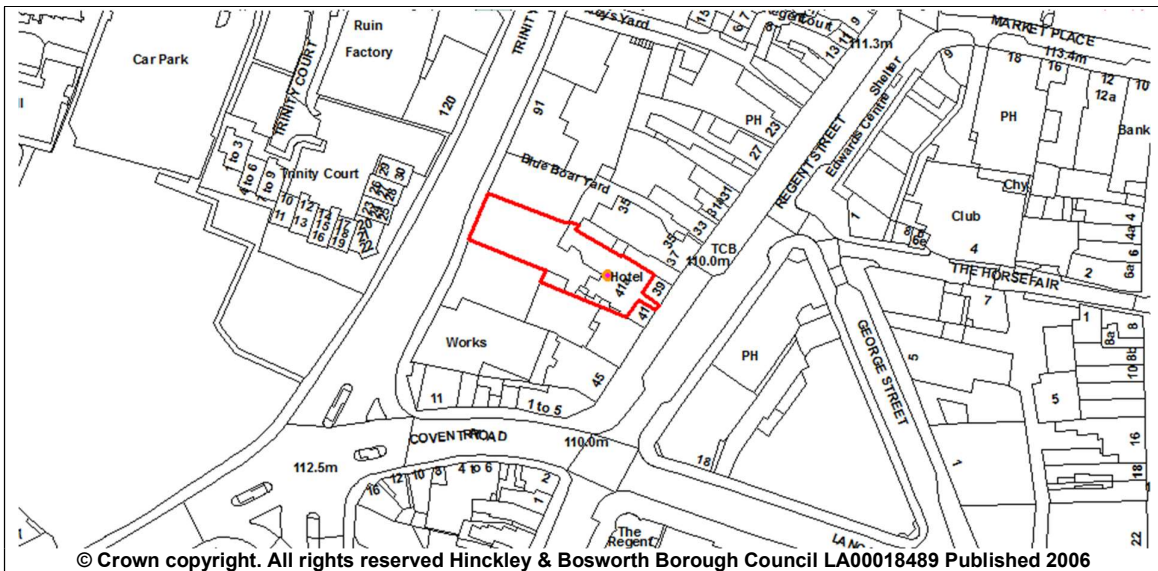




Planning Ref: 24/00061/FUL
Applicant: Falcon Support Services
Ward: Hinckley Castle

Site: Kase Hotel, 41A Regent Street, Hinckley

Proposal: Change of use of hotel (Class C1) to homeless hostel and walk in centre (Sui Generis)



1. Recommendations

1.1. Grant planning permission subject to:

- A planning condition outlined at the end of this report.

2. Planning application description

- 2.1. The application seeks full planning permission for the change of use of the existing hotel (use class Class C1) to a homeless hostel and walk in centre (use class Sui Generis). No extensions or alterations to the building are proposed.
- 2.2. The applicant is an established company (Falcon support services) which provides assistance to those in need of short or longer-term accommodation due to homelessness. Part of the site is to become a walk-in centre, with the main operation creating emergency accommodation in the form of 15 rooms. These would consist of nine single bedrooms with shared bathroom facilities, and for priority groups and those requiring longer term support, one studio flat, three one-bedroom flats and two double bedroom flats would be created. The proposed staffing structure includes 15 part- and full-time employees.
- 2.3. The access and parking arrangement on the site is to remain unchanged, with pedestrian access via Regent Street, and vehicular access via Trinity Lane. There are approximately 16 off-street parking spaces on the site.

3. Description of the site and surrounding area

- 3.1. The application site is located in the town centre of Hinckley, with a pedestrian access via Regent Street. The site is surrounded by commercial properties on all sides, and the ground floor the part of the building fronting Regent Street is occupied by two separately owned cafes, with access to the site sitting between the two commercial units.
- 3.2. The application premises comprise a hotel and bar with a large outside terrace area and car park with access from Trinity Lane. The site is within the Hinckley Town Centre Conservation Area. The LPA understands that the facility has been in an ongoing, long-term partnership with the HBBC Housing Options Team, providing accommodation for the homeless and vulnerable during this time.
- 3.3. A design and access statement was submitted with the application confirming that no significant physical alterations are proposed. There are currently 11 single bedrooms, 1 no. studio flat, and 3 no. one bedroom flats, along with a laundry room, kitchen, store, and function rooms. The Net Internal Area is 264.39m².

4. Relevant planning history

16/00694/FUL

- Single storey lounge extension
- Permitted
- 03.11.2016

5. Publicity

- 5.1. The application has been publicised by sending out letters to residents and posting a site notice.
- 5.2. 8 objections have been received making the following comments:
 - Noise, disturbance, and antisocial behaviour.
 - Loss of footfall in locality.
 - Out of character with the surrounding area.
 - Increase in crime and disorderly behaviour.

1 comment in support:

- No issues arising from businesses on Regent St. following 20 years of partnership with HBBC Housing Options Team.
- Applicant will significantly increase staff numbers when compared to former operation.

6. Consultation

- 6.1. No objection has been received from:

- LCC Highways:

"After reviewing the information submitted by the applicant, the LHA is satisfied that there would be no material impact on the public highway and therefore has no comments to make."

- HBBC Waste (informative attached)
- HBBC Environmental Health (Pollution)

- HBBC Conservation Officer:

“No external changes are proposed to the building 41A Regent Street or within its surrounding plot as part of this application. Therefore, the proposal would have a neutral impact upon the Hinckley Town Centre Conservation Area, preserving its character and appearance and thus significance. Consequently the proposal complies with Policies DM11 and DM12 the Site Allocations and Development Management Policies DPD, section 16 of the National Planning Policy Framework and the statutory duty of section 72 of the Planning (Listed Building and Conservation Areas) Act 1990.”

7. Policy

7.1. Core Strategy (2009)

- Policy 1: Development in Hinckley

7.2. Site Allocations and Development Management Policies DPD (2016)

- Policy DM1: Presumption in Favour of Sustainable Development
- Policy DM10: Development and Design
- Policy DM17: Highways and Transportation
- Policy DM18: Vehicle Parking Standards
- Policy DM24: Cultural and Tourism Facilities

7.3. National Planning Policies and Guidance

- National Planning Policy Framework (NPPF) (2023)
- Planning Practice Guidance (PPG)

7.4. Other relevant policies and guidance

- Hinckley Town Centre Area Action Plan (2011)

8. Appraisal

8.1. Key Issues

- Principle of development
- Design and impact upon the character of the area and impact on heritage assets
- Impact upon neighbouring residential amenity
- Impact upon highway safety
- Other matters

Principle of development

8.2. Paragraph 2 of the National Planning Policy Framework (NPPF, 2023) states that planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise and that the NPPF is a material consideration in determining applications. Paragraph 12 of the NPPF confirms that the presumption in favour of sustainable development does not change the statutory status of the Development Plan as the starting point for decision making.

8.3. Paragraph 11 of the National Planning Policy Framework (NPPF) and Policy DM1 of the Site Allocation and Development Management Policies Development Plan Document (SADMP) set out a presumption in favour of sustainable development, and state that development proposals that accord with the development plan should be approved unless other material considerations indicate otherwise. The development plan in this instance consists of the adopted Core Strategy (2009) (CS) and the Site

Allocations and Development Management Policies DPD (2016) (SADMP), and the Hinckley Town Centre Area Action Plan (2011) (AAP).

- 8.4. The proposed change of use to a homeless shelter does not fall within any defined use classes and is therefore considered 'Sui Generis'. Such uses include betting offices/shops, theatres, larger houses in multiple occupation, nightclubs, laundrettes, taxi businesses, as well as homeless shelters.
- 8.5. The application site falls within the settlement boundary of Hinckley as defined by the SADMP (2016). The town centre location of the site would be appropriate for the proposed use as a homeless shelter as there is a full range of services and facilities within walking distance.
- 8.6. Policy DM24 of the SADMP seeks to resist the loss or change of use of cultural and tourism facilities. In terms of hotels, this policy categorises only strategic hotels at cultural and tourism facilities, and these are hotels with at least 50 rooms. The existing hotel consists of 15 rooms; therefore, the application site is not defined as a strategic hotel under DM24, and the policy is not applicable in this case.
- 8.7. Notwithstanding the above, the loss of a hotel facility to the town centre would have an impact on the vitality of the town centre where alternative options are not in abundance, however it is acknowledged that this is a commercial decision by the owner and the likelihood is that the hotel was not sufficiently viable to continue operating.
- 8.8. Officers are aware that the former Kase Hotel has been in long term partnership with the HBBC Housing Options Team (over 20 years), and since March 2020 has been almost exclusively relied on the Housing Options team for trade at an average occupancy of 75% over the past 12 months. Therefore, despite the lawful use and description of the current facility as C1 Hotel, it is acknowledged that the primary function of the facility has been predominantly for the temporary accommodation for vulnerable persons and the homeless.
- 8.9. There is no evidence to suggest that the existing hotel has acted unlawfully or operated in breach of its C1 use, nor would the proposed Sui Generis use result in any material change in the nature of the operation of the premises.
- 8.10. Overall, it is accepted that the current proposal provides a suitable and essential use within the town centre and is therefore considered acceptable in principle.
- 8.11. Design and impact upon the character of the area and impact on heritage assets
Policy DM10(c), (d) and (e) of the SADMP seeks to ensure that development complements or enhances the character of the surrounding area with regard to scale, layout, density, mass, design, materials and architectural features and the use and application of building materials respects the materials of existing, adjoining/neighbouring buildings and the area generally and incorporates a high standard of landscaping.
- 8.12. There are no external alterations proposed to the existing building, however Officers have encouraged the applicant to explore future design changes which could enhance the appearance of the building and have a positive impact on the character of the surrounding area and conservation area.

8.13. Therefore, the proposal would have a neutral impact upon the character and appearance of the street scene, and Hinckley Town Centre Conservation Area, preserving its character, appearance and significance.

8.14. Consequently, the proposal complies with Policies DM10, DM11 and DM12 the Site Allocations and Development Management Policies DPD, section 16 of the National Planning Policy Framework and the statutory duty of section 72 of the Planning (Listed Building and Conservation Areas) Act 1990.

Impact upon neighbouring residential amenity

8.15. Policy DM10 (a) and (b) of the SADMP states development will be permitted provided that it would not have a significant adverse effect on the privacy and amenity of nearby residents and occupiers of adjacent buildings, including matters of lighting and noise and that the amenity of occupiers would not be adversely affected by activities within the vicinity of the site.

8.16. Paragraph 135 of the NPPF states that decisions should create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.

8.17. Paragraph 191 of the NPPF states that decisions should ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development.

8.18. The proposed change of use would not result in the intensification of use of the site, as there is to be no expansion in terms of numbers of rooms or quantity of occupiers. Similarly, in terms of vehicular activity and access via Trinity Lane, the proposal would not result in an increase in activity as most users of the homeless shelter would not be travelling by private car. Additionally, the current owner has confirmed that homeless and vulnerable persons occupy or have occupied the premises previously without the proposed level of support and formal surveillance proposed as part of this application. It should also be noted that, due to town centre location of the site, there will be a natural level of passive and active surveillance.

8.19. Furthermore, officers consider that the homeless shelter can allow for the safe monitoring of occupiers within one location rather than homeless persons having no fixed residence. The proposal would include integrated CCTV and wider mitigation measures (including 24h staff surveillance) to the site which is to be secured via a condition. The proposal would therefore comply with Policy DM10(i) of the SADMP which aims to create safe environments.

8.20. In conclusion, the application is considered to be acceptable in amenity terms and in compliance with Policy DM10 of the SADMP and the requirements of the NPPF, subject to the recommended condition.

Impact upon highway safety

8.21. Policy DM17 of the SADMP supports development that makes best use of public transport, provides safe walking and cycling access to facilities, does not have an adverse impact upon highway safety. All proposals for new development and changes of use should reflect the highway design standards that are set out in the most up to date guidance adopted by the relevant highway authority (currently this is

the Leicestershire Highway Design Guide (LHDG)). DM18 states that developments within Hinckley Town Centre should demonstrate that they would not exacerbate existing problems in the vicinity with increased on-street parking.

- 8.22. Paragraph 115 of the NPPF (2023) outlines that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.
- 8.23. The Highways Authority have no objection to the scheme and confirm that there would be no material impact on the public highway.
- 8.24. Therefore, the existing access and parking provision is acceptable, and the site is located in a sustainable location, with good access to bus stops, shops and other services. As such, the proposal will satisfy policies DM10(g), DM17, DM18 of the SADMP and the relevant policies in the NPPF.

Other Matters

- 8.25. Many written objections from nearby businesses and residents highlight concerns regarding antisocial behaviour, drug use, crime, and noise/disturbance.
- 8.26. In terms of the proposal before the LPA, there would be no intensification of use of the site in terms of visitor numbers and frequency of trips. Any potential future issues arising in relation to the above behavioural concerns are to be managed through mitigation measures as proposed by the applicant and, if necessary, by the police as would be the case with the previous use of the site. These measures have been agreed by the LPA and imposed as a condition as part of this recommendation.

Conclusion

- 8.27. The site is located in a sustainable location with good access to facilities, and the principle of the change of use is acceptable. There are no changes proposed to the design or appearance of the building, therefore the impact upon the character of the area and conservation area is neutral. There are no adverse impacts upon highway safety or neighbouring amenity subject to the conditions imposed.
- 8.28. In conclusion, the proposal is considered to accord with Policies DM1, DM10, DM17, DM18, and DM24 of the SADMP, Policy 1 of the Core Strategy, The Hinckley Town Centre AAP, and the requirements of the NPPF.

9. Equality implications

- 9.1 Section 149 of the Equality Act 2010 created the public sector equality duty. Section 149 states:-

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 in the consideration 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. Recommendation

10.1 **Grant planning permission subject to planning conditions.**

11. Conditions and Reasons

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

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. Prior to first occupation, details of suitable mitigation measures in relation to the protection of neighbouring amenity and control of noise and disturbance shall be submitted to and approved by the Local Planning Authority.

Reason: To minimise anti-social behaviour, reduce crime and fear of crime in compliance with Policy DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016) and Paragraph 96 of the NPPF (2023).

11.1 Notes to applicant

1. All businesses have a duty of care to ensure that any waste produced is handled safely and within the law.

All waste produced by a business including (but not limited to) paper, cardboard, cans, retail packaging, and food wrappers/waste, is commercial waste. For this reason, it legally has to be discarded in a certain way via a trade waste service or transfer station and cannot be disposed of through the

residential service.

Bins should be maintained and stored so that they don't cause problems to neighbouring premises due to smells, and should be stored correctly in a suitable container which needs to be closed or lidded.

Operators should arrange their own business/trade waste collection service. If you give your waste to someone else you must be sure that they are authorised to take it and can transport, recycle or dispose of it safely

Please contact us via email waste.officers@hinckley-bosworth.gov.uk for any further advice.

2. The Local Planning Authority would encourage the Applicant to explore design improvements to the external elements of the building, and Officers would be willing to provide advice on this matter. This would help to improve the character and appearance of the building and complement and enhance the character of the surrounding area and conservation area.