



Appeal Decision

Site visit made on 8 May 2024

by S Rawle BA (Hons) Dip TP Solicitor

an Inspector appointed by the Secretary of State

Decision date: 4TH June 2024

Appeal Ref: APP/U1620/W/24/3338520

Station Hotel, Bruton Way, Gloucester GL1 1DG

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by London and Wiltshire Ltd against the decision of Gloucester City Council.
 - The application Ref is 23/00070/FUL.
 - The development proposed is the conversion of upper floors of the Station Hotel to a House in Multiple Occupation (HMO).
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Decision

1. The appeal is allowed and planning permission is granted for the conversion of upper floors of the Station Hotel to a House in Multiple Occupation (HMO) at Station Hotel, Bruton Way, Gloucester GL1 1DG in accordance with the terms of the application, Ref 23/00070/FUL, subject to the conditions in the attached schedule.

Main Issues

2. The main issues are whether the proposed development would provide acceptable living conditions for future occupants, with regard to the provision of private amenity space and its location relative to Bruton Way.

Reasons

3. The appeal site is located in a particularly accessible location, being very near both the railway station and the bus station. It is adjacent to the busy Bruton Way. I observed that the hotel is currently closed but previously it had a public house on the ground floor with hotel rooms on the upper floors.
 4. The proposal would involve the retention of the public house use on the ground floor, but there would be a change of use to accommodate an 18 bed HMO on the first and second floors.
 5. It is common ground that there is a need for HMO accommodation in Gloucester and clearly the proposed development would ensure that future occupants would be accommodated in a sustainable location with excellent public transport links.
 6. Due to the configuration of the existing building on the site, it would not be possible to provide outside amenity space to serve future residents. Policy A1 of the Gloucester City Local Plan 2011-2031 adopted January 2023 (GCLP) sets out that development should provide outdoor amenity space and garden space
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at a level that reflects the character of the area and the scale of the development. Similarly, Policies SD4 and SD14 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy 2011-2031 adopted 11 December 2017 (JCS) seek to ensure development should enhance enjoyment through assessment of the opportunities for external space and should protect and seek to improve environmental quality and cause no unacceptable harm to local amenity.

7. The appeal site is located in the city centre and would undoubtedly make effective use of land in meeting the need for new HMO accommodation. Given the existing character of the area and the scale of the proposed development, I agree with the detailed Officer's assessment contained within their report which sets out that gardens are not particularly characteristic of this city centre location and so the lack of outdoor amenity and garden space would reflect the character of the area and ensure that the scale of the proposed development makes efficient use of this centrally located site. Moreover, I observed that Freedom Leisure Centre, which provides extensive leisure facilities, is within an easy walk of the appeal site. As a result, the proposal would not result in an unacceptable impact on the living conditions of future occupants of the proposed development. Nor would it unacceptably harm their mental health.
8. As outlined above, the appeal property is located close to Bruton Way, which is a busy road. Although this has the potential to adversely impact on the living conditions of future residents, the appellant has undertaken an environmental noise assessment and a noise transmission assessment. The environmental health advisor is satisfied that subject to the imposition of suitably worded conditions, the internal noise levels within the proposed HMO rooms would be acceptable. I agree. As a result, the proposal would not result in an unacceptable impact on the living conditions of future residents due to the noise from Bruton Way. Nor would it unacceptably harm their mental health.
9. Further, although Bruton Way is a busy road, I observed that there are a number of pedestrian crossings in the vicinity of the appeal site. As a result, future residents would not be subject to an unacceptable level of highway safety harm and overall the proposed development would not be located in an inappropriate location due to its proximity to Bruton Way.
10. I therefore conclude that the proposed development would provide acceptable living conditions for future occupants, with regard to the provision of private amenity space and its location relative to Bruton Way. Consequently, the proposal would accord with Policy A1 of the GCLP and Policies SD4 and SD14 of the JCS as set out above.

Other Matters

11. I have taken account of concerns about the possibility of future residents taking part in anti-social behaviour. However, there is no compelling evidence to suggest that future residents would take part in such behaviour and consequently the unsubstantiated concerns about the possibility of anti-social behaviour does not weigh against the proposal.

Conditions

12. I have had regard to the conditions suggested by the Council and amended them as necessary in the interests of precision and clarity, as well as to have regard to the advice in the Framework and Planning Practice Guidance (PPG).
13. In addition to the standard commencement condition, a condition is needed to secure compliance with the approved plans for the avoidance of doubt and in the interests of proper planning.
14. In the interests of sustainable transport, it is necessary to attach a condition requiring the provision of cycle parking facilities. To protect the living conditions of future residents it is necessary to attach conditions to ensure that appropriate glazing and alternative means of ventilation are installed to ensure a satisfactory acoustic performance and that appropriate sound insulation is provided.
15. In the interests of the environment, it is necessary to impose a condition to limit the consumption of wholesome water per HMO unit. In the interests of digital connectivity, it is necessary to impose a condition to ensure the development is served by a high speed, reliable, full fibre broadband connection. It is also necessary to attach a condition requiring the provision of refuse storage facilities to ensure the appropriate management of refuse on the site. To ensure that the development contributes to the enhancement of biodiversity, it is necessary to impose a condition to ensure that the proposed bird and bat boxes are installed and maintained thereafter.

Conclusion

16. For the reasons given above, I conclude that the proposal would accord with the development plan and therefore the appeal should be allowed.

S Rawle

INSPECTOR

Schedule of Conditions

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: AA/22/58/01; AA/22/58/11 Revision B; AA/22/58/12; AA/22/58/13 Revision B; AA/22/58/14 Revision B; and AA/22/58/15.
- 3) Prior to the first occupation of the development hereby approved, cycle parking facilities shall be provided in accordance with the details shown on drawing number AA/22/58/13 Revision B and thereafter retained.
- 4) Full details of the proposed glazing and alternative ventilation scheme to allow windows to remain closed when required to maintain acoustic performance shall be submitted to and approved in writing by the local planning authority. The details shall demonstrate that any mechanical

ventilation shall meet Noise Rating Level 30 (NR 30) for living rooms and Noise Rating Level 25 (NR 25) for bedrooms. The approved scheme shall be implemented prior to the first occupation of the development hereby approved and shall be retained as approved thereafter.

- 5) The recommendations contained in Section 7 in relation to sound insulation advice of the noise transmission assessment (reference 10203/NTA/SF) shall be implemented and a post implementation sound testing exercise shall be undertaken to determine their effectiveness. The results of the post implementation sound testing exercise shall be submitted to and approved in writing by the local planning authority prior to the first occupation of the development hereby approved and the sound insulation measures shall be retained and maintained thereafter.
- 6) The consumption of wholesome water per HMO unit shall not exceed 110 litres of water per person per day.
- 7) Prior to the first occupation of the development hereby permitted, it shall be served by a high speed, reliable, full fibre broadband connection which shall reach each HMO unit.
- 8) The development hereby approved shall not be occupied until full bin storage details have been provided in accordance with details that have been submitted to and approved in writing by the local planning authority. Details shall include floor plans, elevations, materials proposed or specification details for the type of storage proposed. Thereafter the bin storage facilities shall be retained as approved.
- 9) Prior to the first occupation of the development hereby permitted, the proposed bird and bat boxes as indicated on drawing number AA/22/58/11 Rev B shall be installed and thereafter retained.

