

24 April 2020

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Submitted via Planning Portal

Ref: PP-08626076

Welwyn Hatfield Borough Council
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Our Ref: TM/CL

Dear Sir/Madam,

**TOWN & COUNTRY PLANNING ACT 1990 (AS AMENDED)
LUNA, FUSION STUDENTS, ST ALBANS ROAD, WEST HATFIELD, AL10 9RH
TEMPORARY CHANGE OF USE OF UP TO 154 ROOMS FROM STUDENT ACCOMMODATION
(SUI GENERIS) TO PROFESSIONAL SERVICED APARTMENTS (USE CLASS C1)**

This application seeks temporary permission to allow up to 154 rooms of student accommodation to be used for C1 (serviced apartment) use. The application, as proposed, can provide an opportunity to diversify the buildings use; on the basis that the expected students, who would ordinarily occupy the student accommodation, are highly unlikely to fully occupy the student accommodation in the forthcoming academic year; primarily due to the Coronavirus pandemic. To help illustrate the difficulties faced, please find enclosed a letter of need provided by the applicant (Adam Cohen – Fusion Students).

Support and evidence to help substantiate such necessary temporary changes are also supported by the following enclosed documents:

- Letter: Supporting the student accommodation sector through COVID-19 [BPF]; and
 - See para 6-11
- Letter: Planning Update Newsletter [MHCLG].

It is requested that the temporary permission starts on the 1 September 2020 and runs until 30 September 2021. The primary focus of the use will remain as student as that is our client's core business but this temporary change will provide the required flexibility for up to 154 rooms for alternative residential use.

To help support this application we have provided a number of considerations that we trust will help you support such a change of use. The application consists of the following submitted material:

- Completed Applications Forms & Certificates;
- Letter [Fusion Students]
- Letter [MHCLG];
- Letter [BPF] ;
- Management Plan;
- Location Plan;
- Existing Floor Plans;
 - STL-02-ZZ-DR-A-ZZZZ-01000 (Ground Floor)
 - STL-02-ZZ-DR-A-ZZZZ-01001 (First/Second Floor)
 - STL-02-ZZ-DR-A-ZZZZ-01002 (Third Floor)

Background/ Proposed Temporary Use

Luna Fusion Students provides high quality student accommodation consisting of 308 bed spaces (within 272 rooms), as self-contained 1 and 2 bed studios. Due to the implications of Coronavirus, it is highly unlikely that all student beds will be fully occupied during the 2020/21 academic year. This is primarily down to not being able to confirm when, or even if, the academic year can start as expected in September 2020; and whether students will attend having passed all the necessary examinations. Further detail is provided in the accompanying letter of need (Fusion).

To ensure the maximum occupancy, an ability to vary the use of rooms can help support the buildings optimum use. It is noted that the proposals reflect the nature of the originally permitted use, albeit a different kind of end user can be accommodated (i.e. professional not student). For this reason it is considered there is no overt change in the character or numbers of people utilising the building.

The use as C1 is considered to work symbiotically with the adjacent Comet Hotel, which features as part of the wider site. Lester Hotels, who currently operate and run the Comet Hotel, provide the management and servicing of the hotel. Such management skills and experience will work hand in hand in running and operating the proposed temporary use.

Fusion Students have implemented this approach at a number of their sites across the country; in doing so they have demonstrated the compatibility of the two uses. This has been supported by a management plan; also included with this submission.

Planning History

6/2016/1739/MAJ

Extension and refurbishment of the Grade II listed building (Use Class C1) following demolition of existing rear and side extensions. Erection of 7,253.7sqm student accommodation (Sui Generis), landscaping and associated works

Decision: Granted

6/2016/1740/LB

Extension and refurbishment of the Grade II listed building (Use Class C1) following demolition of existing rear and side extensions. Erection of 7,253.7sqm student accommodation (Sui Generis), landscaping and associated works

Decision: Granted

Managing the Change of Use

A report produced by CBRE (2011) entitled Serviced Apartments: Growing the Service in London, includes a list of services which must be provided to demonstrate that serviced apartments would be managed as short term accommodation to distinguish them from C3 use. In this instance the serviced apartments would comply with the requirements as the following services will be provided:

- 24 hour concierge servicing;
- Rooms will not be occupied for period of 90 days or more;
- Rooms will be charged out at daily or weekly rates;
- The use will be secured in the form of a licence rather than a lease;
- The occupants would not have exclusive possession of the room; and
- The management will have access to the room for the provision of services such as room cleaning.

Legislation

Section 72 (TCPA 1990)

Section 72 supports the use of allowing a temporary grant of permission, underpinned by a time frame on when the temporary use will cease. If permission is granted, subject to a condition that requires the discontinuance of a permitted use, this is referred to as “*planning permission granted for a limited period*”.

National Planning Policy Framework [NPPF]

The National Planning Policy Framework was originally published in March 2012. However, this was revised in July 2018 and more recently revised further and published in February 2019.

The NPPF (Para 2) requires that applications be determined in accordance with the Development Plan unless material considerations indicate otherwise. It is noted that statements of government policy “may be material” when preparing plans or deciding applications (e.g. Written Ministerial Statements).

Paragraph 38 states:

Local planning authorities should approach decisions on proposed development in a positive and creative way. They should use the full range of planning tools available, including brownfield registers and permission in principle, and work proactively with applicants to secure developments that will improve the economic, social and environmental conditions of the area. Decision-makers at every level should seek to approve applications for sustainable development where possible.

The NPPF attaches significant weight (Para 80) on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development. The approach taken should allow each area to build on its strengths, counter any weaknesses and address the challenges of the future.

Local Planning Policy

The Welwyn Hatfield District Plan is the current adopted Local Plan and provides a framework for planning decisions in the borough.

Policy CLT6 will be key in the consideration of this temporary application, but must also be balanced with the significant material consideration that is Covid-19:

Policy CLT 6 - Hotels

The Council will grant planning permission for proposals which increase and improve hotel accommodation within the district. The preferred locations for hotels are in the district's town centres and on the designated sites on the Hatfield aerodrome site. Where there are no suitable sites in the town centres, the Council may consider development proposals in edge of centre locations, at district or neighbourhood centres or in areas with high accessibility by public transport. In all cases the Council will only permit proposals for hotels where:

- (i) There is no harmful impact on the amenities of nearby residential properties and other uses;*
- (ii) The development is in keeping with the scale and character of the surrounding area; and*
- (iii) The development is easily accessible by passenger transport, walking and cycling.*

The temporary permission requested, in light of the above key policy, is considered to be compliant with the Local Plan. Reinforcing this is the fact that the existing use of the site was also C1 hotel use and the adjacent Comet Hotel, part of the wider site, also operates under such a use currently.

Material Considerations

Supporting the student accommodation sector through COVID-19 [BPF]

The British Property Federation [BPF] have issued a letter that helps illustrate, in detail, the context as to how the current pandemic has negatively impacted student accommodation providers. The letter aims “to highlight to government how the sector believes it can be best supported, not only financially but also in its contribution to addressing the crisis and fulfilling its wider social responsibilities”.

Key to this letter is the ability for “planning flexibility” (para 6-11). The letter advises, in summary, that the government should consider allowing “flexibility so that accommodation providers can put rooms to non-student use next academic year and over summer 2020 and 2021”. It further advises that “local authorities temporarily relax planning for a year to permit a fuller range of occupiers”. This of course has the intended outcome of maximising buildings use and also providing the best option for reducing detrimental impacts to the economy.

Planning Update Newsletter [MHCLG]

Steve Quartermain, as the Chief Planner, acknowledges the difficult context under which LPA's are current operating. He advises the following:

- *It is important that authorities continue to provide the best service possible in these stretching times and prioritise decision-making to ensure the planning system continues to function, especially where this will support the local economy.*
- *We encourage you to be pragmatic and continue, as much as possible, to work proactively with applicants and others, where necessary agreeing extended periods for making decisions.*
- *To support pubs and restaurants and ensure access to food during the emergency period, this new national PDR will enable pubs, restaurants and cafes to operate temporarily as hot food takeaways (A5 use class). To give greater flexibility, the PDR will also seek to cover cold and pre prepared food and will allow for takeaway and delivery. The pub, restaurant or café will remain in its current use class during this period. The PDR will be time limited to 12 months. Beyond this time, a planning application would be required for continued use as a takeaway.*

It is clear that the current pandemic is having significant detrimental effect upon a number of industries across the nation. Whilst, specifically, pubs and restaurants have been afforded specific provision, it is clear a much wider tranche of flexibility must be afforded to other industries that are affected.

This understanding is supported by both professional bodies and senior governmental advisors, in that a flexible approach to the planning system is required; with the primary consideration of supporting local economies.

Summary

In light of the current global pandemic a temporary change of use, of a number of units within the building, is considered both reasonable and necessary. The temporary permission will ensure the building can provide its optimum use. The proposals are supported by legislation and by policy.

The temporary use is considered to provide both a necessary social function, a vital economic function and ensures no detrimental impact on the local environment; on the basis that no development is required.

We therefore request in light of the information submitted that permission be granted, on a temporary basis, to allow a flexible change of use. The temporary use proposed shall be discontinued and the building restored to the consented use as student accommodation (sui generis) no later than 30 September 2021.

If you have any queries in relation to the submission or require any additional information please don't hesitate to contact me.

Yours sincerely,



ALAN PEARCE MRTPI
Head of Planning and Development for the South West & Wales

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enc.