

Application Number	22/00586/LB
Site Address	Pitmaston House, Malvern Road, Worcester, WR2 4LL
Description of Development	Works to facilitate proposed change of use C3 residential to C1 hotel/guest house use.
Expiry Date	21 October 2022
Applicant	Mr Jim Jenner Blockworks
Agent	Mr Jim Jenner
Case Officer	Laura Wall
	laura.wall@worcester.gov.uk
Ward	Bedwardine Ward
Reason for Referral to Committee	Application associated with 22/00405/FUL which is a 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/22/00586/LB
Recommendation	The Corporate Director - Planning and Governance recommends that the Planning Committee grants Listed Building Consent subject to: i) the conditions as set out in section 9 of this report; and ii) the grant of a satisfactory planning permission.

1. Background

- 1.1 The application was registered on 5 July 2022 and was due for a decision on 30 August 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 This application relates to application 22/00405/FUL which 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, as the site has recently been used as a mixed-use residential dwelling and holiday let without planning permission. The history of the use and previous applications is rehearsed in the officer's report for 22/00405/FUL.
- 2.3



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

3. The proposals

- 3.1 The submitted proposals seek Listed Building Consent for works associated with the change of use from a C3 residential dwelling to C1 Hotel/ guest house use. As the submitted proposals require planning permission application No. 22/00049/FUL has been submitted alongside this application.
- 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)

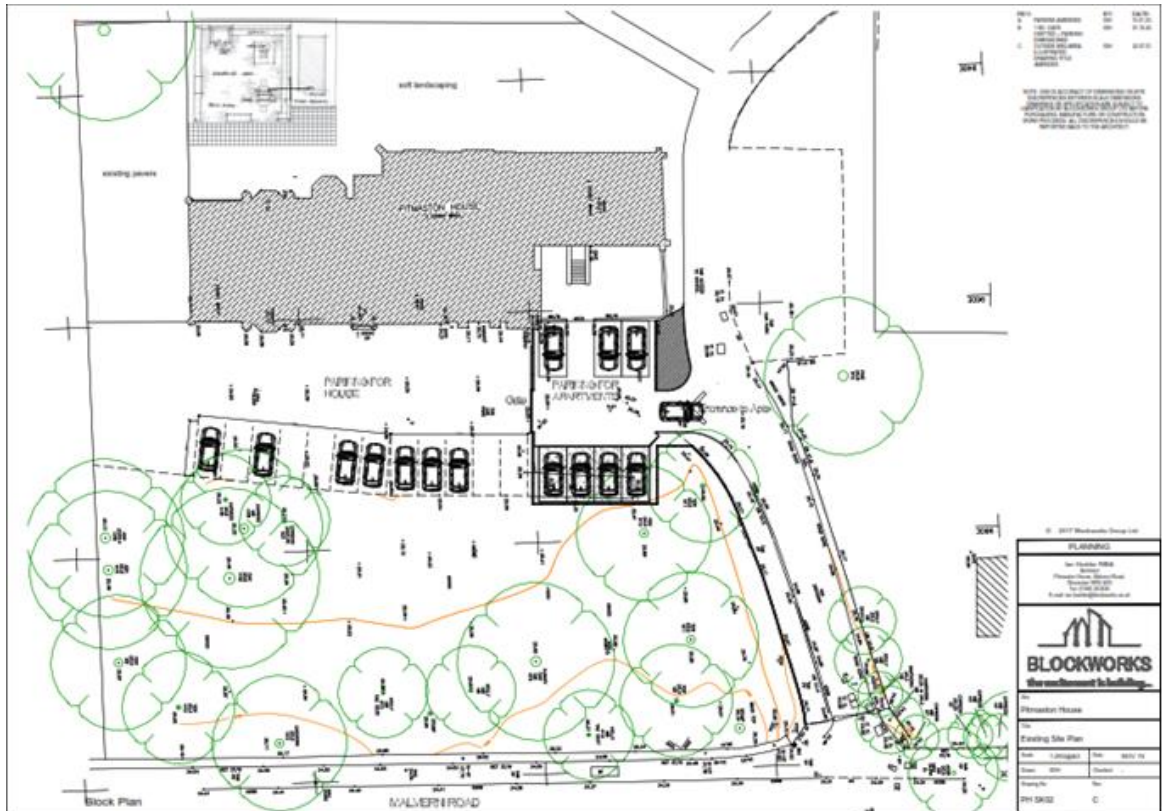


Figure 2: Existing Site Block Plan (Drawing No: PH SK02 Rev: C)



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 applications/appeals to have regard to the Development Plan, insofar as it is material to the application/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 6 Historic Environment
SWDP 24 Management of the Historic Environment

Material Considerations

1. National Planning Policy Framework

2. National Planning Practice Guidance

Relevant Legislation

4.6 The following legislation is also relevant and has been taken into account when considering this application:-

The following legislation is also relevant and has been taken into account when considering this application:-

Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended)

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 four neighbour/ third party comments have been received.

In summary, these relate to the following concerns:

- Impact of the proposed change of use on noise.
- Impact of the proposed change of on the parking and traffic disruption.

Worcester City Council Archaeological Officer:

'I have reviewed the information provided with the application and compared it with the archaeological record for the area. The proposed development may affect heritage assets of known archaeological significance (WCM98915 and WSM56937).

The 'historic environment' encompasses all those material remains that our ancestors have created in the landscapes of town and countryside. It includes all below and above-ground evidence including buildings of historic and architectural interest. The proposed development area (PDA) is a Grade II listed building dating to c1810 (WCM98915). The building was when originally constructed within a substantial ornamental garden, evidence of this survives in the First Edition OS map of the site. The PDA is within an area of Palaeolithic potential, only deep excavations would likely disturb this archaeology.

The application is not supported by any archaeological information, it therefore fails to meet the minimum requirements of paragraph 194 of the NPPF. An historic building recording was created in 2012 which the applicant has used images from to support the current applications heritage statement. No internal images have been provided. The 2012 recording although useful is not to current standards, therefore a revised building recording will be required of the internal and external of the building. As the applicant has failed to supply archaeological supporting information this should be provided to support the scheme rather than by condition.

Given the scale of the development, and the possible archaeological potential, the likely impact on the historic environment caused by this development should be investigated further prior to the determination of the application.

An historic building recording is required to inform the scheme which is commensurate with the requirements of level 2, as set out in Historic England guidance Understanding Historic Buildings; A Guide to Good Recording Practice (2016).

The swimming pool has an archaeological condition attached, this should be reaffirmed in this scheme as drawings show the structure as 'proposed',

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 asset's 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 and 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.

- 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 The principal matter to consider in the determination of the Listed Building Consent is the impact of the proposed works on the heritage asset, i.e. the matters which require Listed Building Consent.

7.2 Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires Local Planning Authorities to have special regard to the desirability of preserving listed buildings or their setting or any features of special architectural or historic interest which they possess and Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that in exercising an Authority's planning function, special attention shall be paid to the desirability of preserving or enhancing the character or appearance of Heritage Assets.

7.3 Policy SWDP6 of the Development Plan echoes the aims and objectives of paragraphs 200-204 of the NPPF in particular. The application site is a Grade II listed building. The listed building is a significant asset.

7.4 Paragraph 197 of the NPPF states that in determining applications, Local Planning Authorities should take account of:

a) the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;

b) the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and

c) the desirability of new development making a positive contribution to local character and distinctiveness.

7.5 The submitted proposals relate to an application for Listed Building Consent for the change of use from a C3 dwelling to a C1 hotel use. The proposed changes to the listed building relate to the installation of a partition wall on the first floor to convert an existing office room to bedrooms 3 and 4 of the hotel.

7.6 Concerns have been expressed by the Archaeological Officer with regards to the information submitted, and has requested that more archaeological information is submitted to support the scheme, it is however considered that as the proposals only relate to the installation of a partition wall, the proposals would not have a detrimental impact on the listed building or below ground archaeology. The Archaeological Officer has also recommended a condition for a programme of archaeological work and a Written Scheme of Investigation. A Condition for building recording has been recommended, however the duplication of conditions relating to the swimming pool is not required and is outside the scope of this Listed Building Consent application.

7.7 The Conservation Officer has been consulted on the proposals and conclude the following:

'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.'

As such, it is considered that the proposals would have some impact on the Listed Building as a Heritage Asset, however it is considered that the proposals are of a sensitive design which would also see the continued use of the listed building. It is therefore considered that the proposals would be in accordance with Policy SWDP 6 and SWDP 24 and the aims and objections of the NPPF.

Other Matters

Comments of neighbouring properties

- 7.8 A number of comments have been raised by neighbouring properties in relation to the impacts of the proposed change of use on neighbouring amenity, noise, traffic and parking. Whilst these concerns are noted, they however do not form part of the assessment for this application as this only relates to the application for Listed Building Consent. These issues are however addressed in the associated full application 22/00405/FUL.

Biodiversity

- 7.9 The comments of the Landscape Officer are noted regarding changes to the roof, no changes to the roof are proposed with the application. It is therefore considered that a bat assessment would not be required.

8. Conclusion and planning balance

- 8.1 The NPPF identifies a series of the components that are considered critical to achieving sustainable development. It is considered that 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 It is considered that 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
- 8.3 It is considered that the proposals would have some impact on the Listed Building as a Heritage Asset, however it is considered that the proposals are of a sensitive design which would also see the reuse of the vacant upper floors of the listed building. It is therefore considered that the proposals would be in accordance with Policy SWDP 6 and SWDP 24 and the aims and objections of the NPPF.

9. Recommended Conditions to the Listed Building Consent:

- 9.1 In the event that members resolve to grant Listed Building Consent, the following conditions are recommended:
1. The works to which this Listed Building Consent relates must be commenced before the expiration of three years beginning with the date of this consent.

Reason: To conform with the requirements of Section 18 of the Planning (Listed Buildings and Conservation Areas) 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. No development shall take place until a programme of archaeological work has been submitted to and approved by the local planning authority in writing. The scheme shall include an assessment of significance; and:

- 1) The programme and methodology of site investigation and recording.

- 2) The programme for post investigation assessment.

- 3) Provision to be made for analysis of the site investigation and recording.

- 4) Provision to be made for publication and dissemination of the analysis and records of the site investigation.

- 5) Provision to be made for archive deposition of the analysis and records of the site investigation.

- 6) Nomination of a competent person or persons/organisation to undertake the works set out within the Written Scheme of Investigation.

Reason: In accordance with the requirements of paragraphs 194 and 205 of the National Planning Policy Framework 2012 (as amended) and SWDP 6 & 24 of the South Worcestershire Development Plan 2016.

4. The development shall not be occupied until the post investigation assessment has been completed in accordance with the programme set out in the Written Scheme of Investigation approved under condition (3) and the provision made for analysis, publication and dissemination of results and archive deposition has been secured.

Reason: In accordance with the requirements of paragraphs 194 and 205 of the National Planning Policy Framework 2012 (as amended) and SWDP 6 & 24 of the South Worcestershire Development Plan 2016.