

Recommendation: Conditional approval	
20192176	176-180 Loughborough Road
Proposal:	Change of use from Storage (Class B8) to Hotel (Class C1)
Applicant:	Platinum Homes Development Ltd
View application and responses:	https://planning.leicester.gov.uk/Planning/Display/20192176
Expiry Date:	7 August 2020
LL	WARD: Belgrave



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Summary

- This application is brought to committee as objections have been received from five city addresses, as well as comments from the Belgrave Hall Conservation Area Society.
- The main concerns relate to road safety, parking and traffic congestion, and the character of the building.

The Site

The site is about 2km north of the city centre, on Loughborough Road which is a secondary radial route, and on the corner of Holden Street. Holden Street is one of the access routes to a new housing estate on Ross Walk.

The site is occupied by a building which was constructed in the later 19th Century (it shows on maps from the 1880s) as a police station. It is an attractive building,

although having been empty for many years it is in need of maintenance and repair. It is one of the few buildings within the Conservation Area constructed from cream bricks, and consists of a single storey central section with two corner blocks having pavilion style roofs. The main part of the building is almost as original. To the rear is a cell block and an unsympathetic garage extension (also described as internal parking area) with roller shutter to Holden Street.

To the immediate south are Freeman's Cottages, a small two storey flat block dating from 1900, and opposite is a small complex of variously extended buildings forming a school. North and behind are residential properties, mostly small modern houses.

To the front of the site, within the footway, are several mature attractive trees.

Background

Several applications and pre-application enquiries have been dealt with on this site. However several applications have been withdrawn and there is little recent formal planning history other than a refused prior notification last year (ref 20191164) for change of use from B1 offices to C3 flats. The site appears lawfully to be in B8 use (storage and distribution) and the refusal was appealed, and the appeal dismissed, on this basis.

Earlier applications include:

20021590 Change of use from warehouse to student accommodation – conditional consent 9/1/2003, now expired.

The Proposal

The proposal is to convert the building to a hotel. The plans show four letting rooms, ranging from 57 sq m to 68 sq m; a reception area; gym; kitchen; dining room; laundry and store. Seven car parking spaces would be provided, and cycle parking.

No major external changes are proposed, although a substantial amount of repair and refurbishment is needed. A small section of external wall, within the site, will have to be removed to provide the southern parking area.

Internally, the changes would be substantial and would include a suspended floor to deal with the levels differences between guest rooms and the facilities, and steps and a platform lift between this level and the car parking area. Several internal walls would be removed, stairs would be relocated, and some external doors would be taken out of use.

Policy Considerations

National Planning Policy Framework (NPPF)

Section 7 – Ensuring the vitality of town centres

Paragraph 86 – main town centre uses

Paragraph 180 – noise pollution

Section 16 – Conserving and enhancing the historic environment

Development Plan policies

Development plan policies relevant to this application are listed at the end of this report.

The most relevant Core Strategy policies and Local Plan policies are PS10 and CS18.

Other documents

Loughborough Road Conservation Area Character Appraisal

Consultations

Local Highway Authority

No objection.

Pollution Control

Several conditions recommended relating to control of noise and fumes/smells.

Representations

Initial consultation:

- Site is located on a busy junction – concern about road safety
- Junction has become increasingly busy since the housing estate was built along Ross Walk
- Lack of car parking in the area
- Anti social behaviour is an issue, this development appears to encourage and contribute to this
- There is already a hotel on Loughborough Road which is not doing well
- Hotel unsuited to this building
- No evidence that hotel would survive in this area
- Plans show unusually large dining area [*Amended on revised plans*]
- Application does not mention trees
- No proposed elevation drawings [*No material external alterations are proposed*]
- Front of the building is of historic significance, the cells remain in situ, and the façade is an integral part of the Conservation Area.
- Lack of site notices posted in the area.

Belgrave Hall Conservation Area Society commented as follows:

- I believe that this is the Old Police station within the Conservation Area of Loughborough Road. Whilst the BHCAS would like to see empty buildings brought back into use, it must be done sensitively and sustainably.
- Access and parking would be of serious concern as the building is situated on a busy junction, indeed sadly a fatality occurred there some years ago. The junction between Ross Walk and Loughborough Road has become increasingly busy since the building of the housing estate along Ross Walk and we cannot see any alternative access point for a busy Hotel. The front building is of historic significance and the cells etc remain in situ, and the façade is an integral part of the Conservation Area.
- Opportunity to improve the appearance of the building and car park

Second consultation:

- Lack of site notices posted in the area.

Consideration

Principle of development

A hotel is a main town centre use, as defined in the NPPF. The Framework states that a sequential approach should be taken to main town centre uses that are not in an existing centre or in accordance with an up to date plan.

Policy CS12 supports the provision of hotels in the city centre but does not say that hotels are discouraged elsewhere.

Saved policy H16 controls hotels in restricted zones, but this site is not in such a zone.

Policy CS1 states that the City Centre is the focus for retailing, leisure and cultural development, but does not say that it is also the focus for tourism or hotels.

Policy CS8 sets out a broad approach for existing neighbourhoods. The application site falls just within the Inner area, where the policy seeks the retention of local distinctiveness, especially in Conservation Areas. The policy also wishes to promote Belgrave District Centre as a national shopping destination. The site is about 300m from the closest part of the Centre, on Melton Road, and 500m from the Belgrave Road section. The applicant has not argued that the proposed hotel is intended to support the Centre, but I consider that this point has some relevance to the proposal.

The site is about 600-1000m walk (along a mainly pleasant route by the river) from the Pumping Station, Space Centre, and the evolving Space Park innovation area.

The application site is in an area which is primarily residential, but this does not rule out other uses.

Although the site is not within a centre, and the NPPF states that a sequential approach should be taken for new hotels, this proposal is for a small four-bedroom hotel and I do not consider that requiring a sequential test would be a proportionate approach in this case. The building is difficult to convert to other uses, and the applicant is proposing a use that would ensure the retention and repair of the building without having any material harmful impact on the area.

Design

The applicant is not proposing substantial external changes. Refurbishment, including repaired/replaced timber windows and doors, is proposed and is supported. Secondary glazing is proposed and is also supported as enabling the original windows to be largely retained.

Internal changes include a raised floor to parts of the building, to enable level access between the ground floor bedrooms and the other facilities. The internal layout of the building will be substantially altered to accommodate the proposed use but this is not a major consideration in this case.

The existing gate to the south of the building adds definition to the streetscene, and there would be design benefits to its replacement with a new, suitably designed gate. I consider that the removal of the gate would not be overly harmful, and removal of the boundary treatment to the side as well would allow a visibility splay to be provided. This boundary treatment appears to be two pieces of board which have been there since at least 2008, which are of no visual merit.

I consider that the minor external changes to design are acceptable.

Heritage Assets

The building is within the Conservation Area, and is mentioned within the Character Appraisal as being of particular value. There are no conservation objections to the change of use, and the restoration of the building is welcomed.

The building is not protected, and therefore Permitted Development rights for B8 buildings apply prior to the change of use being implemented. These rights include alterations to B8 buildings but are excluded where any part of the development would be within 5 metres of the boundary of the curtilage. This means that works to alter most of the outside would require explicit planning permission however works to repair/restore on a like for like basis would not require explicit permission.

Some external doors will be taken out of use, and although retained externally will be closed off with stud (therefore reversible) partitions inside.

Further details will be required relating to windows and doors, and I recommend conditions to secure these. The applicant has submitted some information which shows acceptable works but the information is not complete.

It is noted that internally chimney breasts are being removed, which does not fall under planning control, but the external chimney stacks should be retained. I recommend a note to applicant advising of the importance of considering this when carrying out internal works.

It is noted that the cells and other features of the building remain as originally constructed. While it would be ideal to retain the interior as-built, this is not practical and internal alterations could in any case be carried out without any planning control.

Brining the building back into beneficial use, and securing the necessary repairs and ongoing maintenance, is identified as an aim in the Conservation Area Appraisal, and I consider that the proposal will secure this benefit.

Living conditions

This application is for a hotel and is being considered on that basis. However as can be seen above the layout of the hotel is a little unusual, and the floor area of each letting room is greater than the floor area required under the Nationally Described Space Standard for a one-bedroom flat.

Very little work would be required, once the hotel is converted (or during the conversion), to install kitchens in each of the rooms. This would result in an aparthotel arrangement. While there would be no objection in principle to a conversion of this building to residential use the proposal before the LPA does not show satisfactory levels of amenity for that use, particularly in relation to outside space and privacy, and I have considered how to avoid a de facto residential use taking place.

I consider that a condition requiring that a restriction on use of the units would be appropriate, to ensure that there is no long-term residential use of the rooms. I consider that restricting occupation to twelve weeks within a year would be reasonable.

It would also be possible for the interior to be re-worked without planning permission to provide more rooms, and as this would require reconsideration of parking and

impact on neighbours I consider that a condition restricting the number of guests should be imposed. As four double rooms are proposed I recommend a condition restricting the number of guest rooms to four, and the number of guests each night to twelve persons excluding children (to allow for family occupation of the rooms).

Residential amenity

There are three potential sources of harmful impact on neighbour amenity. These are noise from activities such as music, noise from traffic movements, and noise and smells from services such as the kitchen and laundry.

Hotels sometimes offer facilities such as dining and parties to non-residents. Given the restricted amount of parking and circulation space I do not consider that these uses would be appropriate, and the applicant has indicated that this does not form part of the proposal. I recommend a condition restricting use of the building to residents only. There is no reason to suppose that, if these other activities are not taking place, there would be any more disturbance than would arise from a residential use.

Noise from traffic movements, given that there are only seven car parking spaces proposed, and that the building could be brought back into a B8 use at any time, is unlikely to need controlling through Planning.

Noise from services needs more consideration. The applicant has indicated that there would be only a small kitchen and that therefore a domestic ventilation system would suffice. However I consider that as this will be a catering kitchen and a catering laundry rather than domestic some control should be imposed, especially taking into account the close relationship with neighbouring dwellings.

I recommend a condition to secure full details of any extraction equipment, prior to installation. Subject to this matter being dealt with I consider that impact on neighbours should be within acceptable limits.

Waste storage and collection

The applicant has shown a refuse storage area, however it is not clear where refuse would be left for collection. In the absence of clarity on this matter, I recommend that details are provided and secured by condition.

Highways and Parking

Neighbours have commented on highway safety, and said that the junction is busy and dangerous. However, as the traffic movements generated are unlikely to be significantly greater than those which would result from the lawful B8 use, I do not consider that the proposal could be resisted on traffic grounds.

The two vehicle accesses into the site are the wide roller shutter onto Holden Street, and the narrower driveway onto Loughborough Road. The roller shutter is about 6.5m wide and could provide adequate visibility splays but the narrower driveway to Loughborough Road cannot be provided with visibility splays on both sides to current standards. However, the access already exists, and so it would not be reasonable to refuse reuse of it. A visibility splay could be provided to one side, across the site frontage, and I recommend a condition to secure this.

The applicant is proposing to keep the roller shutter to Holden Street open permanently. The area behind the roller shutter is utilitarian in appearance, but there are no current restrictions in place on the shutter or the internal parking area and I do

not consider that it would be reasonable to put any restrictions or requirements in place as part of this conversion. Keeping the roller shutter closed would also result in vehicles having to wait in the Highway for it to be opened.

The plans show twelve cycle parking spaces, which is in excess of the policy requirement and considered acceptable.

Seven car parking spaces are proposed, which is more than the maximum allowed by policy AM11. In this case however as there is no other provision for servicing and deliveries, and there are recognised concerns about car parking in the area, I consider that this level of overprovision is acceptable.

I recommend conditions to secure the provision of the car parking spaces and cycle parking spaces prior to the use commencing.

Subject to these conditions being satisfactorily addressed I consider that the proposal would be acceptable in respect of highway safety and parking.

Drainage

As this is a conversion of an existing building, I do not consider that a formal drainage strategy is required. I do however recommend a condition requiring that any areas of hard surface to be created or re-surfaced should be of permeable surfacing.

Nature conservation/Trees/landscaping

There are mature street trees along the front of the site. Being within the Conservation Area, these trees are subject to protection and cannot be cut back to the boundary under common law in the usual way.

The applicant has advised that they are not seeking to have these trees cut back, and as the accommodation provided is a hotel rather than permanent homes any impact on amenity by way of shading is less important. I do not consider that the trees form a significant constraint to the proposed development.

Other matters

Neighbours have raised the following concerns that have not been addressed above.

Neighbours have referred to there being another hotel on Loughborough Road that, they say, "is not doing well".

There is no formal assessment of this, or explanation of the background to this assertion. As has been explained above, this application is for a small scale use proposed for a building that is important to the Conservation Area but difficult to re-use.

Neighbours have also commented that there was a lack of site notices in the area. Consultation was carried out in accordance with the statutory requirements. This application, being a minor application, did not trigger a site notice according to the relevant legislation, but a non-statutory notice was posted. Neighbours were consulted by letter at the time of the application being publicised, and again once revised and additional information was received.

Neighbours have commented on local anti social behaviour, but I consider that a building in beneficial use as a hotel is unlikely to increase anti social behaviour, especially as I have suggested restrictions on use by people who are not guests.

Members are advised that under the provisions of The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended), hotels can change use to a state-funded school or nursery without having to apply to the local planning authority for permission. This is subject to a prior notification procedure, which would include consideration of highway impacts, noise impacts, and contamination risks.

I do not consider that the Permitted Development right should be withdrawn in this case, as use of this site for a school or nursery would not be inherently harmful subject to consideration of the above matters under the notification process.

Conclusion

The proposed refurbishment and beneficial use of this building is welcomed.

The proposed hotel use is not a fundamentally unsuitable use for the building or the location.

Matters relating to Highway safety and impact on neighbours can be dealt with by condition.

I recommend that this application is APPROVED subject to conditions

CONDITIONS

1. The development shall be begun within three years from the date of this permission. (To comply with Section 91 of the Town & Country Planning Act 1990.)

2. Prior to any external alterations being carried out, details of the following shall be submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details. Replacement and repaired windows and doors shall be "like for like".

(a) Schedule of all doors and windows to be replaced

(b) Joinery details of all window and doorway types at 1:10 including cross sections showing details of existing and proposed

(c) Details of external surfacing including a refuse collection point

(d) Details of external stair and refuse store.

(In the interests of enhancing the character of the Conservation Area and in accordance with Core Strategy policy CS18.)

3. The use authorised by this permission shall not commence until a ventilation system to control the emission of fumes and smell from the premises has been installed in accordance with details that have previously been submitted to and approved in writing by the City Council as local planning authority and the system shall be maintained and operated thereafter in accordance with the manufacturer's instructions. (In the interests of the amenities of nearby occupiers, and in accordance with policies PS10 and PS11 of the City of Leicester Local Plan.)

4. Notwithstanding the approved plans, and prior to the hotel being brought into use, at least one of the ground floor guest rooms shall be constructed and laid out to be accessible to wheelchair users, and level access throughout the ground floor and between the front door, the car parking and the ground floor shall be provided. The facilities shall be retained thereafter. (In the interests of access for all and in accordance with Core Strategy Policy CS03.)

5. Before the occupation of the development the car and cycle parking spaces shown on the approved plans shall be provided. The parking spaces shall be retained thereafter for the parking of vehicles in connection with the occupation/use of the approved development. (To secure adequate off-street parking provision, and in accordance with policies AM02 and AM11 of the City of Leicester Local Plan and Core Strategy policy CS03.)

6. No part of the development shall be occupied until a visibility splay has been provided on the north side of the vehicular access to the south of the building in accordance with details that have been submitted to and approved in writing by the local planning authority. The splay shall be retained thereafter and kept clear of any obstruction above a height of 600mm. (In the interests of the safety of pedestrians and other road users, and in accordance with policy AM01 of the City of Leicester Local Plan and Core Strategy policy CS03.)

7. The hotel and its facilities shall not be open to or used by any person other than those registered to stay at the hotel overnight. (In the interests of the amenity of neighbouring residents, and highway safety, and in accordance with policies PS10 and AM11 of the City of Leicester Local Plan.)

8. No guest/resident shall stay at the premises for more than 84 nights in a rolling twelve month period. A register of guests shall be kept and be made available to the local planning authority on request. (To avoid long term residential use of the premises, which do not provide adequate amenity for general residential use as required by Core Strategy policies CS02, CS03 and CS06.)

9. Any areas of external surfacing to be repaired or relaid shall be of permeable or porous materials, and/or provision shall be made to direct rainwater from the hard surface to a permeable or porous area or surface within the curtilage of the property. (In the interests of securing satisfactory surface water disposal, and in accordance with Core Strategy policy CS02.)

10. The hotel shall not provide more than four guest rooms, or accommodate more than twelve persons (excluding children) each night. (In the interests of the amenity of neighbouring residents, and highway safety, and in accordance with policies PS10 and AM11 of the City of Leicester Local Plan.)

11. Development shall be carried out in accordance with the following approved plans:

Plans A1-004b received 29/6/20

Ground floor levels A1-005 received 1/6/20.

(For the avoidance of doubt).

NOTES FOR APPLICANT

1. The City Council as local planning authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may

have been received. This planning application has been the subject of positive and proactive discussions with the applicant during the process (and/or pre-application).

The decision to grant planning permission with appropriate conditions taking account of those material considerations in accordance with the presumption in favour of sustainable development as set out in the NPPF 2019 is considered to be a positive outcome of these discussions.

2. The applicant is advised that the external chimney stacks must be retained, and no planning permission is granted or implied for their removal. The internal works must be carried out in such a way that the chimney stacks are permanently supported.

3. It is noted that an area of shrubbery will have to be cleared to provide the yard area. The applicant should note that it is an offence to disturb wild birds while they are nesting. Any active nest must be left undisturbed until the young birds have fledged and left the nest.

Policies relating to this recommendation

2006_AM01	Planning permission will only be granted where the needs of pedestrians and people with disabilities are incorporated into the design and routes are as direct as possible to key destinations.
2006_AM02	Planning permission will only be granted where the needs of cyclists have been incorporated into the design and new or improved cycling routes should link directly and safely to key destinations.
2006_AM11	Proposals for parking provision for non-residential development should not exceed the maximum standards specified in Appendix 01.
2006_H16	Planning permission will not be granted for new or extended hotels, hostels and residential institutions within Restricted Zones unless criteria can be met.
2006_PS10	Criteria will be used to assess planning applications which concern the amenity of existing or proposed residents.
2006_PS11	Control over proposals which have the potential to pollute, and over proposals which are sensitive to pollution near existing polluting uses; support for alternative fuels etc.
2014_CS01	The overall objective of the Core Strategy is to ensure that Leicester develops as a sustainable city, with an improved quality of life for all its citizens. The policy includes guidelines for the location of housing and other development.
2014_CS02	Development must mitigate and adapt to climate change and reduce greenhouse gas emissions. The policy sets out principles which provide the climate change policy context for the City.
2014_CS03	The Council will require high quality, well designed developments that contribute positively to the character and appearance of the local natural and built environment. The policy sets out design objectives for urban form, connections and access, public spaces, the historic environment, and 'Building for Life'.
2014_CS06	The policy sets out measures to ensure that the overall housing requirements for the City can be met; and to ensure that new housing meets the needs of City residents.
2014_CS08	Neighbourhoods should be sustainable places that people choose to live and work in and where everyday facilities are available to local people. The policy sets out requirements for various neighbourhood areas in the City.

- 2014_CS12 In recognition of the City Centre's role in the City's economy and wider regeneration, the policy sets out strategies and measures to promote its growth as a sub-regional shopping, leisure, historic and cultural destination, and the most accessible and sustainable location for main town centre uses.
- 2014_CS18 The Council will protect and seek opportunities to enhance the historic environment including the character and setting of designated and other heritage assets.