

GLOUCESTER CITY COUNCIL

COMMITTEE : **PLANNING**

DATE : **10TH JANUARY 2012**

ADDRESS/LOCATION : **THE JUDGES LODGINGS, 29 SPA ROAD**

APPLICATION NO. & WARD : **11/01234/COU
WESTGATE**

EXPIRY DATE : **10TH JANUARY 2012**

APPLICANT : **BRICKJET LTD**

PROPOSAL : **CHANGE OF USE (TEMPORARY 1 YEAR PERIOD) OF APARTMENTS 2, 3, 6, 7, 8, 10 AND 14 FROM USE CLASS C3 TO USE CLASS C1 (APART HOTEL) (REVISED APPLICATION)**

REPORT BY : **ADAM SMITH**

**NO. OF APPENDICES/
OBJECTIONS** : **SITE PLAN
FLOOR PLANS
4 REPRESENTATIONS**

1.0 SITE DESCRIPTION AND PROPOSAL

- 1.1 This is a four storey (with semi-basement) grade II* listed building, originally designed as a semi-detached pair of houses, constructed during the 1830s. The property has two rear wings to either side, with a further small modern extension to the east rear wing associated with the recent refurbishment and conversion to flats.
- 1.2 The property now comprises 15 units, converted as flats although it is understood that only one unit – flat 12 (in the east rear wing) - has been sold, and has existing owner occupiers, while flat 1 is understood to be occupied by the caretaker.
- 1.3 This is the third application for this apart-hotel use to various extents within the building. It appears from the applicant's earlier submissions that since January 2008 the remaining unsold units have been rented out for short periods as self-catering accommodation. Officers investigated the matter following complaints and advised the owners that a material change of use had occurred. Of those two previous applications; one was withdrawn prior to determination, the other altered the proposals from those in the withdrawn application (to slightly reduce the amount of units proposed for conversion to hotel use) and was refused at the October 2011 Planning Committee.

- 1.4 The current application again alters the proposals to further reduce the units that are subject to the change of use proposals. Effectively the subject units are now just those in the left hand/west side of the building – that being apartments 2 and 3 at garden/basement level, apartments 6, 7 and 8 at ground floor, apartment 10 at first floor, and apartment 14 at second floor. The applicant again proposes that this be for a period of 1 year. Seven associated parking spaces are allocated in the rear parking area.
- 1.5 There also appear to have been a number of physical alterations within the building that differ from the consented flat conversion scheme, including two unauthorised breaches of the central wall at first and second floor level. The applicant's plans indicate the partial reinstatement of the wall although there has still been no associated Listed Building Consent application submitted at the time of writing.
- 1.6 The application is presented to the Planning Committee, as previously, due to the local interest in the scheme and the sensitivity of the issues.

2.0 RELEVANT PLANNING HISTORY

44/44157/HIST - 03/EDP/94/78

- 2.1 This was an application for the installation of a door and erection of a fire escape at the rear. No objections were raised 8th March 1978.

44/44159/HIST - 31958/02

- 2.2 This was an application for (A) use of ground floor as restaurant and function rooms, approved subject to conditions 3rd October 1989, and (B) use of part of basement for offices (B1), refused 3rd October 1989.

92/01970/FUL

- 2.3 This was an application for the change of use of hotel to offices, granted subject to conditions 10th December 1992.

92/01971/LB

- 2.4 This was an application for internal alterations to provide office accommodation, approved 16th June 1993.

95/00005/LBC & 95/00006/FUL

- 2.5 These were applications for internal and external alterations / change of use of hotel to Church Centre with ancillary school rooms and installation of external lift, granted subject to conditions 16th February 1995.

00/00789/LBC

- 2.6 This was an application for the replacement of first floor balconies (on front), granted 27th March 2001.

05/01169/COU & 05/01170/LBC

- 2.7 This was an application for the conversion of the building into 15 apartments and construction of one new-build dwelling at the rear together with

associated landscaping and parking areas / associated internal and external alterations to the building, granted subject to conditions 2nd February 2006.

11/00658/COU

- 2.8 This was the initial application to regularise the position regarding the hotel use. At that point it was an application for the change of use (temporary 5 year period) of apartments 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 14, 15 and 16 from use class C3 to use class C1 (Apart-Hotel). It was withdrawn prior to determination.

11/00963/COU

- 2.9 This was a revised application – comprising the change of use (temporary 1 year period) of apartments 2, 3, 6, 7, 8, 9, 10, 11, 14 and 15 from Use Class C3 to Use Class C1 (Apartment Hotel). It was refused planning permission on 5th October 2011 for the following reason:

The application proposes to regularise an unauthorised hotel use of part of the building. The impacts of the hotel use have been carefully assessed. Due to the proximity of the hotel apartments to the existing occupied residential flat (no. 12) and the retained residential flats (nos. 4, 5 and 16), the size of those hotel apartments and the range of target customers for the hotel apartments, it is concluded that disturbance is likely to be caused to a degree that would be significantly harmful to the residential amenities enjoyed by residential occupants of flats within the building. This would conflict with Policies BE.21 and FRP.10 of the Second Deposit City of Gloucester Local Plan 2002 and Planning Policy Guidance Note 24.

3.0 PLANNING POLICIES

- 3.1 The following planning guidance and policies are relevant to the consideration of this application:

Central Government Guidance

PPS1 – Delivering sustainable development (and Climate Change supplement)

PPS4 – Planning for sustainable economic growth

PPS5 - Planning for the historic environment

PPG13 – Transport

PPS23 – Planning and pollution control

PPG24 – Planning and noise

Planning Policy Statement 1 - Delivering sustainable development

This contains the Government's latest guidance and advice on national planning policy and sets the overarching framework for the planning system. As well as establishing some key principles it raises the importance on the requirements for 'good design' to a level not previously established in national guidance and states that good design is indivisible from good planning.

Planning Policy Statement 4 – Planning for sustainable economic growth

Replaced PPS6 – Planning for Town Centres and PPG4 – Industrial, commercial development and small firms (among others). This recognises that employment and economic growth in all areas of the economy are of equal importance. The statement removes the ‘need’ test, with applications to be determined on the basis of compliance with the sequential approach and a revised ‘impact’ assessment. There is also a commitment to ‘low carbon’ growth. The Government is seeking to:

- Build prosperous communities by improving economic performance;
- Reduce the gap in economic growth rates between regions and promote regeneration;
- Deliver more sustainable patterns of development;
- Promote the vitality and viability of town and other centres as important places for communities;
- Raise the quality of life and the environment in rural areas.

Planning Policy Statement 5 - Planning for the historic environment

This is the updated Government Policy on the historic environment, replacing both PPG15 Planning and the Historic Environment and PPG16 Archaeology and Planning. Its thrust is not dissimilar, emphasising the importance of the historic environment and its contribution to cultural, social and economic life and there is a presumption in favour of the conservation of designated heritage assets. It obliges applicants to supply sufficient information to enable an assessment of the impact of a proposal on the significance of any heritage asset affected. With regard to the existing level of significance, Authorities should look to the desirability of sustaining and enhancing the significance of heritage assets.

Planning Policy Guidance Note 13 - Transport

Establishes the role of planning in delivering transport objectives, and seeks to promote more sustainable transport choices; promote accessibility to jobs, shopping, services, etc by public transport, walking and cycling; and reduce the need to travel, especially by car.

Planning Policy Statement 23 - Planning and Pollution Control

Sets out how the planning system plays a key role in determining the location of development that may give rise to pollution and ensuring other uses are not affected by potential sources of pollution. Notes that development presents an opportunity to deal with contaminated land risks successfully and recommends early discussions with regulators. The precautionary principle is advocated. Methods of protecting and improving the environment are referred to, for example by attaching mitigating conditions to allow developments which would otherwise not be environmentally acceptable to proceed, and preventing harmful development which cannot be made acceptable even through conditions. LPAs must be satisfied that planning permission can be granted on land use grounds taking full account of environmental impacts. Opportunities should be taken wherever possible to use the development process to assist and encourage the remediation of land already affected by contamination.

Planning Policy Guidance 24 – Planning and noise

This document guides local authorities on the use of planning powers to minimise the adverse impact of noise. It outlines the considerations to be taken into account in determining planning applications both for noise-sensitive developments and for those activities which generate noise. It recommends appropriate levels for exposure to different sources of noise, advises on the use of conditions to minimise the impact of noise and contains noise exposure categories for dwellings, explains noise levels, gives detailed guidance on the assessment of noise from different sources, gives examples of planning conditions, specifies noise limits, and advise on insulation of buildings against external noise.

The Development Plan

3.2 Section 38 of the Planning and Compulsory Purchase Act 2004 has established that - “The development plan is

(a) The regional spatial strategy for the region in which the area is situated, and

(b) The development plan documents (taken as a whole) which have been adopted or approved in relation to that area.

If to any extent a policy contained in a development plan for an area conflicts with another policy in the development plan, the conflict must be resolved in favour of the policy that is contained in the last document to be adopted, approved or published (as the case may be). If regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts, the determination must be made in accordance with the plan unless material considerations indicate otherwise.”

Regional Guidance

Regional Guidance historically comprises Regional Planning Guidance 10, with the Regional Spatial Strategies (RSS) due to supersede these. As Members will be aware there have been significant complications with the progress and status of RSSs. The Government’s revocation of the RSSs was challenged successfully, and a subsequent Government direction to consider the intention to revoke was also challenged. The Court of Appeal ruling on this latest challenge says that there may be circumstances in which the intention to abolish the RSSs would be material to a development control decision but only in very few cases. In terms of plan-making however, the ruling is that it would be unlawful for a Local Planning Authority preparing development plan documents to have regard to the proposal to abolish regional strategies.

RPG10:

The Spatial Strategy - Gloucester is a Principal Urban Area, in which economic and housing development should be focused, in sustainable locations.

Policy EC.6 – Town centres and retailing

Seeks to locate developments attracting large numbers of people in the centres of the Principal Urban Areas, ensuring the vitality and viability of centres is protected and enhanced.

TRAN.1 – Reducing the need to travel

Aims to reduce the need to travel through the appropriate location of new development.

Regional Spatial Strategy:

Reached Proposed Changes stage July 2008. Gloucester is a 'Strategically Significant City', which are the primary focus for development.

Policy TC.1 – City and town centres

Seeks to ensure that the vitality and viability of city centres is maintained and enhanced. The central areas of SSCTs will be the main focus for new retail and other major facilities requiring high levels of accessibility to the communities they serve.

3.3 The local policy framework comprises of the following documents:

- Structure plan:

The adopted plan is the Gloucestershire Structure Plan Second Review (Adopted November 1999 and 'saved', the intention was that this would be until the Regional Spatial Strategy was adopted). The Gloucestershire Structure Plan Third Alteration reached Proposed Modifications stage in July 2004 and January 2005, although the Second Review is utilised for development control purposes.

Transport

Policy T.1 requires that new development should be located so as to minimise the length and number of motorised journeys, accessible by non car-borne travel. Policy T.3 encourages cycling, Policy T.8 establishes the necessity of minimum and maximum car parking limits.

Town Centres

Policy TC.1 sets out that the vitality, viability and character of existing town centres should be sustained and enhanced, it places Gloucester at the top of the hierarchy of centres. Policy TC.2 establishes a preference for development generating many trips to be focused on town centres.

Policy P.1

Provision will only be made for development where it does not have an unacceptable effect in terms of:

- a) The environment and local community in terms of air, noise or light pollution;
- b) The quality of surface or ground water; or
- c) Contamination of the land or soil.

- Local Plan:

The statutory development plan for Gloucester remains the City of Gloucester Local Plan (Adopted 1983 and partially saved until the Local Development Framework is adopted).

- Subsequent to the 1983 plan there has also been the City of Gloucester (Pre-1991 Boundary Extension) Interim Adoption Copy October 1996), and City of Gloucester First Stage Deposit Local Plan (June 2001).

- Regard must also be had to the 2002 Revised Deposit Draft Local Plan. This has been subjected to two comprehensive periods of public and stakeholder consultation and adopted by the Council for development control purposes. This cannot be saved as it is not a formally adopted plan, however with it being adopted for development control purposes it is still judged to be a material consideration. Appeal reference APP/U1620/A/07/2046996 dated 18th March 2008 confirms the degree of weight that may be afforded to the 2002 Revised Deposit Draft Local Plan. It is considered that particular weight may be afforded to those policies that attracted a limited number of, or no objections during the consultation stages. In his decision the Inspector stated the following; “Although the local plan is not part of the development plan it has been adopted for development control purposes and I give considerable weight to it having regard to the amount of public consultation that it underwent...”
- In terms of the emerging Local Development Framework the Authority embarked on a ‘Joint Core Strategy’ with Tewkesbury and Cheltenham Councils and a City Plan.

2002 Plan allocations

The site is within The Spa Conservation Area and a Protected Residential Area (Policy H.9).

2002 Plan Policies

The aims of the following additional policies from the City of Gloucester Second Deposit Local Plan (2002) are relevant in considering this application:

FRP.10 – Noise

BE.5 – Community safety

BE.21 – Safeguarding of amenity

H.9 – The protection of existing residential properties

TR.9 – Parking standards

TR.12 – Cycle parking standards

TR.31 – Road safety

Emerging Local Development Framework

In terms of the emerging Local Development Framework, the authority is currently preparing a Joint Core Strategy (JCS) with Tewkesbury and Cheltenham Councils. This will set out the strategic planning framework for the City in light of the Government’s proposals to abolish the South West Regional Spatial Strategy through the Localism Bill. On adoption the Joint Core Strategy will set out locally derived housing and employment requirements for the City to the year 2031 against which the Council’s five year land supply for housing will be monitored. Until the JCS establishes local housing requirements the Council is measuring its supply against the requirements set out in the Draft Regional Spatial Strategy and against this has a healthy five year land supply. This is set out in the most recent December 2010 Annual Monitoring Report.

- 3.2 All policies can be viewed at the relevant website address:- Gloucester Local Plan policies – www.gloucester.gov.uk/planning; Gloucestershire Structure

Plan policies – www.gloucestershire.gov.uk/index.cfm?articleid=2112 and Department of Community and Local Government planning policies - www.communities.gov.uk/planningandbuilding/planning/.

4.0 CONSULTATIONS

- 4.1 The **Environmental Health Protection Service Manager** recommends refusal of the application. He notes that since the earlier refusal of permission in October they have received continued complaints in relation to alleged loud music from within the individual short-let apartments along with noise in communal areas and anti-social behaviour inside and outside the premises which has also been reported to the Police.
- 4.2 As the proposed apart-hotels are still adjacent to residential properties this has the potential to give rise to a significant amount of harm to the long term residential amenities due to noise breakout. The proposals still do not mitigate against or prevent nuisance from loud music or anti-social behaviour from occupants of the apart-hotel units. This is also due to the age of the building and proximity to noise sensitive premises with no provision for noise attenuation.
- 4.3 The **Highway Authority** raises no objection.
- 4.4 The **Civic Trust** has not commented.
- 4.5 The **City Centre Community Partnership** has not commented.

5.0 PUBLICITY AND REPRESENTATIONS

- 5.1 17 neighbouring properties and interested parties were notified of the application, and a site notice was also erected (publicity period expired 13th December 2011).
- 5.2 The occupants of flat 12 have objected, raising the following points:
- The proposed use will still affect them due to the noise and parties;
 - There are parking problems when groups use the building;
 - They can see what is happening on the other side of the building and others users can see them;
 - When windows are open during the day and night they are disturbed by smoking, drinking and laughing.
- 5.3 Three further representations have been received from local residents, which may be summarised as follows:
- The application takes no steps to address previous environmental health concerns – noise from guests will continue to be a nuisance to neighbouring properties;
 - The objections of the Planning Committee to the previous application have not been adequately dealt with;

- Given the local shortage of 2-bedroom properties, allowing the conversion will remove an opportunity to reduce the need for further development elsewhere;
- The proposal should not be allowed where there are a range of alternative buildings such as the Fleece Hotel that could be used for this purpose;
- The building is still being advertised for stag parties, and there is nothing to suggest that reducing the number of apartments available to rent will alter that;
- There is not much difference from the previous application and the impacts on the community will not differ;
- There is a large influx of traffic associated with the use, and not enough parking;
- There is lots of bad behaviour;
- Parties spill out onto the pavement;
- Delivery vehicles block the pavement;
- The use leads to excessive parking on Spa Road and reckless driving along Norfolk Street;
- Damage has been caused to the building;
- There have been further parties and associated disturbance since the last application was refused by the Planning Committee;
- The proposals create an unreasonable living environment for local residents;
- The Council should insist on obtaining an events diary to show the level of disturbance;
- The Committee should ask the owner of the Judges Lodgings to allow the apartments to be used for social housing – which would provide needed accommodation, protect residents from nuisance, and avoid the launching of a legal case at the High Court against the owners of the Judges Lodgings;
- The decision should not be made just because an ill-resourced and capitalised business venture has not proved financially viable;
- It makes no sense to introduce pockets of makeshift, temporary hotels, which would serve to distract from the City's main planning considerations.

5.4 The full content of all correspondence on this application can be inspected at the 4th floor reception, Herbert Warehouse, The Docks, Gloucester, prior to the Committee meeting.

6.0 **OFFICER OPINION**

6.1 It is considered that the main issues with regard to this application are as follows:

- The principle of the use in this location
- Residential amenity
- Traffic and transport
- Maintaining a use for the building

The principle of the use in this location

6.2 It is understood that the property was previously used as a hotel in the early 1990s. I consider this to be a city centre location appropriate for such a use in terms of the advice in PPS4. There are good pedestrian links to city centre businesses, leisure and retail uses as well as public transport services.

6.3 The property is within the protected residential area as defined in the 2002 Second Deposit Local Plan. Associated Policy H.9 seeks to prevent the conversion of any residential property capable of continued residential use unless the proposed use/facility is of particular value to the local community and suitable alternative premises within or adjacent to an established centre are not available. The application of such a policy to the Judges Lodgings requires deliberation given its history. This property has a history of non-residential uses in recent years, and although converted for the purpose of residential use, it does not appear that most of the units have been sold for such use. In light of this history I do not propose to argue that the application should fail on the basis of Policy H.9, although I do consider that the property would provide an attractive residential environment and such flattened accommodation is a good use of the building.

6.4 In conclusion I consider a hotel use in this location to be acceptable as a matter of principle.

Residential Amenity

Context

6.5 The building is located in a part of the city centre where there is a mix of residential units and commercial businesses. There are residential neighbours in houses on Norfolk Street, and in the buildings converted to flats along Spa Road. There is also the residential owner occupier family within the building, in flat 12. The further amendments apparent in the current application, again reducing the number of flats to be used for apart-hotel use, also mean that future occupants of flats 4, 9, 11 and 15 would be residential neighbours to the apart-hotel use within the building. The impact of the apart-hotel use on the amenities of neighbouring residents is therefore an important consideration.

6.6 As set out in my previous report, I consider that it is quite feasible that certain customers would occupy the apart-hotel units quietly during the night and then travel away from the building during the day. Indeed there is anecdotal evidence from the applicant that many of their customers are business people who stay during the working week. This could arguably be less intrusive than having residential occupants of a flat, which would occur in accordance with the consented flat conversion scheme.

6.7 It is also clear however, from representations in response to the planning application and complaints made to the Environmental Health Department, that neighbours consider that activities at the premises have caused significant disturbance to them under the arrangements in place at the time. The major disturbances reported by neighbours appear to result from groups renting the rooms out over weekends. Representations indicate that this is often 'stag' and 'hen' groups, and the applicant's marketing literature available online has clearly set out that stag and hen groups are accepted as customers, as indeed was confirmed in earlier application documents.

- 6.8 In my previous Committee Report I set out three points which demonstrated the particular nature of the apart-hotel proposal, and which I felt needed to be considered in relation to the effect of the proposal on the residential amenities of neighbours; firstly the marketing literature explaining that stag and hen groups are accepted as customers; secondly anecdotal evidence from several neighbours that such group customers do indeed appear to be the source of a number of disturbances; and finally the internal layout of the property that clearly indicated large spaces (combining multiple flats) that I considered were arranged as such in order to accommodate large groups. I concluded that from the evidence available the premises were set up to cater for large groups as a significant element of their customer base, and the effect of this arrangement required consideration.
- 6.9 That situation would be altered under the revised proposals. It actually appears that some of the online marketing information referring specifically to hen and stag parties has been removed, though clearly such a group could still theoretically book apartments and local residents indicate that large groups are still using the premises. Nevertheless in terms of the revised layout plans that have been submitted, the potential for combined apartments is reduced, and sited at one side of the building. It appears as though the only potential for combining apartments for larger groups is apartments 7 and 8.
- 6.10 Disturbance arising from the occupation of buildings by multiple parties can result from footsteps, doors shutting and general noise from rooms above, below and adjacent to residential units; the use of shared stairwells; and noise occurring in the car park and amenity space of the complex and the immediate vicinity of the site. Such disturbance is obviously possible between residents of the consented residential flat units as well as the hotel/flat combination under consideration. In my opinion the factors that influence the extent of the disturbance are its proximity and intensity. The following sets out the immediate neighbours to the currently-occupied flat 12, and the four flats in the east side of the main building.
- 6.11 Residential flat 12 would have the following neighbouring units:
- Below - Apartment 9 would be retained as a residential flat as already permitted.
 - Part adjoining (same floor) - Apartment 11 would be retained as a residential flat as already permitted.
 - Above - Apartment 16 would be retained as a residential flat as already permitted.
 - Above within the main part of the building – Apartment 15 would be retained as a residential flat as already permitted.
- 6.12 Retained flat 4 would have the following neighbouring units:
- Adjoining (same floor) – The 2-bedroomed hotel apartment 3, and the 1-bedroomed residential flat 5 (across the stairwell).
 - Above - The residential flat 9.
- (There is no accommodation below flat 4).
- 6.13 Retained flat 9 would have the following neighbouring units:

- Below – The residential flat 4.
 - Adjoining – The hotel apartment 8, which seems to have the option to be used in conjunction with hotel apartment 7.
 - Above – The residential flat 11.
- 6.14 Retained flat 11 would have the following neighbouring units:
- Below – The residential flat 9.
 - Adjoining – The residential flat 12 and the hotel apartment 10.
 - Above – The residential flat 15.
- 6.15 Retained flat 15 would have the following neighbouring units:
- Below – The residential flat 11.
 - Adjacent – The hotel apartment 14 and residential flat 16.
- (There is no accommodation above flat 15).
- 6.16 The revisions apparent in the current application would also mean that residential flats would not have to share a stairwell with hotel apartments.

External disturbance

- 6.17 Flat 12 has living room and kitchen windows facing to the rear, a bedroom window facing the east side, and three corridor windows facing the courtyard. Flat 4 has bedroom and living room windows to front and bedroom windows directly onto the courtyard at rear. Flat 5 has bedroom and living room/dining room windows and its entrance directly onto the courtyard area to rear. Flat 9 has living room windows to front, and kitchen/diner, bedroom and corridor windows to rear. Flat 11 has living room windows to front and bedroom windows to rear. Flat 15 has living room and kitchen windows to front and bedroom windows to rear. Flat 16 has living room, kitchen and corridor windows to rear, and a bedroom window facing the east side. Given such arrangements, all residential flats could therefore be subject to some disturbance from noise in the rear amenity/parking area or the front entrance and steps, and balcony. This might be caused by groups accessing the premises through the car park to rear or congregating around the building.

Conclusions

- 6.18 There have continued to be complaints about being disturbed by the behaviour of large groups. However the current application proposes to further scale down the parts of the building to be used for hotel apartments.
- 6.19 I consider that there needs to be a distinction drawn between disturbance that is likely to arise due to the scale, location and nature of the use – i.e. the planning issues, and disturbance that is due to inconsiderate behaviour – which could occur in any number of circumstances.
- 6.20 In this way, with the previous application I considered that disturbance was highly likely, due to the proximity of a number of apart-hotel within the building, including large, combined apartments set up for large groups, to residential neighbours. However in the current proposals, the internal relationship of hotel to residential apartments would only be through the

central party wall, there would be no sharing of stairwells and there would not be the same extent of large combined apartment accommodation.

- 6.21 With the re-arrangements apparent in this application, the contact points between residential and hotel uses are substantially reduced. In particular, the existing residential occupants at flat 12 are in the rear wing furthest from the hotel use on the left hand side of the building. I accept that there may be associated disturbance from groups within or passing through the shared parking/amenity space but I do not consider this goes hand-in-hand with the apart-hotel use that is applied for. Anti-social behaviour may occur in any number of circumstances, and with the revised arrangements of this application I no longer consider that disturbance is necessarily a *likely* result due to the scale, location and nature of the proposed use.
- 6.22 Nevertheless there does appear to be considerable local fear of suffering significant disturbance. A temporary permission can sometimes be an appropriate mechanism to deal with circumstances where a 'trial run' would be beneficial. The material considerations to which regard must be had in granting any permission are not limited or made different by a decision to make the permission a temporary one. The applicants have themselves proposed a 1 year temporary period, and I consider this would be an appropriate response in this particular scenario.
- 6.23 I consider that the proposed arrangement of uses is acceptable on the basis of the applicant's proposal of a 1-year temporary permission to allow monitoring of this reduced scheme in the interests of residential amenities. This would enable the Authority to review the permission in light of any further evidence over that period.

Traffic and Transport

- 6.24 In terms of highways impact, the level of parking has previously been judged to be acceptable for the consented 16 residential units. This is a city centre location with good links to public transport. Associated comings and goings such as any deliveries to the hotel accommodation may slightly differ in nature to those associated with residential occupiers (e.g. furniture and food shopping deliveries) but I do not consider that is likely to be to a significant degree, and I consider this is likely to be within tolerable limits of vehicular activities on the surrounding city centre roads. The inconvenience cited by objectors seems to be due to inconsiderate parking blocking the pavement rather than the vehicular demand to service the apart-hotel use.
- 6.25 Photographic evidence has been submitted to show substantial congestion within the parking area to the rear of the building, said to be when a group has been using the hotel apartments. I have asked the applicants for their comments on this, notably whether this is a common scenario associated with the property's use, however I have not received any response on the matter. The proposed apart-hotel use does not create any significant theoretical demand for parking over the consented residential flat use. In the absence of any clarification from the applicants, it seems that the apart-hotel customers may cause difficulties for other residents due to inconsiderate parking and

there does not appear to be a management regime in place to control this. The applicants evidently concur that the parking spaces highlighted on their submission are sufficient to deal with the on-site demand, and I consider a condition to require the parking bays to be marked out and there to be no parking outside of those bays would address this matter and not conflict with what the applicants themselves have offered. Additional customers would be able to park in one of the local public car parks.

Maintaining a use for the building

- 6.12 The applicant has previously argued that maintaining a use for this listed building is valuable in the short term. Finding uses for listed buildings that would secure their future is a positive planning aspiration, supported in policy. This has already been done with the conversion of the building to flats and associated upgrading. The continued use of part of this listed building for a one-year period would be of some benefit, although as set out previously I do not consider that this would override any significant harm to the amenities of neighbours that was identified. In the amended circumstances I consider that the continued use of the building is a small positive consideration in favour of the proposals.

7.0 CONCLUSION

- 7.1 I raise no objection to the principle of the use in this location, and no in-principle objection in highways terms subject to a condition to address parking congestion. I consider the most sensitive issue is that of impact on residential amenity. While objections have been made and the Environmental Health Officer has raised concerns based on the complaints received, I consider that the apart-hotel use proposed, in its revised extent, is not likely to create, under reasonable circumstances, significant impacts on the amenities of local residents. Should unacceptable behaviour occur, residents may of course make complaints to the Environmental Health department in terms of noise disturbance or, in extreme circumstances to the Police. This is no different to residents complaining about disturbance caused by people living in residential premises or visiting any other use. In my view, such circumstances are not likely to go hand-in-hand with the establishment of an apartment-hotel use of the scale, location and nature now proposed in this amended application.

8.0 RECOMMENDATIONS OF THE DEVELOPMENT CONTROL MANAGER

- 8.1 That a temporary planning permission is granted subject to the following conditions:

Condition

The use hereby permitted shall cease on or before the 10th January 2013.

Reason

To enable the Authority to monitor the impact of the development on the general amenities of the locality, the amenities of nearby residents and highway safety in accordance with Policies BE.21 and TR. 31 of the Second Deposit Gloucester Local Plan 2002.

Condition

The apart-hotel use shall only take place within apartments 2, 3, 6, 7, 8, 10 and 14 and the associated space as defined on plans referenced 01 Rev. A, 02 Rev. C, 03 Rev. C and 04 Rev. C received by the Local Planning Authority on the 15th November 2011, except where otherwise specified by conditions of this permission.

Reason

To define the terms of this permission, to ensure that the permission is implemented in accordance with the approved plans, in accordance with the Policies of the City of Gloucester Second Deposit Local Plan 2002.

Condition

Notwithstanding that set out in Condition 2, prior to the reinstatement of the breaches in the party wall between apartments 10 and 11 and between apartments 14 and 15 (as defined on plans referenced 03 Rev. C and 04 Rev. C received by the Local Planning Authority on the 15th November 2011), the apart-hotel use shall only take place within apartments 2, 3, 6, 7 and 8 and the associated space (as defined on plans referenced 03 Rev. C and 04 Rev. C received by the Local Planning Authority on the 15th November 2011) (i.e. not apartments 10 or 14).

Reason

In the interests of residential amenity and maintaining an acceptable living environment for occupants of the adjacent apartments 11 and 15, in accordance with Policies BE.21 and FRP.10 of the City of Gloucester Second Deposit Local Plan 2002.

Condition

Within one month of the date of this temporary permission the parking spaces associated with the apart-hotel use as indicated on the submitted Plan ref. 01 Rev. A received by the Local Planning Authority on the 15th November 2011 shall be clearly marked out in accordance with details submitted to and approved in writing by the Local Planning Authority and there shall be no parking on the site associated with the apart-hotel use outside of those specified parking spaces.

Reason

To prevent parking congestion within the site in the interests of highway safety and residential amenity in accordance with Policies TR.31 and BE.21 of the City of Gloucester Second Deposit Local Plan 2002.

Reason for approval

The application proposes in part to regularise an unauthorised apart-hotel use of part of the building, now rationalising that use within a certain part of the

building. The impacts of the apart-hotel use as now proposed have been carefully assessed, and it is concluded that a one year temporary permission would allow the proposed use to be monitored in the interests of the amenities of residents highway safety. On this basis the proposals would accord with Policies BE.21, BE.5, FRP.10, H.9, TR.9 and TR.31 of the Second Deposit City of Gloucester Local Plan 2002.

Note

The applicant is reminded that the reinstatement of the party wall at first and second floor will require Listed Building Consent, and if it were not reinstated like for like would require Building Regulations approval. It is recommended that like for like reinstatement would be appropriate.

Decision:

Notes:

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Person to contact: Adam Smith
(Tel: 396702)