

Lord Lister Application - 22/00170/FP

Change of Use from Hotel (C1) to Sui Generis (accommodation with support) and associated external alterations (as amended by plans and additional information received on 6 May 2022)

1. Following the Planning and Development Committee Meeting on 23 June 2022, this is a review of the policies referred to by the objectors and their advocates.
2. Reference is made to the current Development Plan (1996) (saved policies only), the Emerging NHDLP and National Planning Policy Framework (NPPF) 2021.
3. NPPF glossary defines main town centres uses as:
 - **Retail development** (including warehouse clubs and factory outlet centres); **leisure, entertainment** and more **intensive sport** and **recreation uses** (including cinemas, restaurants, drive-through restaurants, bars and pubs, nightclubs, casinos, health and fitness centres, indoor bowling centres and bingo halls); **offices**; and **arts, culture and tourism development** (including theatres, museums, galleries and concert halls, **hotels** and conference facilities).
 - The previous use of the building as a hotel fell within the NPPF glossary definition and was within the Town Centre boundary and the Conservation Area of Hitchin. However, the loss of the hotel was as a consequence of the Covid-19 pandemic and lack of trade.
 - It had been unsuccessfully marketed and the opportunity to provide a Sui Generis facility in a sustainable area was identified.
4. Planning Policy Guidance: Planning for town centre vitality and viability, acknowledges that residential development, in all its guises, complements and supports the vitality of town centres. It can play a particularly important role in ensuring the vitality of town centres, giving communities easier access to a range of services. It goes on to state that ‘given their (town centres) proximity to

transport networks and local shops and services, local authorities may wish to consider locating specialist housing for different groups including older people within town centres or edge of centre locations’.

- It is noted that this application is not, by definition, a residential CoU, that is to a C1, C2 class, but a Sui Generis application.
- This means that the development has its own unique use, which in this case is accommodation for homeless households.
- However, it is relevant to interpret its use and the relevant policies with a degree of pragmatism given its known purpose under Sui Generis.
- The proposed Sui Generis use is a form of residential development in a sustainable location within the town centre of Hitchin.

5. NPPF does not offer a position in the glossary for community facilities. Instead, it makes a small number of references in the main text, which are as follows:

- “Community facilities (such as **health, education and cultural infrastructure**)” (para. 20.c).
- “Local services and community facilities, such as **local shops, meeting places, sports venues, open space, cultural buildings, public houses and places of worship.**” (para. 83.d)
- “Community facilities (such as **local shops, meeting places, sports venues, open space, cultural buildings, public houses and places of worship**) and other local services.” (para. 92.a)
- “Community facilities (such as **places of worship, pubs, music venues and sports clubs**).” (para. 182)

As such, the planning policy definition of community facilities includes the following;

- Health infrastructure
- Education infrastructure (including libraries)
- Cultural infrastructure/buildings
- Local shops
- Meeting places

- Sports venues/clubs
- Public houses (pubs)
- Places of worship
- Music venues

6. It is worth noting here, that Hotels **are not** included as a community facility. Notwithstanding this point, Hitchin is fortunate to be well served in the way of Hotels within the extent of the Town Centre.

- Premier Inn, Portmill Lane (0.3 miles)
- Bella Vita Hotel, Sun Street (0.1 miles)
- Sun Hotel, Sun Street (0.2 miles)
- Hitchin Priory, Tilehouse Street (0.1 miles)
- Firs Hotel, Bedford Road (0.8 miles)

In the wider area surrounding Hitchin, there are also:

- Mercure Letchworth Hall Hotel, Letchworth Lane
- Needham House Hotel, Blakemore End Road
- The Farmhouse at Redcoats, Redcoats Green

Development Plan Ref¹		
Policy 26	Housing Proposals	<p>The CoU from C1 to Sui Generis here is acceptable given that the accommodation for homeless households use is a coherent use with the surrounding residential area.</p> <p>Management of the supported housing is not a planning matter, but management of the facility should be carried out in a suitable way so as not to require action from other powers of the Council eg ASB, noise etc</p>
Policy 57	Residential Guidelines and Standards	<p>The character of the existing Listed Building is not being altered. It remains in keeping with its surroundings and continues to contribute to the character of the area in this location.</p> <p>The CoU makes use of the internal layout of the building and does not involve any development out with the constraints of the building itself.</p>
Emerging Local Plan Ref		
SP1	Sustainable development in North Hertfordshire	<p>The CoU to accommodation for homeless households does not detract from the role of the settlement (Hitchin) as a main focus for housing and the proposed development makes use of PDL; introducing new residents helps sustain key facilities within the Town Centre.</p> <p>This CoU to accommodation for homeless households contributes towards an appropriate mix of homes in the Town Centre.</p>

¹ As of 27 September 2007, a number of policies from North Hertfordshire District Local Plan No. 2 with Alterations (April 1996) cease to have effect, under the Planning & Compulsory Purchase Act 2004. This document presents only those parts of the written statement which are saved.

		<p>As the CoU does not involve external alterations, the aesthetics of the building continue to contribute to and respect the surroundings.</p> <p>The location is sustainable as it allows residents easy access to the facilities of the Town Centre, including jobs and healthcare etc.</p>
SP4	Town Centres, Local Centres and Community Shops	<p>Criterion b seeks to support proposals for main town centre uses in town centres. We have established that a hotel is defined by the NPPF as a main town centre use.</p> <p>The Lord Lister Hotel closed down as a consequence of economic difficulties related to the Covid-19 Pandemic. The CoU to accommodation for homeless households does not preclude its future use as a hotel when economic circumstances dictate.</p> <p>It is further noted that Hitchin Town Centre is well serviced with hotels in the immediate surrounding area, all within walking distance of the Lord Lister. The provision of this main town centre use is still well accommodated for in Hitchin Town Centre.</p>
SP8	Housing	<p>We have acknowledged that the CoU is to a Sui Generis and not a residential Use Class, however, being pragmatic, we also know that the Sui Generis Use is to provide accommodation for homeless households and as such is an ‘unclassified’ form of housing provision.</p> <p>Criterion g refers to the provision of at least 350 bed spaces in suitable, supported accommodation to meet the needs of those who cannot live in their own home.</p>

		Arguably, homeless households fulfil the principle of not being able to 'live in their own home' and as such accord with the intentions of the policy.
SP9	Design and Sustainability	The proposed CoU to accommodation for homeless households is not considered a new development in the sense that anything in addition to the existing Listed Building is being built. As such, the building subject to the CoU application continues to respond positively to its local context.
SP10	Healthy Communities	In para 5 above, we have established that the Lord Lister Hotel is not defined as a community facility by the NPPF. As such, it cannot be argued that the CoU to accommodation for homeless households results in the loss of a community facility within Hitchin Town Centre.
ETC7	Local community shops and services in towns and villages	<p>The Lord Lister Hotel was a main town centre use within the defined retail hierarchy of Hitchin Town Centre and as such is considered to be a loss of a main town centre use (service) in a town centre.</p> <p>However, as criterion a of the policy notes, there are other equivalent services of similar use available for customers with an 800m walking distance.</p> <p>Notwithstanding the provision of these alternative equivalent services, it is reasonable to consider that the hotel is no longer required to meet the needs of the local community (due to its closure during the Covid-19 pandemic) and has been unsuccessfully marketed as a hotel.</p>

<p>HS3</p>	<p>Housing mix</p>	<p>The proposed CoU to accommodation for homeless households is considered appropriate for the location and accessibility of the site, and in relation to the facilities and services in the Town Centre.</p> <p>The Lord Lister building is situated within an already established residential area with a range of flatted developments and individual residential properties surrounding the existing building both adjacent and to the rear of the site.</p>
<p>HS4</p>	<p>Supported, sheltered and older persons housing</p>	<p>As the Use Class of the provision of accommodation for homeless households is a Sui Generis Use, Policy HS4 does not apply as this relates to Use Class C2.</p>
<p>D3</p>	<p>Protecting living conditions</p>	<p>Policy D3, when reading, largely deals with the physical implications of a development on its neighbouring properties. The presence of the existing building, as we have already established, contributes to, and responds positively to its local context and the streetscape of Park Street.</p> <p>It is noted that neighbouring properties are having issues with ASB and this is not considered to be a planning issue regardless of the impact that this has on the living conditions of neighbours.</p> <p>ASB should be dealt with through a properly managed facility with all the proper management protocols in place to deal with issues as and when they arise in a swift and timely manner. Issues that cannot be managed over and above the management of the facility should be dealt with through the proper processes of Environmental Health and, ultimately, the Police.</p> <p>It is not considered that the application is in conflict with Policy D3.</p>

HC1	Community facilities	<p>Neither the previous use of the building as a Hotel, or the proposed use as accommodation for homeless households are considered to be considered to be community facilities.</p> <p>Certainly, both uses provide a facility to particular communities, but not those considered by the NPPF, nor those of the Emerging Local Plan.</p>
NPPF		
Para 92	Promoting healthy and safe communities	<p>The proposed CoU promotes social interaction by introducing people who might not otherwise come into contact with each other. Given that the building is already in situ and has been for a considerable amount of time, the building itself does not undermine the quality of life or community cohesion. As discussed previously, the use of the development has raised concerns about ASB, however, this in itself is not a planning matter and should be dealt with through other regulatory processes.</p> <p>The proposed development enables and supports healthy lifestyles through the provision of safe and accessible facilities and shops and also transport.</p>
Para 93	Promoting healthy and safe communities	<p>As discussed previously, the use of the property as a hotel does not constitute a community facility. However, it is worth noting that such a provision (hotel) is available elsewhere in the town of Hitchin and its surrounding areas.</p>
Para 112	Considering development proposals	<p>It is noted that there is concern regarding a reduction in and a risk to the safety of pedestrians due to ASB and the need in the recent</p>

		<p>past for the police to attend the proposed facility. This is not a planning matter.</p> <p>The proposal itself is in a sustainable location and allows proprietors access to sustainable forms of transport.</p>
Para 126	Achieving well-designed places	<p>It is noted that neighbours do not feel that they were appropriately consulted upon the planning process for the facility at the Lord Lister – this is a DM matter and not something Planning Policy can comment on.</p>
Para 130	Achieving well-designed places	<p>The proposed CoU is in a building that is already in situ. This is a point that has been discussed previously.</p> <p>The proposed use of the site is sympathetic to the local character of the surrounding built environment in the sense that it is a form of residential use (accommodation for homeless households) in a residential area. As already discussed, the management of the development is not a planning matter.</p>
Para 132	Achieving well-designed places	<p>It is noted that neighbours do not feel that they were appropriately consulted upon the planning process for the facility at the Lord Lister – this is a DM matter and not something Planning Policy can comment on.</p>
Paras 185 - 187	Ground conditions and pollution	<p>The proposed use of the site is sympathetic to the local character of the surrounding built environment in the sense that it is a residential use (accommodation for homeless households) in a residential area. As already discussed, the management of the development is not a planning matter.</p>

7. It is not considered that the loss of the Hotel or the CoU to accommodation for homeless households impinges in any way upon the viability or vitality of the Town Centre of Hitchin, or indeed the surrounding neighbours of the property.

8. As discussed, the management of the facility is an issue, however, this is not a planning matter and should be addressed through appropriate management by the owners of the facility, and in addition, through Environmental Health and ultimately the police.

9. Re-introducing homeless households back into a stable environment is linked directly to accessibility of the appropriate facilities in the immediate and local area. The location of this provision in the area of a town centre, whilst not impacting on the retail or economic aspect of the vitality of the town centre, is considered appropriate in terms of planning policy, both locally and nationally.