

# PLANNING APPLICATION OFFICERS REPORT



<b>Application Number</b>	19/02066/LBC	<b>Item</b>	<b>04</b>
<b>Date Valid</b>	13.01.2020	<b>Ward</b>	ST PETER AND THE WATERFRONT
<b>Site Address</b>	32 Wyndham Square Plymouth PL1 5EG		
<b>Proposal</b>	Change of use and alterations to form 8-bed HMO (Sui Generis) with associated refuse and cycle storage (Retrospective)		
<b>Applicant</b>	Mr Hedley Putnam		
<b>Application Type</b>	Listed Building Consent		
<b>Target Date</b>	<b>09.03.2020</b>	<b>Committee Date</b>	<b>18.06.2020</b>
<b>Extended Target Date</b>	<b>02.04.2020</b>		
<b>Decision Category</b>	Councillor Referral		
<b>Case Officer</b>	Mr Chris Cummings		
<b>Recommendation</b>	Grant Conditionally		



This application has been referred to Planning Committee by Councillor Tuffin. The applicant has declined a request for an extension of time to the decision target date in order for it to be discussed at Planning Committee.

### **1. Description of Site**

32 Wyndham Square is a Grade II, three-storey mid-terrace property located in the North Stonehouse Conservation Area. The front of the site faces onto Wyndham Square, with the rear of the site having a detached stable block fronting onto a service lane that runs adjacent to flats on Stoke Road.

### **2. Proposal Description**

The original proposal was for:

Change of use and alterations to form 8-bed HMO (Sui Generis) and one-bed coach house (Class C3), with associated refuse and cycle storage (Retrospective)

Following assessment the rear coach house did not meet policy requirements in terms of floor space and was removed from the proposal. The revised description is as follows:

Change of use and alterations to form 8-bed HMO (Sui Generis) with associated refuse and cycle storage (Retrospective)

### **3. Pre-application Enquiry**

None

### **4. Relevant Planning History**

11/00253/EXUS - To establish existing use of property as C3 (c) residential (small religious community) - Lawful use certificate issued

19/02065/FUL - Change of use and alterations to form 8-bed HMO (Sui Generis) and one-bed coach house (Class C3), with associated refuse and cycle storage (Retrospective) - Pending consideration

### **5. Consultation Responses**

Historic Environment - No objection to the proposal, with the removal of unsympathetic additions to the internal fabric welcomed. It was recommended to require details of how the alterations will be undertaken via condition.

### **6. Representations**

Ten letters of representation have been received objecting to the proposal. The majority of representations raised issues that are not relevant to the listed building consent, but will be covered under the associated full application 19/02065/LBC.

These matters include:

- Discrepancies on number of people allowed in the property under the HMO License.
- Unauthorised use of the property as an HMO
- Liability for CIL
- Access to cycle storage through rear building if changed to dwelling
- Access to bin storage through rear building if changed to a dwelling
- Queries over statement regarding reduction in bedrooms and the HMO License
- Loss of potential family dwelling
- High levels of HMOs in the surrounding area
- Increase in parking demand on the surrounding area
- Concerns over size of internal communal areas

The relevant listed building consent comments are:

- Retrospective nature of the application and whether the works have actually occurred.
- Harm to internal layout of listed building

With regards to the retrospective nature of the application the property has been in unauthorised use as an HMO, whilst the listed building works have not been undertaken at this time.

### **7. Relevant Policy Framework**

In addition the legislation under which listed building consent applications, and those in Conservation Areas, are considered is the Planning (Listed Buildings and Conservation Areas) Act 1990.

The Planning (Listed Buildings and Conservation Areas) Act 1990 requires that, in considering whether to grant listed building consent for any works (and planning permission where these impact on a listed building) 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. This Act has an equivalent requirements for applications within a Conservation Area.

NPPF CHAPTER 16 Conserving and enhancing the historic environment paragraphs 190, 192, 193 are also particularly relevant to this application.

Paragraph 190 states:

Local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset)

taking account of the available evidence and any necessary expertise. 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.

Paragraph 192 states:

In determining planning applications, local planning authorities should take account of:

- \* the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;
- \* the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and
- \* the desirability of new development making a positive contribution to local character and distinctiveness.

Paragraph 193 states:

When considering the impact of a 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.

Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting.

As heritage assets are irreplaceable, any harm or loss should require clear and convincing justification. Substantial harm to or loss of a grade II listed building, park or garden should be exceptional.

Therefore the relevant heritage assets to this application are the Grade II Listed Building.

## **8. Analysis**

1. This application has been considered in the context of the Planning (Listed Buildings and Conservation Areas) Act 1990 as set out in Section 7.
2. The site is currently in use as an unauthorised house in multiple occupation, with this proposal seeking to undertake works to the listed building to improve the layout for occupants alongside an associated retrospective application for the change of use.
3. The following is an extract from the Historic England listing description, dating from 1989:  
*Terrace of houses in planned square. c1815 by John Foulston.  
Incised stucco with sill bands; dry slate roofs with projecting eaves; rendered stacks over the cross walls. Double-depth plan. 3 storeys; symmetrical overall with central pedimented 5 bays broken forward, 3-window canted ends and 3-window range set back between on each side of the centre block.  
No.30 has original hornless sashes with some glazing bars removed, otherwise late C19 or C20 horned sashes, those of No.29 (left) with glazing bars; moulded hoods on brackets to 1st-floor windows to centre of pediment and centre of flanking ranges.  
Ground floor has round-arched openings with moulded arches and impost strings. Many ground-floor windows with spoked fanlight heads and similar fanlights to doorways; original panelled door to No.34, otherwise later doors.  
INTERIOR: not inspected but likely to be of interest. Part of a rare virtually complete planned group by Foulston*

### **Impacts on the Special Architectural and Historic Interest of the Building**

4. With regards to the change of use, the existing building is in residential use and the proposed use as an HMO will continue to keep residential use of the property. It is not considered that the change of use will generate any significant harm to the listed building.
5. Externally, there are no extensions proposed to the building with the only external works being the refurbishment of external windows. These will be repaired and will not see the design or materials changed and would not normally require listed building consent as they are like-for-like works. An informative will be placed on the decision notice to advise the applicant that any changes to the windows would require separate listed building approval.
6. Internally there will be the removal of stud walls to provide increased room sizes and insert en-suite facilities. The proposed alterations are broken down by floor as follows:  
Ground floor - Insertion of en-suites into bedroom 1 and bedroom 2. Blocking up of opening between Rooms 1 and 2. Removal of stud wall in rear tenement lounge/kitchen.  
First floor - Removal of stud walls in Bedroom 3, insertion of en-suites into bedrooms 3 and 4. Removal of stud wall in rear tenement in Bedroom 5.  
Second floor - Removal of stud wall in Bedrooms 6 and 7 and 8 and insertion of en-suites.
7. The internal walls that are being removed are considered to be later additions to the property and are not considered to sit well with the original layout of the building. For example, one of the proposed walls to be removed, in Bedroom 7, is currently set across the middle of an existing window.
8. There will be en-suites installed for each room, which is a typical feature of recent HMO conversions. Whilst there will be a limited level of harm to the listed building generated through their insertion, the other works and the improved layout of the building is considered to generate less than substantial harm to the listed building.
9. However, there is a lack of detail relating to how the walls will be removed or blocked up or details of the fixtures and fittings. Detail are also required as to how the en-suites will be installed and how the fixtures and fittings as well as services and foul waste connections will be installed. Any approval is therefore recommended to have conditions requiring full details of each aspect prior to the work being undertaken to ensure the historic fabric is not significantly harmed.
10. With the use of these conditions to ensure the alterations are acceptable and the fabric and details of the building are protected through the works the proposal is considered to generate less than significant harm to the building and accords with Policy DEV21 of the Joint Local Plan.

## **9. Human Rights**

Human Rights Act - The development has been assessed against the provisions of the Human Rights Act, and in particular Article 1 of the First Protocol and Article 8 of the Act itself. This Act gives further effect to the rights included in the European Convention on Human Rights. In arriving at this recommendation, due regard has been given to the applicant's reasonable development rights and expectations which have been balanced and weighed against the wider community interests, as expressed through third party interests / the Development Plan and Central Government Guidance.

## **10. Local Finance Considerations**

No charge under current schedule

## **11. Planning Obligations**

The purpose of planning obligations is to mitigate or compensate for adverse impacts of a development, or to prescribe or secure something that is needed to make the development acceptable in planning terms. Planning obligations can only lawfully constitute a reason for granting planning permission where the three statutory tests of Regulation 122 of the CIL Regulations 2010 are met.

Planning obligations not required due to the nature and size of proposal.

### **12. Equalities and Diversities**

This planning application has had due regard to Section 149 of the Equality Act with regard to the Public Sector Equality Duty and has concluded that the application does not cause discrimination on the grounds of gender, race and disability. The original proposal for the rear dwelling generated access issues due to the positioning up a cobbled rear service lane, but this element has now been removed.

### **13. Conclusions and Reasons for Decision**

The proposal is considered to generate less than significant harm to the listed building, removing later addition walls and adding in additional facilities for occupants.

Officers have taken account of the NPPF and S38(6) of the Planning and Compulsory Purchase Act 2004 and concluded that the proposal accords with policy and national guidance and is therefore recommended for conditional approval.

### **14. Recommendation**

In respect of the application dated 13.01.2020 it is recommended to Grant Conditionally.

### **15. Conditions / Reasons**

The development hereby permitted shall be carried out in accordance with the following approved plans:

#### **1 CONDITION: APPROVED PLANS**

Site Location Plan 13012020 - received 13/01/20

Proposed Floor Plans 01 - received 24/12/19

Existing Floor Plans 3665 GA01 - received 24/12/19

Existing Elevations and Barn 3665 GA02 - received 24/12/19

Proposed Stable Floor Plans 02 Rev A received 09/03/20

Reason:

For the avoidance of doubt and in the interests of good planning, in accordance with the Plymouth & South West Devon Joint Local Plan 2014–2034 (2019).

#### **2 CONDITION: TIME LIMIT COMMENCEMENT**

The works hereby permitted shall be begun before the expiration of three years from the date of this consent.

Reason:

To comply with Section 18 of the Planning (Listed Building and Conservation Areas) Act 1990.

### **3 CONDITION: WALLS**

#### **PRE-WALL WORKS**

No works shall take place on the removal or installation of any walls until details of the new walls have been submitted to and approved in writing by the Local Planning Authority. The details shall include method of fixing to existing walls and full details of the proposed walls including any skirting, cornice or other features. The works shall be carried out strictly in accordance with the approved schedule.

Reason:

To ensure that the details of the proposed work do not conflict with Policy DEV21 of the Plymouth and South West Devon Joint Local Plan 2019 and the National Planning Policy Framework 2019.

### **4 CONDITION: EN-SUITE DETAILS**

#### **PRE-INSTALLATION**

No works shall take place until full details of the en-suites have been submitted to and approved in writing by the Local Planning Authority. The details shall include location of all fittings, detail of all fixtures and connections. The works shall be carried out strictly in accordance with the approved details.

Reason:

To ensure that the details of the proposed works do not conflict with Policy DEV21 of the Plymouth and South West Devon Joint Local Plan 2019 and the National Planning Policy Framework 2019.

## **INFORMATIVES**

### **1 INFORMATIVE: (NOT CIL LIABLE) DEVELOPMENT IS NOT LIABLE FOR A COMMUNITY INFRASTRUCTURE LEVY CONTRIBUTION**

The Local Planning Authority has assessed that this development, due to its size or nature, is exempt from any liability under the Community Infrastructure Levy Regulations 2010 (as amended).

### **2 INFORMATIVE: CONDITIONAL APPROVAL (NEGOTIATION)**

In accordance with the requirements of Article 31 of the Town and Country Planning (Development Management Procedure) (England) Order 2010 and the National Planning Policy Framework 2019, the Council has worked in a positive and pro-active way with the Applicant and has negotiated amendments to the application to enable the grant of planning permission.