

Planning Committee 24th September 2024
Report of the Head of Planning

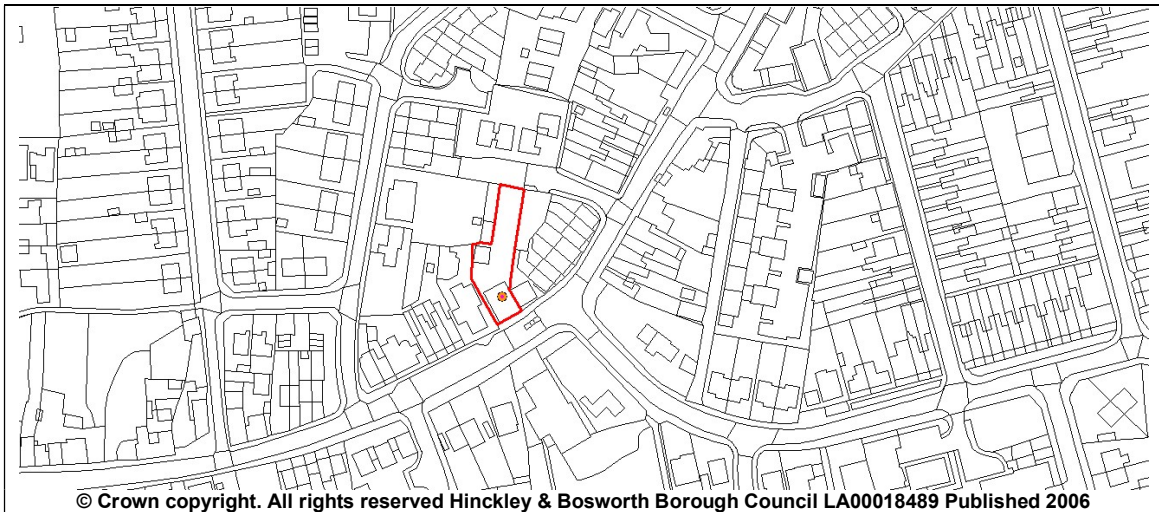


Hinckley & Bosworth
Borough Council

Planning Ref: 24/00591/FUL
Applicant: Mr Tim Haq
Ward: Earl Shilton

Site: Unit 4, 122 High Street, Earl Shilton, Leicester

Proposal: 24/00591/FUL - Change of use and conversion of commercial/offices (Class E) to short term let serviced apartments (Class C1 - Hotels). New accessible ramps, installation of signage, parking and alteration to the property



1. Recommendations

1.1. Grant planning permission subject to:

- Planning conditions outlined at the end of this report.
- That the Head of Planning be given powers to determine the final detail of the conditions.

2. Preamble

- 2.1. This application was deferred at planning committee on 27th August 2024 to allow the applicant to address issues raised regarding the limited provision of laundry facilities and the size of the rooms, which were considered too small.
- 2.2. 24/00592/ADV - Installation of non-illuminated wall mounted lettering signage – accompanied this application at the previous planning committee and was approved subject to conditions.
- 2.3. The applicant has attempted to address the issues raised by my members by re-configuring the layout on the first floor. Apartment 1F 4a has been removed, and in its place will be a dedicated laundry and communal area for occupiers. As part of this reconfiguration, Apartment 1F 1 has increased in area from 9m² to 11.5m².

- 2.4. Officers consider that these amendments have effectively addressed the concerns raised by members, and that the amenities of the prospective occupiers of the apartments would be improved and therefore acceptable, subject to conditions.
- 2.5. The report below is largely as presented in August 2024 but has been updated to reflect the changes to room sizes and communal space/laundry provision.

3. Planning Application Description

- 3.1. The planning application (24/00591/FUL) relates to a change of use from the current commercial/office use of the building short term let serviced apartments. The property would be converted internally to create a total of nine apartments over three floors, with a lobby area and vending machine on the ground floor, and a communal area including laundry facilities on the first floor. Each apartment would have its own bathroom.
- 3.2. The changes to the external elevations would include new uPVC windows, weatherboard cladding under the windows of the front elevation, and new black acrylic signage (50mm depth) on all elevations, at differing scales.
- 3.3. A parking area containing 11 spaces is proposed to the rear of the building, accessed via Mary's Street.
- 3.4. Revisions have been made during the determination period, with the external design of the building initially featuring a fully rendered finish and significant alterations to the design of the windows, which officers were unsupportive of. Internally, the proposed apartments did not initially contain any communal facilities, but now include a lobby area, vending machine and laundry facilities as per the LPAs request in order to qualify under Use Class C1.

4. Description of the Site and Surrounding Area

- 4.1. The site is located on High Street, approximately 0.5km east of the core town centre, on a part of the street which is now predominantly residential. Typically, buildings are two-storey in height with some single and three-storey properties. Properties are set to the back edge of the footpath and are generally built in terraces. Brick is the predominant material used however there are properties which have been rendered/ feature render panels. Surrounding properties are generally Victorian with brick facades, stone details, chimneys, and brick eaves. Most have been altered in some way and quality varies. Almost all properties have had original windows replaced with UPVC.
- 4.2. The site is located on the North side of High Street, and rear vehicular access is provided from Mary's Street to the north. There is a shared alley access to the west of the property that leads to the car parking area at the rear via High Street. The building is Victorian and retains most of its original features, and the property has been extended to the rear previously and features dormer windows to the front. The property was originally a dwelling but has been altered to form shared office accommodation and two shop front entrances have been installed. The land is generally flat but there is a slight level change from the front to the rear of the property.

5. Relevant Planning History

22/00967/FUL

- Proposed change of use from office to 4no. flats, reposition of entrance door, provision of new windows and rendering to the front elevation, internal alterations and associated alterations to the rear garden.
- Permitted
- 26.03.2023

5. Publicity

- 5.1. The application has been publicised by sending out letters to local residents, and a site notice was erected on High Street next to the site. No representations have been received.

6. Consultation

- 6.1. No objection (some subject to conditions) has been received from:
 HBBC Environmental Health (Pollution)
 HBBC Drainage
- 6.2. Earl Shilton Town Council – no comment.
- 6.3. Leicestershire County Council (Highways)

7. Policy

- 7.1. Earl Shilton and Barwell Area Action Plan 2014
- Policy 22: Development and Design
 - Policy 23: Tourism Development
- 7.2. Core Strategy (2009)
- Policy 2: Development in Earl Shilton
 - Policy 23: Tourism Development
- 7.3. Site Allocations and Development Management Policies DPD (2016)
- Policy DM1: Presumption in Favour of Sustainable Development
 - Policy DM3: Infrastructure and Delivery
 - Policy DM10: Development and Design
 - Policy DM17: Highways and Transportation
 - Policy DM18: Vehicle Parking Standards
 - Policy DM24: Cultural and Tourism Facilities
- 7.4. National Planning Policies and Guidance
- National Planning Policy Framework (NPPF) (2023)
 - Planning Practice Guidance (PPG)
- 7.5. Other relevant guidance
- The Good Design Guide Supplementary Planning Document 2019

8. Appraisal

- 8.1. Key Issues
- Assessment against strategic planning policies

- Design and impact upon the character of the area
- Impact upon neighbouring and occupier residential amenity
- Impact upon highway safety
- Drainage

Assessment against strategic planning policies

- 8.2. Paragraph 11 of the National Planning Policy Framework (NPPF) states that the development plan is the starting point for decision making. The NPPF is a material consideration in determining applications. The development plan in this instance consists of the Site Allocations and Development Management Policies (SADMP) DPD (2016) and the Core Strategy (2009).
- 8.3. Policy DM1 of the adopted SADMP adopts a presumption in favour of sustainable development with planning applications that accord with the policies in the Development Plan and should be approved unless material considerations indicate otherwise.
- 8.4. Policy 23 of the Core Strategy states that tourism development for new and extended visitor attractions including holiday accommodation including bed and breakfast accommodation, holiday lodges, and tenting fields will be encouraged in suitable locations where:
- The development can help to support existing local community services and facilities and
 - Is of a design and at a scale which is appropriate to minimise impact and assimilate well with the character of the surrounding area with acceptable landscaping and
 - The development adds to Hinckley & Bosworth's local distinctiveness and
 - Complements the tourism themes of the borough and
 - The development adds to the economic wellbeing of the area
- 8.5. Policy DM24 of the SADMP is also applicable, stating that development of new cultural and tourism facilities will be supported across the Borough and should be accessible by a range of transport modes. This proposal is considered to comply with this Policy due to the site's location in the centre of Earl Shilton.
- 8.6. It is proposed to convert the existing building from commercial/office use to use class C1 (Hotel) for the purposes of short-term letting accommodation. The application site is located within the settlement boundary and is in a sustainable location for this type of accommodation, with a wide range of services and transport links within easy reach to the site.
- 8.7. Use Class C1 according to the Use Classes Order states '*Use as a hotel or as a boarding or guest house where, in each case, no significant element of care is provided*'. Whilst the definition does not specifically mention short-term let apartments, the provisions of this planning application must fit this description, and the property needs to function as a hotel to some degree.
- 8.8. In assessing whether the proposal meets the definition of use class C1, the LPA asserts that an aparthotel proposal such as this is not simply an arrangement where short-term lets operate in the same building, even if they have some form of key box entry.
- 8.9. As evidenced in the submission, the rooms should feature a bed and shower, a kitchen or kitchenette, a dining table, somewhere to sit and relax, a dedicated workspace, and it should be suitable for extended stays for up to 4 weeks (which

forms a suggested condition as part of this recommendation). However, these features alone would not qualify the building as an aparthotel.

- 8.10. In addition to the aforementioned facilities, the building should offer features which represent a communal facility for guests to ensure that extended stays (beyond a weekend) are appropriate. This would include features such as 24h reception/concierge, daily housekeeping, communal relaxation area, food storage areas etc. The proposal includes a communal lobby area, laundry facilities and a 24h vending machine. Whilst this is a relatively limited level of communal provision, it is considered acceptable on balance relative to the proposed number of rooms at the facility.
- 8.11. In summary, the proposal is considered acceptable in principle (subject to all other material planning considerations being satisfied) for conversion to C1 use and would contribute to the vitality of Earl Shilton Town Centre, adding to the economic wellbeing of the area in accordance with Policy 23 or the Core Strategy.

Design and impact upon the character of the area

- 8.12. Policy DM10 requires new development to complement or enhance the character of the surrounding area with regard to scale, layout, mass, design, materials and architectural features.
- 8.13. Policy 22 of the Earl Shilton and Barwell Area Action Plan (ESBAAP) stipulates the following design requirements:
- a) The amenity of occupiers of the proposed development would not be adversely affected by activities in the vicinity of the site
 - b) There is no detriment to the character or appearance of the host building or the surrounding area
 - c) The siting and density respects the character and layout of the area
 - d) It respects the local distinctiveness of existing buildings and landscape settings
 - e) The design respects the scale, proportions and height of the existing building, neighbouring structures and overall street scene
 - f) Fenestrations are well proportioned, well balanced within the elevations and sympathetic to adjoining/neighbouring buildings
 - g) The use and application of building materials respects the materials of existing, adjoining buildings and the local area generally.
- 8.14. The original submission proposed the full rendering of the building in grey, with replacement windows along with new signage. Officers considered that the initial proposal would not complement or enhance the character and appearance of the site and surrounding area as the proposed render material appeared to be of a poor design and material quality, and the proposed replacement windows removed many of the attractive architectural features of the building.
- 8.15. The revised proposals remove the proposed render entirely and retains the existing architectural detailing to the front elevation. The replacement windows are UPVC but would replace the existing windows which are in a poor state of repair, leading to a slight enhancement in the character and appearance of the street scene. The

proposed cladding material will require samples prior to the commencement of development to ensure that it is a suitable material for the front elevation.

- 8.16. The proposed non-illuminated signage are considered to be of an appropriate scale and design and would not appear out of character given the proximity to neighbouring buildings which feature a range of different signage designs.
- 8.17. In summary, it is considered that the proposed design would complement the character of the area and wider street scene. The proposal would therefore comply with Policy DM10 of the SADMP, and Policy 22 of the ESBAAP.

Impact upon neighbouring and occupier residential amenity

- 8.18. Policy DM10 of the adopted SADMP requires that the amenities of the occupiers of proposed developments would not be adversely affected by activities within the vicinity of the site.
- 8.19. There would be no visual/physical impact on the amenity of neighbouring residents as there are no external changes to the building. There may be some additional minor noise and disturbance with additional activity at the site and parking area due to turnover and volume of guests, however this is not considered to be on a scale that would lead to any significant issues.
- 8.20. The rooms on the ground floor with windows facing the front elevation could experience loss of privacy impacts from passers-by on High Street. A condition to obscurely glaze the lower panes of these windows has been suggested to protect their amenity.
- 8.21. Regarding the amenities of proposed occupiers of the site, it is acknowledged that some of the rooms would not meet Nationally prescribed minimum space standards. However, as the proposed is for C1 use and would be limited to a maximum stay of 28 days in a single booking, the space standards do not apply in the same way as they would for a permanent residence in Use Class C3. The apartment sizes range from the smallest 11.4m² to the largest (second floor) 29.6m², and it is accepted that prospective occupiers will select the most appropriate room size based on the duration of their stay. The proposed room sizes are considered acceptable for the proposed C1 use.
- 8.22. Similarly, the site does not include any outdoor amenity space, however this is not a requirement for C1 use.
- 8.23. Overall, it is considered that the development would have an acceptable impact on residential amenity for neighbours and occupiers in accordance with policy DM10 of the SADMP.

Impact upon highway safety

- 8.24. Policy DM17 of the adopted SADMP supports development that would not have any significant adverse impacts on highway safety. Policy DM18 of the adopted SADMP requires new development to provide an appropriate level of parking provision.
- 8.25. Vehicular access to the site is proposed from Mary's Street, which is a private road connecting to the adopted highway at High Street, which is a C classified road subject to a 30mph speed limit. No amendments are proposed to the existing access arrangements which is accepted by the LHA as it is considered the change of use is unlikely to significantly intensify the level of traffic to / from the site when

considered against the extant use of the site which is commercial / offices property (use class E).

- 8.26. The original submission included a parking plan where the individual spaces did not meet the minimum dimensions as required by the Leicestershire Highways Design Guidance. The revised parking plan retained the 11 spaces and increased the size of each space in accordance with the LHDG. This posed further issues as the aisle width did not meet the requisite 6m, therefore the LHA were not satisfied that cars would be able to access and egress the spaces safely, particularly when the car park is at capacity.
- 8.27. Following this, the applicant reduced the number of parking spaces from 11 to 9. A provision of one space per apartment is considered acceptable in this case, due to the locational sustainability of the site and the type of accommodation provided. The parking spaces have been re-designed so to accord with the LHDG. The LHA have no objections to the revised parking proposal subject to the recommended condition.
- 8.28. In summary, the revised proposal would not result in an unsafe access arrangement for pedestrians or vehicles and demonstrates an acceptable parking and turning arrangement in accordance with policies DM17 and DM18 of the SADMP.

Drainage

- 8.29. Policy DM7 of the adopted SADMP requires that development does not create or exacerbate flooding.
- 8.30. The site is located within flood zone 1 indicating there is a low risk of flooding in the area. The application site does not exceed the thresholds requiring a site-specific FRA and is not in an area identified as being a critical drainage area.
- 8.31. HBBC Drainage have no objection to the proposal, therefore, the application is considered to be acceptable in accordance with Policy DM7 of the SADMP.

9. Equality Implications

- 9.1. Section 149 of the Equality Act 2010 created the public sector equality duty. Section 149 states:-
- (1) A public authority must, in the exercise of its functions, have due regard to the need to:
- (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;
- (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
- (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.
- 9.2. Officers have taken this into account and given due regard to this statutory duty, and the matters specified in Section 149 of the Equality Act 2010 in the determination of this application.
- 9.3. There are no known equality implications arising directly from this development.
- 9.4. The decision has been taken having regard to all relevant planning legislation, regulations, guidance, circulars and Council policies, including General Data

Protection Regulations (2018) and The Human Rights Act (1998) (HRA 1998) which makes it unlawful for the Council to act incompatibly with Convention rights, specifically Article 6 (right to a fair hearing); Article 8 (right to respect for private and family life); Article 1 of the First Protocol (protection of property) and Article 14 (prohibition of discrimination).

10. Conclusion

- 10.1. The proposed change of use from commercial (Class E) to short term let (Class C1) accommodation is considered to be acceptable in principle as it would not result in the over proliferation of any one use and would result in additional economic benefits contributing to the viability and vitality of Earl Shilton. The proposed alterations would complement the character and appearance of the building and the surrounding area, and the proposal would not result in any adverse impact on neighbours or residential amenity or highway safety. The proposed development is considered to comply with the relevant policies of the adopted Core Strategy, the adopted Local Plan and national planning guidance and is therefore recommended for approval subject to conditions.

11. Recommendation

- 11.1. **Grant planning permission** subject to:

- Planning conditions outlined at the end of this report.

11.2. Conditions and Reasons

24/00591/FUL

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 requirements of Section 91 of the Town and Country Planning Act 1990, as amended by the Planning and Compulsory Purchase Act 2004.

2. The development hereby permitted shall not be carried out otherwise than in complete accordance with the submitted application details, as follows:

- Site Location Plan – 0329 (A) GA 001
- Proposed Site Plan -0329 (A) GA 003
- Proposed Elevations – 0329 (L) GA 013 – Rev B
- Proposed Ground Floor Plan – 0329 (A) GA 009 – Rev A
- Proposed First Floor Plan – 0329 (A) GA 010 – Rev B
- Proposed Second Floor Plan – 0329 (A) GA 011 – Rev A

Reason: To ensure a satisfactory form of development in accordance with Policies DM1 and DM10 of the Site Allocations and Development Management Policies Development Plan Document (2016).

3. The development shall not be commenced until representative samples of the types and colours of materials to be used on the external elevations of the dwellings hereby permitted have been deposited with and approved in writing by the local planning authority, and the scheme shall be implemented in accordance with those approved materials.

Reason: To ensure that the development has a satisfactory appearance in the interests of visual amenity in accordance with Policy DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

4. Prior to first use of the development hereby permitted the lower panes of the ground floor windows on the front elevation are to be fitted with obscure glazing to a minimum of level 3 of the Pilkington scale and shall be permanently maintained as such thereafter.

Reason: To safeguard the privacy and amenity of neighbouring dwellings from potential loss of privacy in accordance with Policy DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

5. The accommodation units shall be for short term let purposes only and shall not under any circumstances be used as the sole or main residence of the occupiers. The owners/operators of the accommodation shall maintain an up-to-date register of the names and main home addresses of all the individual occupiers and shall make this information available for inspection within 7 days of any request in writing from the Local Planning Authority. In the case of a booking lasting longer than four weeks (28 days), then the following shall apply:

- where the booking is to be made by a company, the company details shall be retained with the booking details.
- where the booking is made by an individual professional, the individual shall provide a proof of fixed address e.g. a copy of the council tax bill or recent utility bills for their main home, which shall be retained with the booking details.

Furthermore, no person shall occupy the accommodation within a period of 48 hours following the end of a previous period of occupation by that same person.

Reason: The proposed accommodation is not suitable for the purposes of permanent residential development and is permitted only for short-term letting purposes in the interests of contributing to tourism and the economy of the area and to ensure compliance with Policy DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

6. The development hereby permitted shall not be occupied until such time as the parking (and turning facilities) have been implemented in accordance with The Design Social – Parking Plan - drawing number 329-(A)-GA-014 Rev B. Thereafter the onsite parking (and turning) provision shall be kept available for such use(s) in perpetuity.

Reason: To ensure that adequate off-street parking provision is made to reduce the possibility of the proposed development leading to on-street parking problems locally (and to enable vehicles to enter and leave the site in a forward direction) in the interests of highway safety and in accordance with the National Planning Policy Framework (December 2023).