

Application Number	22/00405/FUL
Site Address	Pitmaston House, Malvern Road, Worcester, WR2 4LL
Description of Development	Proposed change of use C3 residential to C1 hotel/guest house use.
Expiry Date	21 October 2022 21 October 2022
Applicant	Blockworks
Agent	Blockworks
Case Officer	Laura Wall
	laura.wall@worcester.gov.uk
Ward	Bedwardine Ward
Reason for Referral to Committee	Ward Member referral
Key Issues	The principle of development and whether the proposal would be sustainable form of development having regard to the 3 dimensions of sustainable development in terms of its economic role, social role and environmental role.
Web link to application	https://plan.worcester.gov.uk/Planning/Display/22/00405/FUL
Recommendation	The Corporate Director - Planning and Governance recommends that Planning Committee grants planning permission, subject to the conditions set out in section 9 of this report and the grant of a satisfactory Listed Building Consent.

1. Background

- 1.1 The application was registered on 5 July 2022. An extension of time for the determination of the application has been agreed until 21 October 2022 to allow determination by the Planning Committee.
- 1.2 The application has been referred to the Planning Committee at the request of Councillor Amos.

2. The site and surrounding area

- 2.1 The application site lies within the Bedwardine Ward along Malvern Road, the surrounding area is a well-established residential area, Pitmaston Primary School is located to the rear (east) of Pitmaston House and Pitmaston Park is located to the Southern Elevation of the site. Pitmaston House is a Grade II listed building.
- 2.2 The site has an extensive planning and enforcement history. the site has recently been used as a mixed-use residential dwelling and holiday let without planning permission.
- 2.3 The planning history of the site is of relevance in the assessment of this application. Following the refusal and appeal decision on application No. 19/00860/FUL, a subsequent application was submitted for a change of use from residential dwelling to mixed use residential & holiday accommodation let (21/00699/FUL). This application was refused as it was not considered that the previous reasons for refusal had been addressed and as it was considered that the use was considered to create noise and disturbance to a level that would cause significant harm to residential amenity. An appeal against this refusal was subsequently dismissed (APP/D1835/W/22/3296458).
- 2.4 There was also a householder application (20/00176/FUL) and listed building application (20/00169/LB) that has been approved at the site for the erection of an indoor swimming pool and changing facilities, which remains extant.
- 2.5 Following this application, application 22/00129/FUL was submitted, the Local Planning Authority declined to determine this application as it was considered that the submitted supporting evidence submitted with this application was substantially similar to that of previously refused application 21/00699/FUL. It was therefore considered that there had been no significant change to the proposals since the refusal of application 21/00699/FUL.



Figure 1: Submitted Location Plan (Drawing No: PH SK01)

3. The proposals

- 3.1 The submitted proposals are for the change of use from a C3 residential dwelling to C1 Hotel/ guest house use.
- 3.2 The application is accompanied by a full set of plans together with a suite of supporting documents that include:

Location Plan (Drawing No: PH SK01)
Proposed Block Plan (Drawing No: PH SK08 Rev: A)
Ground Floor Plan (Drawing No: PH SK05 Rev: A)
First Floor Plan (Drawing No: PH SK06 Rev: A)
Second Floor Plan (Drawing No: PH SK07 Rev: A)
Ground Floor Plan (Drawing No: PH SK05)
Second Floor Plan (Drawing No: PH SK07)
Existing Block Plan (Drawing No: PH SK02 Rev: C)
Existing Ground Floor Plan (Drawing No: PH SK10)
Existing First Floor Plan (Drawing No: PH SK11)
Existing Second Floor Plan (Drawing No: PH SK12)

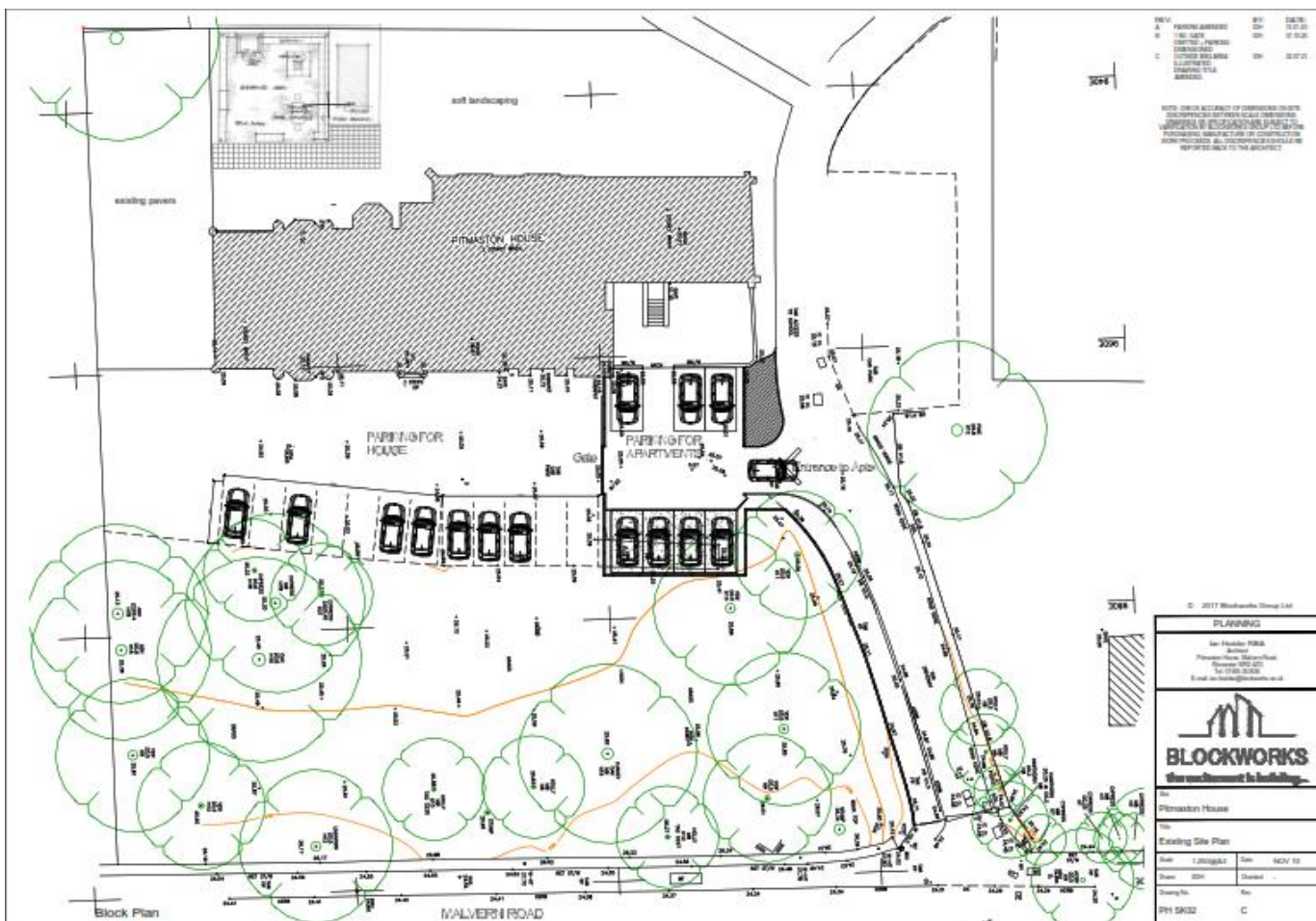


Figure 2: Existing Site Block Plan (Drawing No: PH SK02 Rev: C)

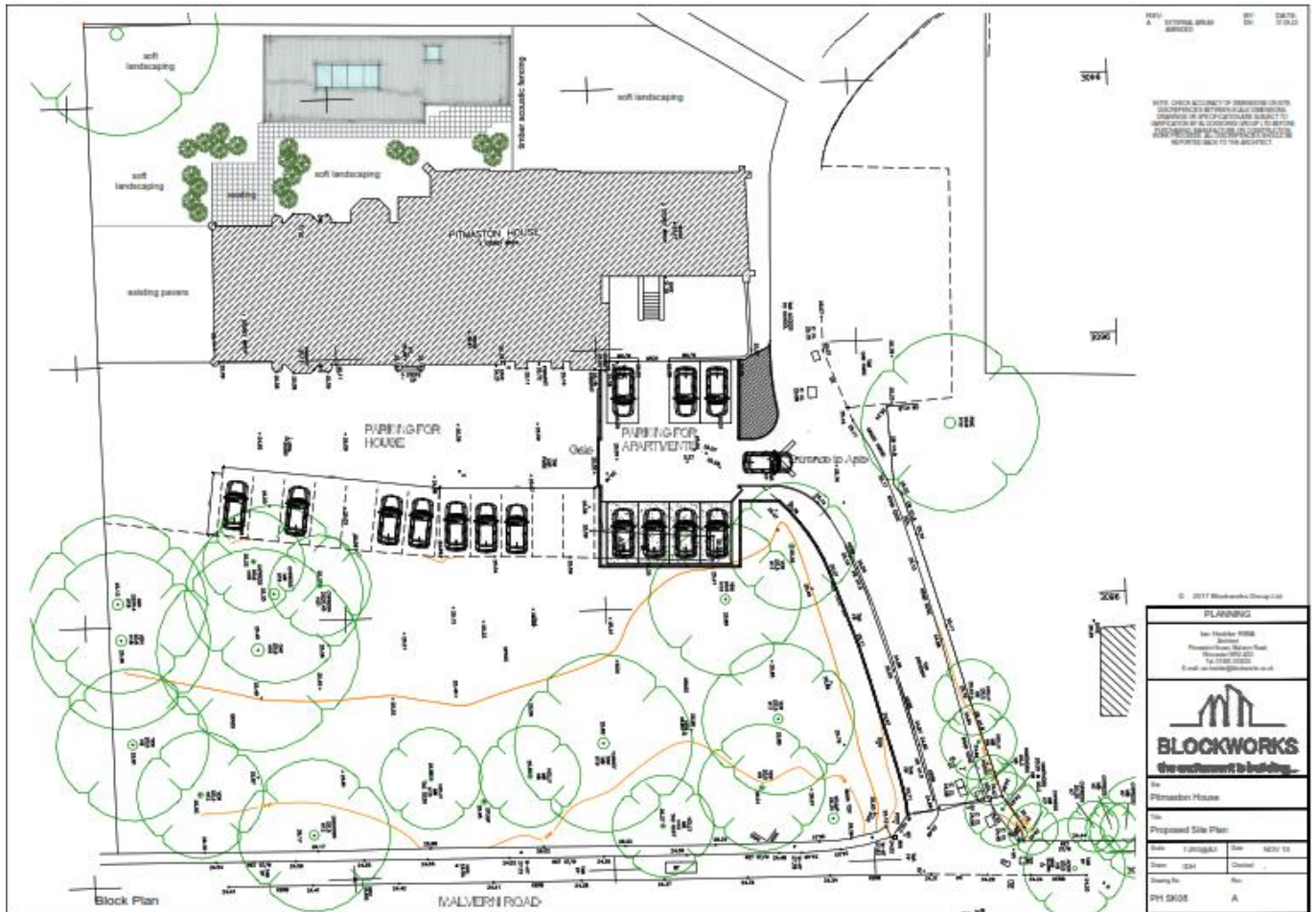


Figure 3: Proposed Site Block Plan (Drawing No: PH SK08 Rev: A)

3.3 In accordance with Article 15 (7) of The Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended), full details of the application have been published on the Council's website. As such, Members will have had the opportunity to review the submitted plans and documents in order to familiarise themselves with the proposals prior to consideration and determination of the application accordingly.

4. **Planning Policy**

4.1 The Town and Country Planning Act 1990 ('the Act') establishes the legislative framework for consideration of this application. Section 70(2) of the Act requires the decision-maker in determining planning /appeals to have regard to the Development Plan, insofar as it is material to the /appeal, and to any other material consideration. Where the Development Plan is material to the development proposal it must therefore be taken into account. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires the application/appeal to be determined in accordance with the Plan, unless material considerations indicate otherwise.

4.2 Paragraph 200 of the NPPF states that "Local Authorities are called to look for opportunities for new development within conservation areas and the setting of heritage assets to enhance or better reveal their significance" and that "Permission

should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area" (paragraph 130). This is further reflected in South Worcestershire Development Plan policies SWDP 6 and SWDP 24 which seek to protect and enhance designated and non-designated heritage assets and guide against development that would cause substantial harm to the significance of any heritage asset and policy SWDP 21 which sets generic design principles for development proposals. Policy SWDP 21 requires that all development will be expected to be of a high design quality and integrate effectively with its surroundings and that development proposals must complement the character of the area. Furthermore, proposals should respond to surrounding buildings and the distinctive features or qualities that contribute to the visual and heritage interest of the townscape, frontages, streets and landscape quality of the local area and states that the scale, height and massing of development must be appropriate to the setting of the site and the surrounding landscape character and townscape, including existing urban grain and density.

- 4.3 The key legal provisions relating to the consideration of heritage assets in the planning system are s72 (1) and s66 (1) of the Planning Listed Buildings and Conservation Areas Act 1990 which state that "special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area" and "have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses".
- 4.4 The Development Plan for Worcester now comprises:
- The South Worcestershire Development Plan (SWDP) which was adopted February 2016, and;
 - The Worcestershire Waste Core Strategy, which was adopted on December 2012.

South Worcestershire Development Plan

- 4.5 The following policies of the SWDP are considered to be relevant to the proposal:

SWDP 21 Design
SWDP 4 Moving Around South Worcestershire
SWDP 29 Sustainable Drainage Systems
SWDP 6 Historic Environment
SWDP 24 Management of the Historic Environment
SWDP 33 Waste

The Waste Core Strategy for Worcestershire - Adopted Waste Local Plan 2012-2027

- 4.6 The Waste Local Plan was adopted by Worcestershire County Council on 15 November 2012 and is a plan outlining how to manage all the waste produced in Worcestershire up to 2027. The following policies are relevant to this application:

WCS1 (Presumption in favour of sustainable development)
WCS3 (Re-use and recycle)
WCS17 (Making provision for waste in new development)

Material Considerations

1. National Planning Policy Framework

2. National Planning Practice Guidance

3. Supplementary Planning Documents

4.7 The following Supplementary Planning Documents (SPD) are relevant to the application proposals:-

- South Worcestershire Design SPD

4. Other material considerations are;

4.8 The following documents are relevant to the application proposals. Due to their status as evidence or guidance they cannot be given full weight.

Worcestershire's Local Transport Plan (LTP4) 2018 – 2030
Worcestershire County Council Streetscapes Design Guide (2022)

5. Planning History

5.1 The site has been the subject of the following planning applications:

L90C0086: Listed building consent application for alteration of 2nd floor window to external door and erection of external spiral fire escape stairway to provide adequate means of escape in the event of fire from the 2nd floor. App under reg 7 of the T & CP gen regs 1976. Refused Listed Building Consent Jan 10 1991

P91C0095: External fire escape. App under Reg 7 of the T & CP Gen Regs 1976 No planning objection 11/4/91 subject to 3 conditions (Pitmaston House). Decision made by Sec of State: Approved Apr 25 1991

L91C0019: Listed building consent application for the provision of external spiral fire escape to provide adequate means of escape in the event of a fire from the 2nd floor. No Planning Objection subject to 3 conditions 11/04/91. Decision made by Sec of State: Approved Listed Building Consent Apr 25 1991

P13C0535: Proposed conversion from offices to one 7-bedroom house, five 1 bedroom and one 2-bedroom residential apartments including internal and external alterations, and new 2 metre high boundary wall/fence along the rear boundary. Approved Mar 17 2014

L13C0115: Internal and external alterations in connection with proposed conversion from offices to one 7-bedroom house, five 1 bedroom and one 2-bedroom residential apartments, and new 2 metre high boundary wall/fence along the rear boundary. Approved Listed Building Consent Mar 17 2014

P14C0335: Proposed new boundary fencing, gates & gate piers. Approved Dec 10 2014

L14C0023: Proposed erection of railings and vehicular and pedestrian access gates. Approved Listed Building Consent Jul 10 2014

L14C0028: Proposed amendments to apartment layouts. Approved Listed Building Consent Aug 8 2014

L15C0017: Proposed blue plaque to boundary wall. Approved Listed Building Consent May 18 2015

P16C0080: Proposed barbecue area within rear garden. Approved Apr 22 2016

Most relevant recent planning history

19/00860/FUL: Change of use from residential dwelling to mixed use residential dwelling & holiday let. Refused. Appeal dismissed.

20/00176/FUL & 20/00169/LB: Planning/ listed building application for erection of indoor swimming pool. Approved.

21/00699/FUL: Proposed change of use from residential dwelling to mixed use residential & holiday accommodation let. Refused. Appeal dismissed.

Pre-application Engagement

N/A

Public Consultation by Applicant

N/A

6. Consultations

6.1 Formal consultation has been undertaken in respect of the application. The following comments from statutory and non-statutory consultees and interested third parties have been received in relation to the original and amended proposals and are summarised as follows:

Neighbours and other third party comments

- A total of 15 neighbour and third party objections and one general comment has been received.

In summary these comments relate to the following:

- Potential for noise nuisance within a residential area.
- Concerns that the proposals do not provide guarantees to prevent noise nuisance if permission was granted.
- Concerns that the implementation of the swimming pool could result in increased noise to the front of the building.
- Concerns that the proposed parking provision is insufficient.
- Concerns with the lack of engagement between the Applicant and neighbouring properties.
- Concerns that a hotel use would increase visitor traffic in the area, access issues and increased chance of accidents.
- Concerns with potential disruption from hotel guests and taxis as the hotel would be open 24 hours a day.
- Concerns relating to potential breaches of restrictive covenants on the land relating to noise and disturbance.
- Concerns relating to potential noise disruption from deliveries to Pitmaston House.
- Queries relating to the serving of food at the premises and whether this would involve an actual restaurant set up/ require an alcohol licence.
- Concerns relating to the impact on property values if permission was granted.
- Concerns relating to potential smells from kitchens.
- Concerns that without enforceable conditions, the Applicant may not provide 24hr staffing at the hotel.
- Concerns relating to noise disturbance from the previous unauthorised use of the building.
- Concerns relating to the ineffectiveness of noise monitor put in place.
- Concerns relating to viability of providing 24hr staffing.
- Concerns that a large group could book the whole hotel and result the same issues as with a holiday let.
- Concerns that there will not be full time staffing.
- Comments stating that the listed building is of much historical importance as it was the home of John Williams. Request that the current existing blue plaque is to be respected by the user if planning permission is approved.

Worcestershire County Council (Highway Authority):

'Worcestershire County Council acting in its role as the Highway Authority has undertaken a full assessment of this planning application. Based on the appraisal of the development proposals the Transport Planning and Development Management Team Leader on behalf of the County Council, under Article 18 of the Town and Country Planning (Development Management Procedure) (England) Order, 2015 has no objection subject to conditions.

Observations

It is noted that the previous application on this site (21/00699/FUL) was refused due to concerns regarding potential noise disturbance associated with the outdoor entertainment area and the current proposal has been amended to change of use to C1 hotel / guest house.

In line with standards, 1 parking space per bedroom is expected for hotel use therefore there is adequate provision although the Application Form indicates 8 spaces and the Proposed Block Plan shows 12 spaces. Nonetheless, there is ample area within the site for additional parking to include motorcycles and 2 disabled parking spaces in addition to the standard spaces, are expected in line with policy.

From a Highways point of view, the proposed site layout in terms of access and turning is unchanged and the number of staff required to manage the site is low therefore as before, the Highway Authority has no objection to the proposed development. It is noted that the site has some sustainable credentials and cycle parking for staff and leisure use should be provided as well as electric vehicle charging facilities.

Worcestershire Regulatory Services (Nuisance):

'Noise Nuisance: WRS are aware of the noise complaint history of the site but this application is for a different type of use. The applicant has submitted a proposed management plan restricting the use of the outdoor terrace area, not allowing any music to be played outside and ensuring that staff will be present at all times and you may wish to condition these points. We therefore consider that site activities as a result of the proposed change of use should not adversely impact nearby residential receptors.

External Lighting: Fully details of any proposed external lighting shall be submitted for approval.'

Conservation Officer:

The application site is listed grade II but is not situated within a conservation area. Associated listings are of the walls piers gates and gate lodge to Pitmaston House and Park, also grade II. Pitmaston House is a stunning example of Strawberry Hill Gothic architecture. Upon his marriage in 1804, John Williams (1773-1853) moved into the house, and, in 1832, he added the high grey stone wall around it. Williams was an acclaimed horticulturalist and a local pioneer of the application of science to agriculture, who studied the effect of climate on growing plants under glass, especially grapes and melons. Williams lived at Pitmaston House for the remainder of his life. In more recent years, the construction of Pitmaston Primary School removed a very considerable area from its former grounds, and when the house was no longer deemed appropriate as a single-family residence it was sold, to become office accommodation. However, the conversion of the building did not entail extensive alteration to the original fabric. Later the house was used as a training centre, and more recently reconverted to a house and apartments. The proposal seeks to change the application's use from C3 (residential) to C1 (hotel/guest house).

The building contains a 7-bedroom house, which is the application site, plus 6 self-contained flats. This application is for use of the seven-bedroom house as a hotel, with staffed and managed guest accommodation. The submitted floor plans show use of the ground floor rooms rearranged to accommodate a reception area at the main entrance, a communal dining room, and a lounge, staff room and laundry. The proposed development should be considered against policies SWDP 6 and SWDP 24 of the South Worcestershire Development Plan 2016 (the Development Plan). These policies seek to protect and enhance designated and non-designated heritage assets and avoid development that would cause substantial harm to the significance of any heritage asset. Policy SWDP 6 states that 'Development proposals should conserve and enhance heritage assets, including assets of potential archaeological interest' and 'Development proposals will be supported where they conserve and enhance the significance of heritage assets, including their setting'. These development plan policies are consistent with the National Planning Policy Framework (NPPF). Para.199 of the NPPF explains that when considering the impact of proposed development on the significance of a designated heritage asset 'great weight' should be given to the assets conservation (and the more important the asset, the greater the weight should be).

This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance. S66(1) of the Planning (Listed Building and conservation Areas) Act 1990 provides that in considering whether to grant permission for development which affects a listed building or its setting, the local planning authority shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. I have had regard to the above legislative requirements as well as national and local planning policy when formulating this consultation response. For the avoidance of doubt this consultation response does not address matters relating to below ground Archaeology. Assessment: Despite quite a lot of information being presented with this application, the impact of the proposed change of use upon the existing layout and fabric of the property is not made clear. The only statement is on p.4 of the Heritage Statement, which notes that the approach taken to the proposed change of use does not have any impact on the existing historic building and goes on to state that: - 'The proposed change of use does not affect the property in any way'. Lacking any other information, this must be taken at face value, and, upon this basis there can be no overriding objection to this proposal. The proposal also relates to NPPF Para. 197 197. In determining applications, local planning authorities should take account of: a) the desirability of sustaining enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation; which asks that account be taken of the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation. Conclusion: It is considered that this proposal will lead to 'less than substantial harm?' to the significance of the heritage asset and will have the public benefits of securing a viable use for the building.

Tree Officer:

'Having reviewed the submitted documents the proposals indicate that most of the development will take place internally and therefore impact to existing trees on site will be limited. The parking bays to the front of the existing building will be retained and not extended.

The patio area at the rear of the property will be removed and a new structure for a swimming pool installed. There is a TPO'd tree (Copper beech – TPO327) located within thi area. As there are many trees on site, it is considered that a BS5837:2012 tree survey should be undertaken, and a tree protection plan/arboricultural advice note produced. This should highlight the canopy spreads and rooting areas of each tree which pose a constraint to development.

The TPP should include locations and specification for tree protection fencing and ground protection as required, areas for storage of materials, welfare facilities and contractor parking. This will ensure that a defined Construction exclusion zone is implemented which would reduce impacts to retained trees.

The advice note will provide information to whether the removal of the existing patio area will have an adverse impact to adjacent TPO'd tree (T1) and if so, how these impacts will be managed during the construction phase.

This information would ensure the successful retention of trees on site which form an important aspect of the local and wider area. This information could be submitted as additional information or enforced through a planning condition.'

(Officer Comment – The swimming pool has an extant permission which took into account tree related matters as part of its decision)

Worcester City Council Landscape and Biodiversity Adviser:

'No objections provided there are no works to the roof or roof space, in which case a bat assessment would be required. It doesn't look so but just in case.'

West Mercia Constabulary:

'With regard to this application, thank you for the opportunity to comment. I have no initial objections to the proposed change of use, however, should this application be approved, there needs to be effective management of the premise. Please provide additional detail of how the management of the hotel/guest house is going to be implemented.'

- 6.2 Members have been given the opportunity to read all representations that have been received in full. At the time of writing this report no other consultation responses have been received. Any additional responses received will be reported to members verbally or in the form of a late paper, subject to the date of receipt.
- 6.3 In assessing the proposal due regard has been given to local resident's comments as material planning considerations. Nevertheless, I am also mindful that decisions should not be made solely on the basis of the number of representations, whether they are for or against a proposal. The Localism Act has not changed this, nor has it changed the advice that local opposition or support for a proposal is not in itself a ground for refusing or granting planning permission unless it is founded on valid planning reasons.

7. Planning Assessment

- 7.1 Policy SWDP1 of the South Worcestershire Development Plan sets out overarching sustainable development principles and these are consistent with the Framework. The various impacts of the development have to be assessed and the benefit and adverse impacts considered, to establish whether what is proposed is sustainable development, having regard to the 3 dimensions of sustainability set out in the Framework.

The Principle of Development

- 7.2 The proposals seek to change the use of Grade II Listed Pitmaston House from C3 residential to C1 hotel/ guest house use. This will see the building benefiting from ongoing upkeep and maintenance. The change of use will also see the creation of jobs for staff at the hotel.
- 7.3 A key national policy is to reuse and convert existing buildings to support the vitality of heritage assets. The Government has introduced and changed the Use Classes Order to

reflect this aim. The key aim of the proposals is to change the use of the building to a C1 hotel/ guest house use with the introduction of staffing. As a consequence, it has some important social roles which weigh in favour of granting planning permission. However, it is also considered that one must also consider the impact of the development on nearby residents.

Impact on amenity

- 7.4 The site lies adjacent to residential properties located within along Malvern Road and Winchester Avenue. As such, the impact on neighbouring amenity is an important consideration. Policy SWDP 21 requires that new development does not have a significant adverse effect on neighbouring amenity. This is consistent with paragraph 130 of the NPPF that requires planning policies and decisions, amongst other matters, to ensure a high standard of amenity for existing and future users of land and buildings.
- 7.5 A number of significant concerns have been raised by neighbouring properties regarding potential noise and disturbance from the proposed hotel use, many of these concerns are linked to the previous unauthorised use of the site as guest house accommodation. Concerns were also raised in this regard within the recent appeal decisions at the application site (APP/D1835/W/21/3273021, APP/D1835/W/22/3296458).
- 7.6 Whilst it is considered that previous proposals did seek to introduce some noise control measures, it was however considered that these measures would be reactive and did not introduce a sufficient level of control to prevent noise disruption at the application site. In the case of this application, the submitted proposals seek a change of use to a C1 hotel/ guest house use, the application is submitted with a brief Hotel Management Statement, which now seeks to introduce the following measures:
- *'The proposed hotel shall be staffed 24 hours per day and staff shall be present on site throughout. Precise details of shift patterns are yet to be prepared but these shall ensure constant staff presence.'*
 - *The outside terrace area shall be available to guests between the hours of 7am and 9pm.*
 - *External doors onto the terrace area shall be kept shut and alarmed outside of these hours. Strategic planting and soft landscaping shall prevent overspill.*
 - *No music shall be allowed to outside areas.*
 - *The indoor swimming pool shall be available between the hours of 7am and 8pm. On site staff shall lock the building outside of these hours.*
 - *A welcome pack detailing Rules of Use shall be provided to guests on arrival.*
 - *The proposed hotel shall operate on a single room booking basis. Guests are unlikely to be known to one another, reducing the likelihood of noise.'*
- 7.7 Worcestershire Regulatory Services have been consulted on the proposals and have provided comments stating that 'WRS are aware of the noise complaint history of the site but this application is for a different type of use'. They also advised that the applicant has submitted a proposed management plan restricting the use of the outdoor terrace area, not allowing any music to be played outside and ensuring that staff will be present at all times. They also advised that the LPA may wish to condition these points.

Overall, it was however advised that Worcestershire Regulatory Services therefore consider that site activities as a result of the proposed change of use should not adversely impact nearby residential receptors but also requested that full details of any proposed external lighting shall be submitted for approval.

- 7.8 Concerns have been raised by neighbouring properties with regards to the proposed staffing levels as the details provided are not specific, a condition has therefore been recommended to ensure that full details of staffing are submitted. Concerns have also been raised by neighbouring residents regarding the viability of the hotel providing 24hr staffing and whether this will be carried out. Whilst these concerns are noted, it is however for the Applicant to ensure that the proposed staffing arrangement is viable to maintain. Nevertheless, in the event that planning permission is approved with the recommended conditions, if there was ever an intention to remove the staff presence at the site a revised application would need to be submitted, to allow any potential issues to be considered accordingly.
- 7.9 A number of other conditions are recommended in section 9 of this report to ensure that any potential noise or disturbance is controlled in an appropriate and effective way. These conditions relate to the following; full details of a Noise Management Plan, details of boundary treatment, full landscaping details, acoustic fencing, hours of deliveries, hours of use for the outdoor areas/ swimming pool and control of music at the premises.
- 7.10 Concerns have been raised by neighbouring residents regarding the lack of engagement between the Applicant and neighbouring properties, the enforceability of applying conditions to control noise, as well as the concern that a large group could book the whole hotel and result the same issues as with a holiday let. Whilst these concerns are noted, it is however considered that the proposed conditions as recommended are enforceable and would allow for potential noise issues to be controlled at the site.
- 7.11 Concerns regarding potential smells relating to the serving of food at the premises and whether this would require a food or drinks licence. These concerns are noted, a condition has therefore been recommended to ensure that details of extraction serving the kitchens within the hotel are submitted. With regards to food and drinks licencing, these matters are not material planning considerations, nevertheless, the approval of planning permission does not override any other legal obligation of the applicant.
- 7.12 Whilst the concerns of neighbouring residents have been considered, it is however considered that subject to the satisfactory discharge and compliance of the recommended conditions, the proposals would not result in a harm to neighbouring amenity to such a detrimental level to warrant refusal of the application.

Historic Environment

- 7.13 It is one of the core principles of the NPPF that heritage assets should be conserved in a manner appropriate to their significance. Chapter 16 of the National Planning Policy Framework at paragraph 195 sets out that the local planning authority should identify and assess the particular significance of any heritage asset. They should take this assessment into account when considering the impact of a proposal on a heritage asset, to avoid or minimise conflict between the heritage asset's conservation and any aspect of the proposal.
- 7.14 Paragraphs 199-208 set out the framework for decision making in applications relating to heritage assets and this assessment takes account of the relevant considerations in these paragraphs.

- 7.15 This application proposes a change of use to Pitmaston House which is a Grade II listed building, The Conservation Officer has also been consulted on the proposals and has raised no objections. Their comments conclude as follows: *'It is considered that this proposal will lead to 'less than substantial harm' to the significance of the heritage asset and will have the public benefits of securing a viable use for the building.'*
- 7.16 Having regard to the above, no material harm to the designated heritage asset has been identified and therefore the scheme complies with paragraphs 199-208 of the National Planning Policy Framework 2021 and policies SWDP6 and SWDP 24 of the South Worcestershire Development Plan.
- 7.17 In terms of general planning policies, SWDP6 "Historic Environment" and SWDP24 "Management of the Historic Environment" encourages the adaptation of heritage assets to provide a sustainable future for them. It is therefore considered that the proposed change of use would not in itself result in a detrimental impact on the listed building.
- 7.18 A third party comment has been received requesting that the current existing blue plaque is to be respected by the user if planning permission is approved. These comments are noted and whilst it is not appropriate to apply a condition in this regard, there have not been any proposals submitted to remove this plaque.

Access and Highway Safety

- 7.19 A number of concerns have been expressed by the neighbouring residents regarding the impact of the proposed change of use on parking provision at the site, disruption from deliveries and highway safety. These comments are noted, the Highways Authority have been consulted on the proposals in this regard and have commented stating that they have no objection subject to recommended conditions related to accessible parking spaces, cycle parking, electric vehicle parking and a condition to ensure compliance with the submitted plans. These conditions are recommended within Section 9 of this report.
- 7.20 Within their comments the Highways Authority also stated that in line with standards, 1 parking space per bedroom is expected for hotel use therefore there is adequate provision although the Proposed Block Plan shows 12 spaces. The Highways Authority consider that there is ample area within the site for the additional parking which will include spaces for motorcycles and 2 disabled parking spaces, in line with policy.
- 7.21 The Highways Authority also consider that the proposed site layout in terms of access and turning is unchanged and the number of staff required to manage the site is low, therefore as before, the Highway Authority have raised no objection to the proposed development. It is noted that the site has some sustainable credentials and cycle parking for staff and leisure use should be provided as well as electric vehicle charging facilities.
- 7.22 The concerns regarding potential disruption as a result of deliveries to the site are noted, to ensure that any potential issues in this regard are controlled a condition has been recommended to ensure that any deliveries to the site are within sociable hours.
- 7.23 It is considered that subject to the satisfactory discharge and compliance with the recommended conditions, the proposals would comply with Policies SWDP 4 and the Worcestershire County Council Streetscapes Design Guide and would therefore not result in a detrimental impact on parking and highway safety.

Biodiversity

- 7.24 The Tree Officer has been consulted on the proposals and has commented stating that the patio area at the rear of the property will be removed and a new structure for a swimming pool installed. There is a TPO'd tree (Copper beech – TPO327) located within this area. As there are many trees on site, it is considered that a BS5837:2012 tree survey should be undertaken, and a tree protection plan/arboricultural advice note produced.
- 7.25 Whilst these comments are noted, as the swimming pool structure has already been approved under application 20/00176/FUL, it is not considered that a condition could be applied in this regard. Nevertheless, it is evident that an Arboricultural Survey was submitted with application 20/00176/FUL and that this formed part of the approved plans/ documents.

Other issues

Concerns relating to the impact on property values if permission was granted.

- 7.26 Concerns have been raised by neighbouring residents regarding the impact on property values, whilst these concerns are noted, they are not material planning considerations that can be taken into account in the assessment of this application.

Concerns relating to potential breeches of restrictive covenants on the land relating to noise and disturbance.

- 7.27 Similarly, concerns have been raised regarding restrictive covenants on the land, these issues also do not fall under material planning considerations. Nevertheless, approval of planning permission does not remove, override or imply alteration to any restrictive covenants on the land.

8. Conclusion and planning balance

- 8.1 The NPPF identifies a series of the components that are considered critical to achieving sustainable development. In my opinion, the above assessment of the planning application proposals against the planning policy framework demonstrates that the application responds to, and is in accordance with, the requirements of the adopted planning policy within the development plan and material considerations relevant to the determination of the application.
- 8.2 The following material planning issues are relevant to this application:
- Principle of the development
 - Design
 - Historic environment
 - Access and highway issues
 - Biodiversity
- 8.3 Whilst the assessment is not an exhaustive list of all policies that are potentially applicable to this site, it seeks to address how the proposals respond to the key planning criteria in the planning policy framework against which the planning application will be determined.

- 8.4 The proposed development would result in some economic benefits; employment for hotel staff, it is also considered that the proposed change of use would contribute towards maintaining the vitality of the Grade II listed building. For this role of sustainable development, the balance would be in favour of granting planning permission.
- 8.5 In respect of potential adverse impacts, the proposal has generated a high number of objections and many of these focus around potential noise nuisances associated with the proposed change of use and parking within the area. These are significant concerns which are to be given appropriate weighting in the determination of this application. It will be noted that this the proposed use is different to that which has previously been refused. Planning conditions can be imposed to make the use acceptable in planning terms and address the concerns of residents.
- 8.6 On balance, it is considered that the submitted scheme has indicated sufficient detail to warrant approval. In fact, it is considered that the proposal is a well designed site utilising the full potential of the site within a sensitive location.
- 8.7 All comments received as part of the consultation process have been acknowledged and it is considered that all material planning issues have been considered in the determination of this application. Having regard to the totality of the policies in the Framework, it is considered that the proposed development is sustainable when looking at its social, economic and environmental credentials in the round.
- 8.8 Overall, it is considered that the proposals constitute an environmentally, socially and economically sustainable form of development that accords with the Framework and the Development Plan as a whole and should be approved.

9. Recommended Conditions

9.1 In the event that members resolve to grant planning permission, the following conditions are recommended:

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: To conform with the requirements of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. The development hereby permitted shall be carried out and completed in accordance with the following approved plans and associated documents and the specifications and recommendations contained therein, except where otherwise stipulated by conditions attached to this permission

Location Plan (Drawing No: PH SK01)

Proposed Block Plan (Drawing No: PH SK08 Rev: A)

Ground Floor Plan (Drawing No: PH SK05 Rev: A)

First Floor Plan (Drawing No: PH SK06 Rev: A)

Second Floor Plan (Drawing No: PH SK07 Rev: A)

Ground Floor Plan (Drawing No: PH SK05)

Second Floor Plan (Drawing No: PH SK07)

Existing Block Plan (Drawing No: PH SK02 Rev: C)

Existing Ground Floor Plan (Drawing No: PH SK10)

Existing First Floor Plan (Drawing No: PH SK11)

Existing Second Floor Plan (Drawing No: PH SK12)

Reason: To ensure compliance with the approved scheme.

3. The Development hereby approved shall not be brought into use until the access, turning and parking have been properly provided in accordance with Drawing No. PH SK08. These areas shall thereafter be retained for the purposes of parking and turning at all times.

REASON: In the interests of highway safety.

4. The Development hereby approved shall not be brought into use until 2 accessible parking spaces have been provided and marked out on the ground with details to be submitted to and approved in writing by the Local Planning Authority.

REASON: To comply with the County Council's adopted parking standards.

5. The Development hereby approved shall not be brought into use until sheltered, secure and accessible cycle parking has been provided in accordance with details to be submitted to and approved in writing by the Local Planning Authority. Thereafter the provision shall be kept available for the parking of bicycles only.

REASON: To comply with the County Council's adopted parking standards and in the interests of promoting sustainable means of transport.

6. The Development hereby permitted shall not be first occupied until electric vehicle charging facilities have been provided in accordance with details to be submitted to and approved in writing by the Local Planning Authority.

REASON: To encourage sustainable travel and healthy communities.

7. Deliveries to, and collections from, the development shall not be made outside the following hours:-

09:00 and 17:00 Monday to Saturday.

Reason:- To ensure the proposal preserves residential amenity and to prevent unacceptable noise pollution to the detriment of human health contrary to policy SWDP31 of the South Worcestershire Development Plan.

8. Before the first use/occupation of the development hereby permitted a plan indicating the positions, design, materials and type of boundary treatment to be erected shall be submitted to and approved in writing by the local planning authority. The proposals shall include details of acoustic fencing. The boundary treatment shall be completed before the first use of the development hereby permitted. Development shall be carried out in accordance with the approved details and retained as such thereafter.

Reason - To protect the amenities of neighbouring properties and ensure the proposed development does not have an adverse effect on the character and appearance of the area in accordance with policies SWDP21 and SWDP25 of South Worcestershire Development Plan.

9. Before the development hereby permitted is first used, details of any external lighting to be provided in association with the development shall be submitted to and approved in writing by the Local Planning Authority. The details shall include times when the external lighting will not be switched on. Only external lighting in accordance with approved details shall be provided on the application site. Notwithstanding the

provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking or re-enacting that Order with or without modification) there shall be no other external lighting provided on the application site.

Reason - To ensure the proposed development does not have an adverse effect on the character and appearance of the area in accordance with policies SWDP21 of South Worcestershire Development Plan.

10. Before the first use of the development hereby permitted a noise management plan shall be submitted to and approved in writing by the local planning authority. This shall include full details of 24hr staffing at the application site and demonstrate how conditions 11 and 12 of this permission shall be adhered to. The approved measures shall be implemented before the first use of the development and shall be retained thereafter.

Reason:- To ensure the proposal preserves residential amenity and to prevent unacceptable noise pollution to the detriment of human health contrary to policy SWDP31 of the South Worcestershire Development Plan.

11. The outside terrace area and indoor swimming pool of the development hereby approved shall only be available to guests for use between the hours of 07:00 and 20:00.

Reason:- To ensure the proposal preserves residential amenity and to prevent unacceptable noise pollution to the detriment of human health contrary to policy SWDP31 of the South Worcestershire Development Plan.

12. No music shall be allowed to outside areas at any time. No live music shall take place at the premises.

Reason:- To ensure the proposal preserves residential amenity and to prevent unacceptable noise pollution to the detriment of human health contrary to policy SWDP31 of the South Worcestershire Development Plan.

13. Before the first use of the development hereby permitted details of extraction serving the proposed kitchen, shall be submitted to and approved in writing by the local planning authority. The approved measures shall be implemented before the first use of the development and shall be retained thereafter.

Reason:- To ensure the proposal preserves residential amenity SWDP21 of the South Worcestershire Development Plan.