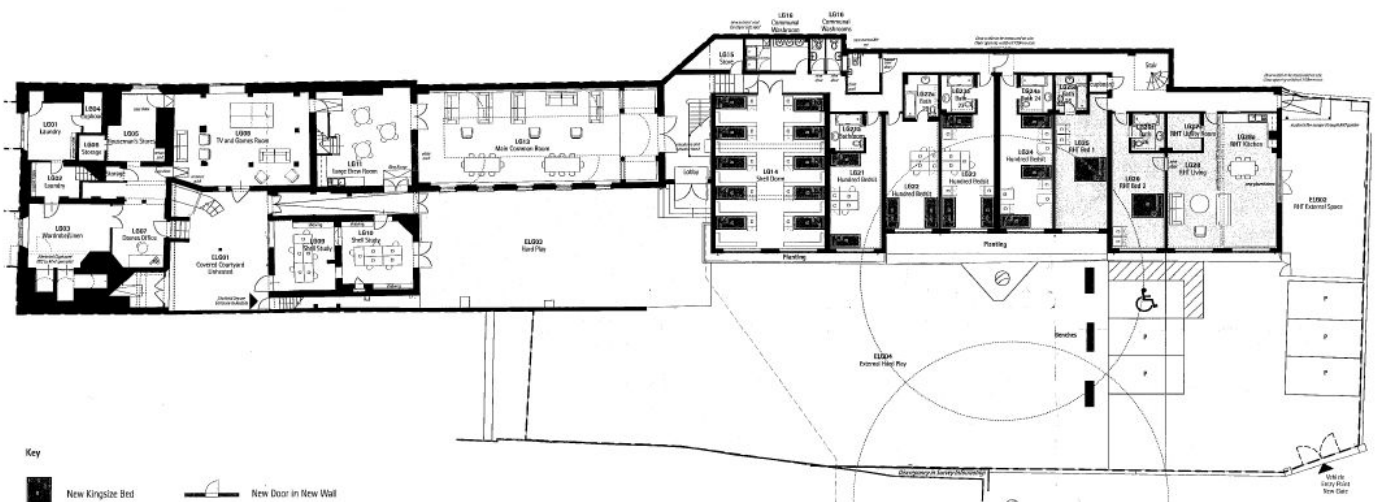
E/10/1635/LBC - Listed building consent for the minor internal and external alterations associated with this proposal has already been granted under delegated powers as the works did not adversely affect the special architectural or historic interest of the building.

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

The first consideration in assessing this proposal is the relationship to the development plan.

With regard to the loss of the hotel to the boarding house use, there are no specific policies set out in the development plan for protecting this form of land use within the town. Policy ED18 in relation to Prime Shopping Areas states that planning permission will not be given for the change of use of ground floor premises to uses other than Class A1 (Retail), unless the development makes a positive contribution to the vitality and viability of the centre or is necessary to secure the future of a listed building or other important streetscene building. However, it is clear from the supporting text in paragraph 3.36 of the Local Plan that this policy is aimed at maintaining a concentration of shopping uses within the Prime Shopping Area. This site is not in retail use and is not suitable for such a use because of its design. In view of this, resistance to the loss of the hotel use based on non-compliance with the development plan would be impossible to sustain.

Looking at national guidance, PPS 4 Policy EC10 requires local planning authorities to adopt a positive and constructive approach towards applications for economic development. Planning applications that secure sustainable economic growth should be treated favourably. Applications are assessed against resilience to climate change; accessibility by a choice of transport and effect on local traffic levels; whether the proposal secures a high quality and inclusive design; the impact on the economic and physical regeneration in the area, including the impact on deprived areas, and social inclusion; and the impact on local employment.

As this proposal is, to all intents and purposes, a change of use, many of these criteria are of little consequence in relation to this proposal. The building is in situ, is accessible by a wide choice of transport and there are no highway objections. There are no changes of significance to the design or appearance of the building.

Marlborough is not an area that is either deprived or in need of physical regeneration.

From the criteria in EC10, this simply leaves the impact on local employment. Other representations have raised as a material consideration the impact on the local economy.

As requested by Members, the Council's Economic Regeneration Team has commissioned a report on the economic impact on the potential loss of the Ivy House hotel. The findings in this report are in many ways similar to those put forward by the applicant. For example, the report finds that the average occupancy for hotels in the county is 55% over the last 7 years – not far adrift from the maximum occupancy rate recorded by the applicants for the Ivy House hotel of 61% and matching the 2010 occupancy rates. The report estimates that a hotel such as the Ivy House would generate tourism spend of £1million to 1.2 million per annum, based on Wiltshire occupancy rates. This too would accord with figures supplied by the hotel as turnover in 2007, when occupancy was a shade under 60% was recorded as £650,000. The balance could be accounted for by tourism spend on other services in the county. Employment levels are estimated by the report to be 11-14 direct FTE at the hotel, which ties in with the total FTE of 12.5 put forward as the existing situation at the Ivy House.

What the report does not consider is the profitability of running the hotel. The figures the Council has on this are those supplied by the applicant that show that the net profit has been relatively small at a peak of some 5% of total sales before the recession. Revenue has since decreased during 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. It is worth noting that according to the Council's own report, there are a further 33 rooms available in Marlborough, 51 further hotel rooms within 5 miles and 443 within 8 miles – all in Wiltshire.

The applicants have estimated that their costs associated with the employment of news staff to run the boarding house would be in the region of £600,000, with an additional 8 full time staff, including teachers, a dame and a houseman, with additional employment generated for extra support staff, including housekeeping, maintenance, administration and catering staff. Although the number of FTE's is at first glance lower than that currently employed by the Ivy House, the wage bill going into the local economy is considerably higher. (Even at its peak the Ivy House wage bill was less than £300,000 per annum).

In sum, based on the evidence submitted, the economic impact can be assessed as follows:

- The change of use to a boarding house would appear to have a broadly neutral impact on direct employment;
- The change of use would result in more direct income from wages being brought into the local economy of Marlborough;
- If the hotel were to remain, it would be likely to generate additional tourism-related expenditure on top of the direct expenditure to the hotel. However, this conclusion has to be heavily caveated. Firstly, it assumes that the hotel would remain open (the Council cannot directly influence this and the evidence is that the hotel is not viable). Secondly, the 'lost' additional expenditure may simply be displaced to the other local hotels with their 443 bedspaces, thereby increasing their occupancy rates and profitability, with additional income still being generated on local services in Wiltshire.

As there are no development plan policies that would support a refusal on the grounds of loss of a hotel business, and as PPS 4 encourages a positive and constructive approach towards applications for economic development, it is

difficult to see how the Council can object to the principle of the proposal on planning grounds.

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. This would be in accordance with the thrust of Government advice in PPS5.

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. As the figures indicate, it is also evident 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

It is recommended that the Council advise the Planning Inspectorate that it has no objection to the proposal, subject to the conditions set out below, for the following reasons:

The proposed development would not conflict with the policies of the Development Plan. Furthermore, the evidence suggests that the proposal will generate more direct investment in local wages, and that whilst indirect expenditure from the loss of the hotel use may result, the Council has no evidence that this expenditure will not simply take place in any event in the locality through higher occupation rates of local hotels that are already below the south west average for occupancy. In addition, 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.

- 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.

Background Documents Used in the Preparation of this Report:

Application file, Development Plan, PPS4, PPS5