
F/YR20/0710/F & F/YR20/0711/LB

Applicant: Mr J Baldwin

**Agent : Mr Nick Seaton
Anglia Building Consultants**

2 Museum Square, Wisbech, Cambridgeshire, PE13 1ES

Full application: Change of use from office (B1) to a 7-bed house in multiple occupation (HMO) (Sui Generis) for up to 9 persons

Listed building application: Internal and external alterations to a listed building to form a 7-bed house in multiple occupation (HMO) for up to 9 persons.

Officer recommendation:

Full application: Grant Planning Permission

Listed Building Consent: Grant Listed Building Consent

Reason for Committee: Number of representations contrary to the Officer Recommendation.

1. EXECUTIVE SUMMARY

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| 1.1. | There are two applications being considered on the site – one seeking full planning permission for the change of use of the premises to a use as a house in multiple occupation for up to nine persons, and one seeking listed building consent for the physical alterations to the building to facilitate its conversion. |
| 1.2. | The application site is located within the historic core of Wisbech. It is a grade II listed building and is located within the Conservation Area, surrounded by many other listed structures. |
| 1.3. | Planning permission already exists for the building to be changed from an office to use as a single dwelling, which would then be able to be converted to a house in multiple occupation for up to six people without the need for planning permission. |
| 1.4. | A number of objections have been raised to the proposal seeking its refusal with matters largely related to impacts on character of the area and the lack of parking provision. |
| 1.5. | The proposal, when taking into account the existing permission as a single dwelling as a viable fall-back scheme, would not result in unacceptable harm to the character or appearance of the area. There is parking in the vicinity of the application site to allow residents with vehicles to park safely and legally including 2 nearby car parks, and the location of the property within the town centre is such that it will facilitate and encourage sustainable travel. |
| 1.6. | The Conservation Officer has confirmed the alterations to the Listed Building |

would not, subject to a minor alteration and a schedule of window repair works, harm the historic significance or character of the building.

- 1.7. The applications are therefore recommended for approval.

2. SITE DESCRIPTION

- 2.1. The application site is a grade II listed terraced property of 18th Century construction. It is built of a brown brick under a slate roof, with red brick arches above and stone cills. A more recent bay window has been added to the front of the property. The property is 3-storeys high and includes a basement level. There is a bricked-up window at ground floor level and black railings to the front.
- 2.2. 1 Museum Square to the east of the application site adjoins the property, but is of starkly different appearance, constructed of a buff brick with stone quoins and notably different features. 3 Museum Square is a similar sized property to No.2, being a 3-storey red brick building with matching black railings.
- 2.3. The application site fronts directly onto Museum Square itself, which is a pedestrianised area.
- 2.4. The property benefits from a reasonably proportioned rear garden, which has access onto Love Lane to the south.

3. PROPOSAL

- 3.1. The full planning application proposal is for the change of use of the premises from its current use as an office to use as a house in multiple occupation (HMO) for up to nine people. The listed building proposal is for alterations to the property to facilitate that change of use (see Conservation Officer's comments at 5.6).
- 3.2. Permission has previously been granted for the change of use of the property to a residential dwelling, which would allow its use as a house in multiple occupation for up to six people without the need for a planning application. This permission has not currently been implemented.
- 3.3. Full plans and associated documents for this application can be found at:
- 3.4. <https://www.fenland.gov.uk/publicaccess/applicationDetails.do?activeTab=documents&keyVal=QE579UHE06P00>
- and
- 3.5. <https://www.fenland.gov.uk/publicaccess/applicationDetails.do?activeTab=documents&keyVal=QE57SDHE06P00>

4. SITE PLANNING HISTORY

F/YR19/0714/F	Change of use from office (B1) to 4-bed dwelling (C3)	Grant	09.10.2019
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5. CONSULTATIONS

5.1. Wisbech Town Council

Both applications: Objection. The type of residential accommodation would be out of keeping with the nature of existing residential uses within that part of Wisbech, and no provision is made for on-site parking of vehicles.

5.2. Cambridgeshire County Council Highways Authority

The proposal includes no parking provision, and will have different parking requirements to the current use. FDC will need to consider the impact this could have on amenity and parking displacement in the area. No highway objections, but recommend cycle storage provision is secured to encourage lower car ownership by occupants.

5.3. Cambridgeshire County Council Historic Environment team (Archaeology)

No objections or requirements

5.4. Private Sector Housing Officer (FDC)

Further to having carried out a property health inspection on 17th June at this address, I am satisfied that the proposed plans and related schedule of works will achieve compliance with the HMO Regulations and licence conditions.

The owner has inferred that the standard of accommodation will attract locally employed tenants and therefore it is not expected that all occupants will have use of a car. There is a good sized rear garden and adequate internal communal spaces to satisfy amenity provision.

It is my opinion that the landlord will be providing good quality, affordable accommodation, that will be managed locally by a professional agent who will be fully compliant and engaging as per our expectations.

5.5. Fenland District Council Environmental Protection Officer

In addition to studying the documents I had a telephone conversation with the agent for the applicant, Nick Seaton, in connection with noise insulation matters, in particular between floors. He referred to the listed building status of the building and suggested that I contact the Conservation Officer and also Housing Strategy Officer.

Both responded, with the latter indicating that they don't have any great concerns with noise transference through existing floors. However, they support adequate sound insulation of walls and partitions, which are being created for newly formed flats.

The Conservation Officer has some concerns with the internal walls and partitions, particularly if they are constructed on a blanket basis. She suggested that a room by room schedule of work is submitted, indicating details of walls and partitions per room. If this can be done through this planning process, then I would recommend a condition to that effect be attached to any consent granted. If it cannot and a Listed Building application is required, maybe that would be the more appropriate stage.

If in this case, this is the stage to apply such a condition, a suggested condition is shown below, with the reference the Conservation Officer's comments shown in red.

The issues of sound insulation between dwellings, including flats in buildings, can be addressed by complying with BS8299:2014. This standard is appropriate for the control of noise transference between flats. However, it is recognised that because of the listed status of the building, there may be restrictions on this. My comments should be taken into consideration at this stage, along with the Conservation Officer and the Applicant should be advised as such.

I do recognise that this proposal contributes to Fenland District Council's housing needs, but it could be beneficial if the issue of sound insulation could be addressed.

The application doesn't indicate what the arrangements for household waste and recycling are and these should be catered for.

The local air quality climate is not adversely affected by this proposal and ground contamination is not an issue.

The external noise climate does not impact upon this proposal and the proposed development will not adversely impact upon the external environment, there being no need for a noise impact assessment.

Consequently, there are no objections to the granting of consent to this proposal, but would recommend the attachment of conditions.

5.6. Fenland District Council Conservation Officer

This proposal concerns internal and external alterations to a listed building to form a 7-bed house in multiple occupation (HMO) for up to 9 persons. The property was listed at Grade II on 17th July 1951 (List Entry Number 1126667). The list entry describes it as:

Terrace house, C18. Local brown brick, slate roof, side stack three storeys and basement; three bays. Stone cill band. Two, recessed four-paned hung sash windows with cambered, gauged red brick arches and stone cills; one painted blind window at first floor; similar larger windows at ground floor. Large late C19 canted bay window to left hand of entrance. Half-glazed recessed door with round headed fanlight and radial glazing bars in wooden architrave set in arch of gauged red brick. Interior has same original cornice details. N.M.R. (C. Godfrey, Wisbech photographic collection), 1982.

The neighbouring properties are all listed, including the Castle and the Museum at Grade II and the square forms part of the setting of the nearby Church of St Peter and Paul, listed at Grade I. 2 Museum Square is located in the Wisbech Conservation Area.*

The planning history associated with this property shows that since it was listed in the 1950s its interior has been altered several times to accommodate various changes in use. In 1976 permission to convert a vacant ground floor dental surgery into premises for the specialist renovation of furniture was refused under F/0283/76/F. The application names the occupiers of flat one and flat two (specified as second floor) implying sub-divided residential use. In July 1982, under application F/0334/82/LB permission was granted for the installation of new windows to rear elevation (plan indicates these to be new dormers in roof), the replacement of slated roof and erection of 1 meter high wrought iron railing to replace dwarf brick wall. In the same month F/0368/82/F granted permission for the replacement of rear sash windows, the removal of a rear lean-to, and the change of use of ground and first floor to offices whilst retaining an attic flat. In 1990 the property was joined with 1 Museum Square under applications

F/90/1005/LB and F/90/1004/DEEMED. Change of use to Probation Services offices was granted and the internal space of 2 Museum Square was partitioned to create a corridor access between the two buildings. In 1999 permission to replace the sash windows in the rear dormers was refused under F/99/0526/LB. In 2015, under applications F/YR15/0938/LB and F/YR15/3114/COND permission was granted for the internal alterations required to separate numbers 1 and 2, closing the internal access and erecting a boundary fence in the garden. In 2019 an application was submitted for change of use and conversion of an office (B1) building into a single 4-bed dwelling (C3) under F/YR19/0714/F which was granted. It is noted that the application explicitly excluded internal alterations to reverse the twentieth-century changes which give the interior an institutional look. It was noted that as a consequence of the change-of-use, a future occupant may wish to make further alterations such as to upgrade internal doors, remove fire doors, restore the staircase and remove the now-redundant internal partitions. Such an application would have been welcomed as returning the property closer to its historic appearance and plan form would enhance its significance and contribute to its practicality as a single dwelling. These works would have required separate listed building consent and possibly planning permission. However it is now clear that some of these partitions and doors are convenient for the current application.

*Consideration is given to the impact of this proposal on the architectural and historic interest of the listed building and on the character and appearance of the Wisbech Conservation Area with due regard to the duty in law under S16 and S72 Planning (Listed Buildings and Conservation Areas) Act 1990. **The proposal put forward is acceptable.** The following comments are made:*

- i. No external changes are being proposed which alter the appearance of listed building or affect the character or appearance of the conservation area, nor the setting of the nearby listed buildings. The introduction of a new down pipe, new SVP and vent are all located to the right hand side of the rear elevation where downpipes currently exist and in cast iron effect upvc. The current downpipes are upvc and so a cast iron effect upvc will be an enhancement of this particular element.*
- ii. The windows are proposed for repair and repainting only. It is important to specify that no works of replacement should be carried out without Listed Building Consent, even on a like-for-like basis, as this would constitute a loss of historic fabric. It may be appropriate to request a repairs specification for the external windows and doors as a condition of this application to ensure the repairs are carried out appropriately.*
- iii. The internal works affect only modern partition elements, or infill areas where historic walls have already been knocked through. Given that the property has previously been insensitively altered to create the probation office, the current proposals do not adversely affect the historic or architectural interests of the property, and a slight enhancement is made by the introduction of new, more aesthetically pleasing, fire doors.*
- iv. The only point which requires amendment or clarification is the treatment of the fireplace in the proposed kitchen in the upper ground floor kitchen. The drawings show the kitchen units to cover the fireplace, but there is no detail as to whether the intention is to remove the fireplace or box it over*

in order to protect it. Removal would not be supported. Details for boxing out would be required. An alternative may be to re-hang the door to open in the opposite direction in order to allow a bank of kitchen units along the dividing partition wall, and a bank of units along the rear elevation wall, provided the height of the window allows for this.

- v. **Clarification is required for item iv. and a repair schedule for the windows may be appropriate.**
- vi. *It is disappointing that the house is not to be returned to a single dwelling, as it would have brought it closer to its historic appearance and plan form and would have enhanced its significance. However the alterations now proposed are no more harmful than the current arrangement over all.*

5.7. **The Wisbech Society**

The Wisbech Society & Preservation Trust Limited STRONGLY OBJECTS to the proposed planning application to convert this fine late 18-Century house into a nine-bed HMO.

The property was built by Joseph Medworth, who was responsible for the construction of much of Museum Square, the regency 'castle' and surrounding circus of buildings.

Medworth's Grade 2 listed table tomb in the Churchyard nearby.

The location of the proposed HMO is within a unique setting of historic importance to the town. Museum Square and its immediate vicinity are generally considered the town's cultural and architectural heart, with the Grade 1 listed church and Grade 2 listed castle and museum, as well as many other Grade 2 listed buildings. The Square is also a popular venue for cultural activities, including Rose Fair, museum, civic and church events.*

Locating an HMO within Museum Square will seriously negatively affect the town's cultural and civic life, and the setting of the many beautiful listed buildings nearby.

A 7 bedroom, 9-bed HMO, will cause social issues for which neighbours will suffer the consequences. Public benches within the churchyard have already been removed owing to illegal drinking and antisocial behaviour, and additional adjacent, high-density accommodation will only exacerbate the situation. At the moment of writing (7th September 2020), there is a Police raid on No.3 Museum Square, a property of multiple flats - a suspected Cannabis farm has been discovered, which illustrates the existing social problems in the area.

There is also no provision for private parking in the plans, nor is there the space to provide off-road parking. The Square is already subject to illegal parking and parking in the circus is already congested.

Further, there is an issue of household waste disposal. There is no provision for waste bins and waste from properties in the Square is placed in individual bags for collection. Additional accommodation will lead to a build-up of waste bags, affecting the setting of listed buildings, and most likely across the access to a neighbouring property.

In addition, there is an issue of foul water disposal. All foul and sewage water moves via a severely restricted sewage system across a neighbouring property into Love Lane. The additional pressure to the waste system from another 9 persons could cause significant problems.

The addition of another property of multiple occupation in the Square is an overdevelopment, as No. 3 already incorporates a number of flats. Further highlighting the parking, waste, social and services issues.

On a strategic level, The National Planning Policy Framework (NPPF) delivered the 'Local Development Plan (LDP) – dated 2014' for Fenland, with a section referencing the 'Historic Environment and Heritage Assets' - Policy LP18. This clearly states:

- 1. The use of planning obligations to secure the enhancement of the significance of any heritage asset, where development might impact on that significance (including impact on setting).*
- 2. All development proposals that would affect any designated or undesignated heritage asset will be required to - provide a clear justification for the works, especially if these would harm the asset or its setting, so that the harm can be weighed against public benefits.*

Further, Historic England guidance with regards to protecting and enhancing the Historic Environment through the Local Development Plan is:

"In practice for heritage assets this means local plans should seek opportunities to conserve and where appropriate enhance the significance of heritage assets and the contribution of their settings. Significant adverse affects should be avoided altogether and alternatives sought to reduce or mitigate unavoidable adverse impacts."

More specifically, Historic England states that the strategy should take into account:

- a) the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;*
- b) the wider social, cultural and environmental benefits that conservation of the historic environment can bring;*
- c) the desirability of new development making a positive contribution to local character and distinctiveness; and*
- d) opportunities to draw on the contribution made by the historic environment to the character of a place.*

On the basis of the LDP and the advice given to Local Authorities by Historic England, the Wisbech Society strongly contends that it is clear that the proposed HMO within the cultural centre of Wisbech will seriously AFFECT THE SETTING of the building and the HISTORIC ASSET which is the town's Museum Square. The proposal for an HMO in Museum Square will negatively affect its local character and distinctiveness while offering no wider social or public benefit.

On matters relating to documentation, the applicant states that the Conservation and Housing Depts. had an input into the proposal. However, there are no statements or documents of support placed on the Planning Portal for public view. Therefore, the applicants claims carry no weight.

It is also noted that the applicants agent is a former Building Control Manager at Fenland District Council, suggesting that a conflict of interest could arise in view of this controversial application.

In writing this objection, the Wisbech Society also notes the many other objections made by local residents who are rightly concerned for the protection of Wisbech's unique historic built environment. These concerns and strong future protections must be recognised by the local authorities and enshrined in the next Local Development Plan, which is already in preparation.

5.8. Ward Councillor

Wish to record strong objection to the proposal.

5.9. Local Residents/Interested Parties

47 responses have been received in relation to the proposal from 40 separate sources raising the following matters. For simplicity, the issues raised have been separated into those relating to the full planning application, and those relating to the listed building consent.

Wisbech

The Crescent, North Street, Bedford Row, South Brink, North Brink, Lynn Road, Oakley Close, Arles Avenue, Boyces Road, Hazel gardens, Chapel Road, Kingsley Avenue, Clarkson Court, Osborne Road, Kingfisher Drive, Bowthorpe Road, Queens Road, Leverington Road, North Street

Other locations

Broadgate, Tydd St Giles; Gote Lane, Gorefield; Church Road, Wisbech St Mary; Folgate Lane, Walpole St Peter; Church End, Leverington; Lynn Road, Fen Highway; Conkers Fen Road, Newton; Main Road, Elm; High Street, South Witham; Chichester

Full planning application

- Overdevelopment
- Lack of residential amenity space
- Cumulative impact with other HMO's
- Parking pressures
- Negative impact on neighbouring residential and business uses.
- Impact on appearance
- Poor management of HMO's/anti-social behaviour
- Detract from the historic character of the area
- Other properties in Wisbech could be suitable
- Should be a policy to prevent HMO's in Conservation Areas
- The area is prime tourism and business uses, not a housing estate
- Negative impact on tourism
- Building appears to have no private recreational space
- What arrangements have been made for CCTV surveillance cameras or regular police patrols
- Flood risk in the basement
- Impact on the value of the adjacent property
- Impact on water supply and pressure
- Impact on drainage
- Waste collection
- Little internal communal space
- How would occupancy numbers be controlled

Listed Building application

- Harm the existing street scene and ambience of the historic area
- Will not guarantee the upkeep of the listed building
- The proposed internal alterations will destroy the original aesthetic and features of the building
- Materials proposed are not appropriate
- Design and specification are not fully formulated
- No evidence to show the applicant has liaised with The Georgian Group, the Victorian Society or Historic England in respect of the proposal

6. STATUTORY DUTY

- 6.1. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires a planning application to be determined in accordance with the Development Plan unless material planning considerations indicate otherwise. The Development Plan for the purposes of this application comprises the adopted Fenland Local Plan (2014).
- 6.2. Sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 require Local Planning Authorities when considering development to pay special attention to preserving a listed building or its setting and to the desirability of preserving or enhancing the character or appearance of a conservation area.
- 6.3. Section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires Local Planning Authorities in considering whether to grant listed building consent for any works to 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.

7. POLICY FRAMEWORK

National Planning Policy Framework (NPPF)

Para 2: NPPF is a material consideration in planning decisions.

Para 12: Conflict with an up-to-date plan should not usually be granted

Para 117: Promote effective use of land

Para 118: Opportunities and benefits of the reuse of land

Para 155: Development should be directed away from areas at highest risk of flooding.

Para 184: Heritage assets should be conserved in a manner appropriate to their significance.

Para 189: Applicants should describe the significance of any heritage assets affected.

Para 192: LPAs should take account of desirability of sustaining the significance and positive contribution of heritage assets.

National Planning Practice Guidance (NPPG)

Determining a planning application

National Design Guide 2019

Uses

Homes and Buildings

Fenland Local Plan 2014

LP1 – A Presumption in Favour of Sustainable Development

LP2 – Facilitating Health and Wellbeing of Fenland Residents

LP3 – Spatial Strategy, the Settlement Hierarchy and the Countryside

LP4 – Housing

LP6 – Employment, Tourism, Community Facilities and Retail

LP15 – Facilitating the Creation of a More Sustainable Transport Network in Fenland

LP16 – Delivering and Protecting High Quality Environments across the District

LP17 – Community Safety

LP18 – The Historic Environment

8. KEY ISSUES

- **Principle of Development**
- **Parking**
- **Amenity & Character**
- **Historic Impact**
- **Other Issues**

9. BACKGROUND

There is limited background relevant to the application proposal, however the granting of permission in 2019 does impact on the principle of the proposal.

Should the 2019 consent be implemented and the property be converted to residential use, there would be no restriction (in terms of planning permission) on the property then operating as a house in multiple occupation for up to 6 persons as this would not require consent. No limitations were placed on the permission granted for the conversion of the building back to a single dwelling.

10. ASSESSMENT

Principle of Development

- 10.1. Policy LP3 of the Fenland Local Plan (2014) sets out the settlement hierarchy within the District, setting out the scale of development appropriate to each level of the hierarchy. Wisbech is a Market Town, one of four settlements within the highest level of the hierarchy where the majority of the development within the District is expected to take place over the plan period.
- 10.2. The proposal would result in the creation of a residential building for up to 9 persons in a location where residential uses are common within the centre of a Primary Market Town. The principle of residential use has previously been established by the granting of consent for the building to be used as a residential dwelling. Planning legislation also then establishes that an HMO can be created from a residential dwelling. On that basis, the principle of the use of the building as an HMO is established, and consideration must therefore be given as to the scale of the proposed operation and whether occupation by up to 9 persons results in unacceptable impacts beyond those resulting from occupation for up to 6.
- 10.3. With regard to the principle of the proposed alterations to the structure of the building in terms of the listed building consent sought, it is evident from the detailed comments of the Conservation Officer that the previous conversion of

the building to its current use has resulted in a significant loss of internal historic fabric, and the current proposals result in an enhancement of the interior of the building. The principle of the proposals are therefore also considered to be acceptable from a listed building perspective.

Parking

- 10.4. Appendix A of the Fenland Local Plan sets out the parking standards associated with development proposals, noting that for properties of up to three bedrooms, two parking spaces are required, and for properties of four bedrooms or more, provision of three spaces is required.
- 10.5. The property has no on-site, or allocated off-site parking. This is also true of the building for its current use as an office however, and of the permitted change to residential use granted consent in 2019. In that instance, and for a dwelling of the number of proposed bedrooms, three spaces would have been required by the relevant parking standards.
- 10.6. There are no specific parking standards set out in Appendix A of the Fenland Local Plan (2014) relating to occupation of a building as an HMO, although Planning Inspectors have generally found that lower levels of car ownership are likely within residents of an HMO, and that proximity to public transports, shops etc are important factors in the consideration of specific proposals.
- 10.7. The application site is located in very close proximity to a range of town centre facilities that would be considered to reduce the reliance of prospective occupiers on the private car, including shops, public transport and social provision. The site is also within easy walking distance of two large public car parks serving the town of Wisbech.
- 10.8. The lack of parking was not considered to be a determining factor in the consideration of the previous application for residential use, and there is no evidence to suggest that car ownership will be significantly higher under the current proposal (a 1/3 car ownership under the proposed occupancy levels would see no greater parking requirement). Notwithstanding that, the location of the building is such that it encourages use of sustainable modes of transport and adequate public parking is available in close proximity to the application site should it be required. Details and provision of proposed cycle storage at the property could be required by condition should consent be granted.
- 10.9. On that basis, it is considered that there is no justification for refusal of the scheme on the basis of a lack of parking provision for the proposal.

Amenity & Character

- 10.10. Policy LP2 of the Fenland Local Plan (2014) requires development proposals to promote high levels of residential amenity, and policy LP16 requires development proposals to demonstrate that they do not adversely impact on the amenity of neighbouring users whilst providing sufficient amenity space for the proposal, with the guideline for non-flat development being one third of the plot area. Policy LP2 also seeks to support the creation of communities with a mix of homes to meet people's needs, irrespective of race, religion, political beliefs, economic or social condition, sex or age. It supports the facilitation and promotion of healthy lifestyles and sustainable transport methods.

- 10.11. The building benefits from a rear garden area typical of such properties, which provides access to Love Lane to the south. There is no space to the front of the application site with the exception of the path from the front door leading to Museum Square. The remainder of the property frontage is enclosed by iron railings and provides light to the basement level.
- 10.12. The scheme has been assessed by the Private Sector Housing Team who have confirmed that the spaces within the property are sufficient to meet the licensing standards for HMOs. The property benefits from an outdoor amenity area for residents, and the scheme would result in no greater impacts in terms of privacy etc on neighbouring dwellings than its occupation as a single dwelling would generate.
- 10.13. Policy LP16 of the Fenland Local Plan (2014) requires development proposals to deliver and protect high quality environments throughout the district. Proposals must demonstrate they make a positive contribution to the local distinctiveness and character of the area, enhancing their local setting and both responding to and improving the character of the local built environment whilst not adversely impacting on the street scene, settlement pattern or landscape character of the surrounding area. Policy LP18 addresses matters concerning the historic environment within Fenland, noting that development proposals will be required to describe and assess the significance of any heritage asset, identify the impact of proposed works on its character and provide justification for those works, especially if they would harm the setting of the asset.
- 10.14. The application site is located in the historic core of the town of Wisbech, within a Conservation Area and in a location with a high proportion of listed buildings. The nature of use as an HMO is a residential use and as such is similar to the surrounding area. The proposal does not include any external changes to the front elevation of the building with the changes to the rear elevation being of a very minor nature (extractor vent grills and a new cast iron effect soil and vent pipe) that do not result in harm to the character or historic significance of the building.
- 10.15. Several of the responses received from members of the public state harm will be caused to the character of the area from the proposal. It is unclear from those representations however, specifically how it is considered the residential occupation of the building would adversely affect the character of the area.
- 10.16. It is not reasonable in planning terms to conclude that the nature of the occupation of the building as an HMO would automatically result in impacts that would harm the character of the area, nor that use of the garden to the rear would result in harm to neighbouring amenity. Such impacts are controlled by other legislation (such as the Environmental Protection Act 1990 regarding noise nuisance) and it is not the role of the planning process to duplicate or seek to replace those controls.
- 10.17. In terms of the character of the area, the vicinity of the application site sees a mix in general of commercial and residential uses, however only 2 other properties in the vicinity are licensed Houses in Multiple Occupation. The proposed change of use to an HMO would not therefore result in a significantly larger proportion of such a use in the vicinity and would not be sufficient to materially alter its character in that regard.

- 10.18. It is clear from the plans that the appearance of the building would not change as a result of the scheme and therefore the physical alterations proposed would not result in harm to the character of the area.
- 10.19. The Environmental Health Protection Officer notes the potential for noise impacts between the occupation of the dwelling and its neighbour, and between the occupied rooms within the building, in particular given the grade II listed status of the property, but confirms that this is a matter that can be satisfactorily addressed by a suitably worded condition should consent be granted.
- 10.20. The waste collection arrangements on Museum Square are by bagged collection due to its pedestrianised nature, and as such whilst the proposal is likely to result in a greater number of bags presented for collection, this is not considered to affect the character of the area, and does not require space to be provided for the storage of additional or larger wheeled bins at the property.

Historic Impact

- 10.21. As noted above, the impact of proposals on the historic significance of the building must be considered, particularly in respect of whether to grant listed building consent for the scheme.
- 10.22. In this instance, it is clear from the schedule of works and the comments of the Conservation Officer that the internal layout and features of the building have been significantly altered since the building's original construction and the proposed internal changes are to non-historic parts of the building.
- 10.23. As a result, the proposal would not result in harm to the historic significance of the building or any of its features. It is noted that the Conservation Officer states that the conversion of the building to a single dwelling would result in a closer relationship to the original appearance and plan form, however that is not the proposal being put forward for consideration. The Conservation Officer does note that the currently proposed alterations do not result in harm to the existing building.

Other Issues

- 10.24. Several other matters have been raised by the comments received in relation to the proposal and are considered as follows:
- 10.25. Impacts on drainage/water supply. These matters are relevant to the services provided to the property by the relevant statutory body who are required to provide water to the property and remove foul drainage.
- 10.26. Impact on value of neighbouring properties. This is not a material consideration in relation to a planning application.
- 10.27. Overdevelopment/control of occupancy numbers. The HMO licence granted to the property would specify the limit to the number of occupiers, and HMO regulation dictate space requirements. It would therefore be possible to control the number of occupiers in this regard to the proposed levels, that have been confirmed as complying with that legislation.
- 10.28. Flood Risk in the basement. The property is located within flood zone 1 and is therefore in a low risk area for flooding.

- 10.29. Cumulative Impact with other HMO's. There are 2 other licensed HMO's in the vicinity and therefore the cumulative impact is considered acceptable, as detailed in paragraph 10.17.
- 10.30. Anti-social behaviour, CCTV and police patrols. Separate legislation governs anti-social behaviour and it is not the role of the Planning process to duplicate those controls. CCTV surveillance and police patrols are a community safety matter and there is no evidence presented to justify their installation solely on the basis of the presence of an HMO.
- 10.31. There should be a policy to prevent HMOs in Conservation Areas. There is currently no such policy in the Development Plan, nor any support for such policy in the National Planning Policy Framework. It is therefore not a matter for consideration as part of the current applications.
- 10.32. Other properties in Wisbech would be more suitable/impact on tourism. The vicinity of the application site contains a significant number of residential properties and whilst its benefit to tourism is noted, the presence of an HMO would not automatically result in harm to that. Whilst other properties may be suitable for use as an HMO, the proposal being considered relates to this property and must be determined on its own merits.

11. CONCLUSIONS

- 11.1. The applications propose the change of use of the building from its current office use to use as a House in Multiple Occupation for up to nine persons and various physical alterations to facilitate that change of use. Permission already exists and could be implemented for the property to be used as a single dwelling.
- 11.2. Should the existing consent be implemented there would be no requirement to obtain planning permission for its occupation as an HMO for up to six persons. The current application therefore must consider the additional impact as a result of the additional occupancy proposed within the dwelling, since its use as a 6-person HMO is a viable fall-back position, i.e. the use of the building for 3 extra residents.
- 11.3. The additional occupancy will not result in a material increase in the impacts of the proposal beyond the fall-back position. Parking is available within close walking distance of the application site, and the property is of sufficient size and benefits from sufficient amenity space to ensure that it would not result in unacceptable impacts on the adjacent premises.
- 11.4. It is the role of the Planning Authority to control development on the basis of the expected impacts from normal occupancy of a premises and not to attempt to replicate controls available through other legislation. The scheme therefore must not be assessed on the basis of the perception that future residents will increase incidents of anti-social behaviour in the community. Complaints regarding the condition of a property will be reported to the Licensing Authority, and noise and anti-social behaviour will be controlled by their respective Acts.
- 11.5. The scheme will not result in visual harm to the character or appearance of the area, nor will there be harm to its historic significance as a result of the proposal. There would be no harm arising from the physical alterations to the building to its importance as a grade II listed building.

12. RECOMMENDATION

F/YR20/0710/F

Grant planning permission subject to conditions

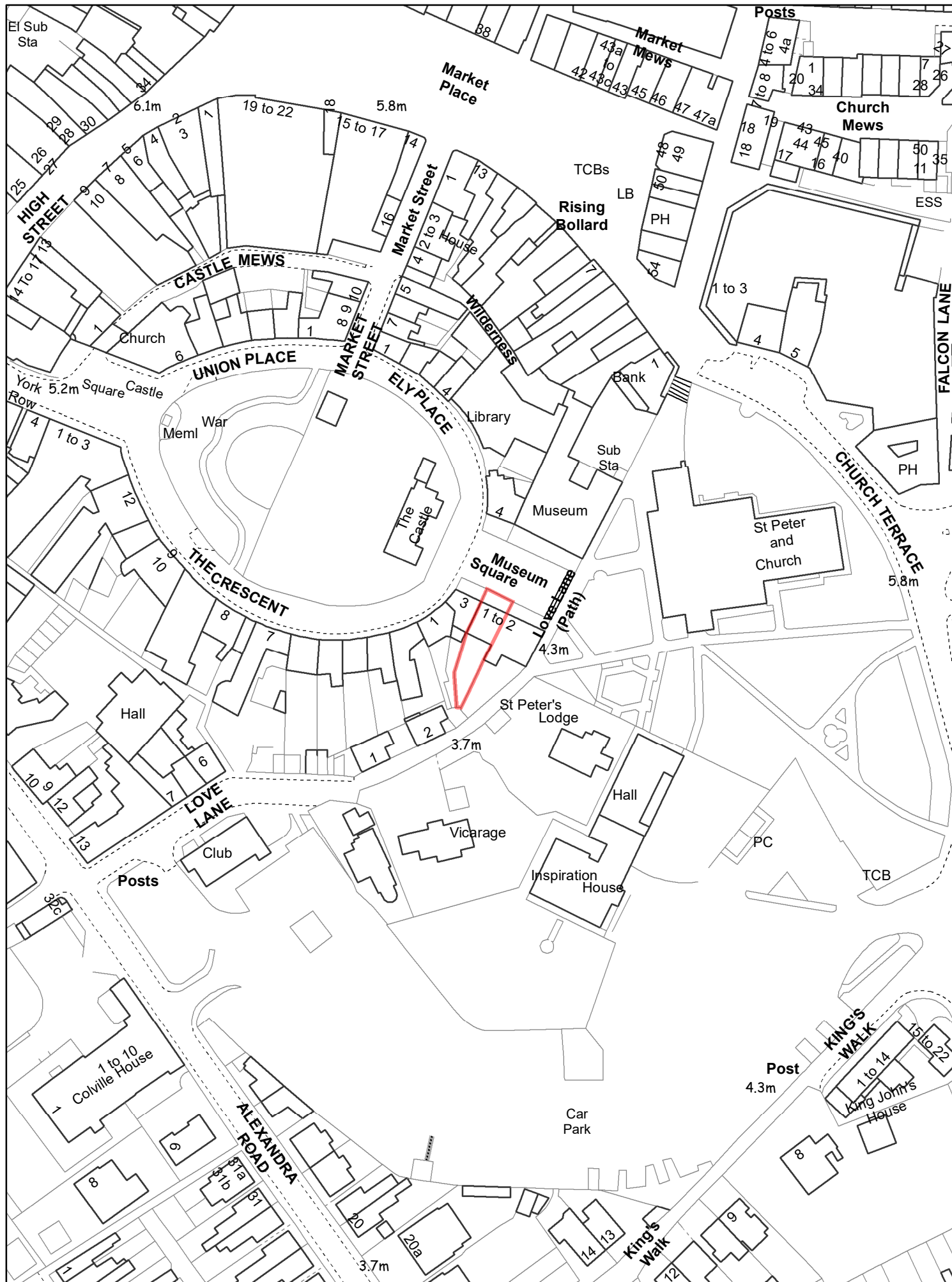
1	<p><u>Start Date</u></p> <p>The development permitted shall be begun before the expiration of 3 years from the date of this permission.</p> <p>Reason: To ensure compliance with Section 51 of the Planning and Compulsory Purchase Act 2004.</p>
2	<p><u>Cycle Storage</u></p> <p>Prior to the first occupation of the building full details of a scheme for cycle storage shall be submitted to and approved in writing with the Local Planning Authority. The approved details shall be implemented in full prior to the first occupation of the House in Multiple Occupation hereby approved and thereafter retained in perpetuity.</p> <p>Reason: In the interests of security, the convenience of cyclists at the premises, and to encourage sustainable forms of transport in accordance with Policies LP15 and LP16 of the Fenland Local Plan, adopted May 2014.</p>
3	<p><u>Approved Plans</u></p> <p>The development hereby permitted shall be carried out in accordance with the following approved plans and documents.</p>

F/YR20/0711/LB

Grant listed building consent subject to conditions

1	<p><u>Start Date</u></p> <p>The works permitted shall be begun not later than 3 years from the date of this consent.</p> <p>Reason: To ensure compliance with Section 51 of the Planning and Compulsory Purchase Act 2004.</p>
	<p><u>Noise Insulation Works</u></p> <p>Prior to the commencement of development a schedule of noise insulation works shall be submitted to and agreed in writing by the Local Planning Authority in conjunction with the Environmental Health Protection and Conservation Officers. The development shall be carried out in accordance with the approved details and thereafter retained.</p> <p>Reason: In order to preserve the special architectural and historic character of the listed building and provide appropriate sound insulation between the rooms within the building, in accordance with the provisions of the Town and Country Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended) and Policy LP18 of the Fenland Local Plan 2014.</p>
2	<p><u>Approved Plans</u></p>

	The development hereby permitted shall be carried out in accordance with the following approved plans and documents.
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Scale = 1:1,250





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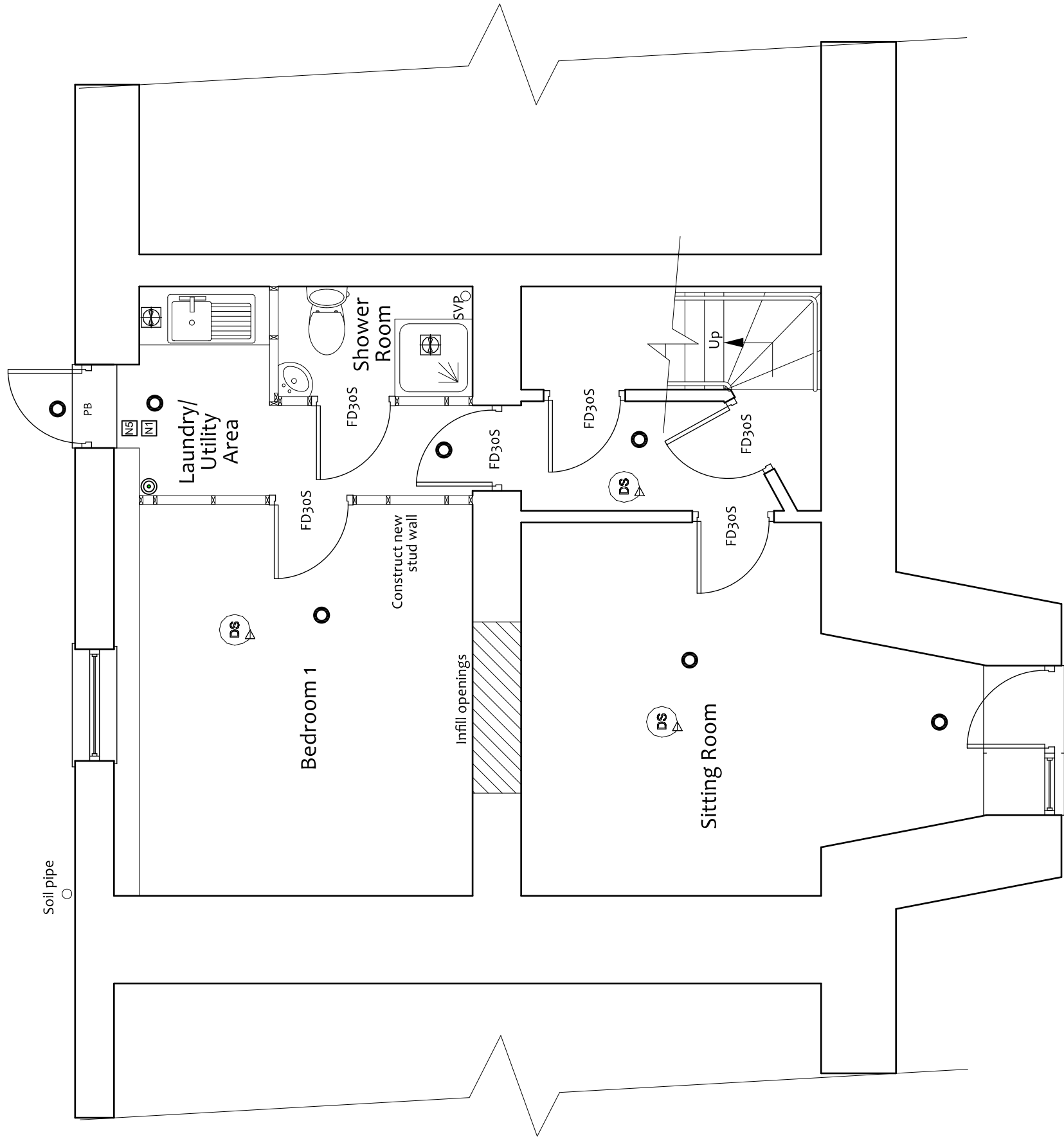
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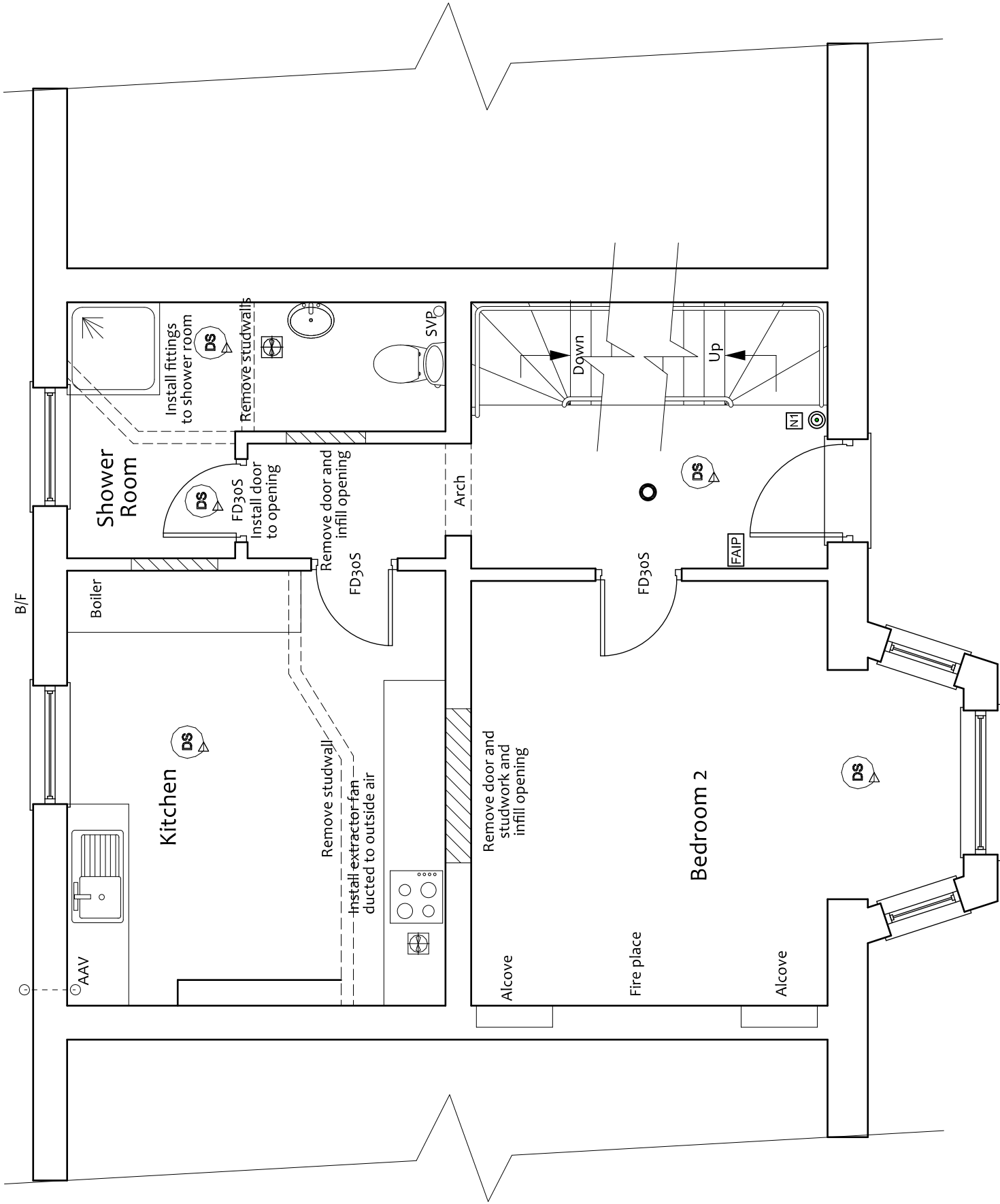
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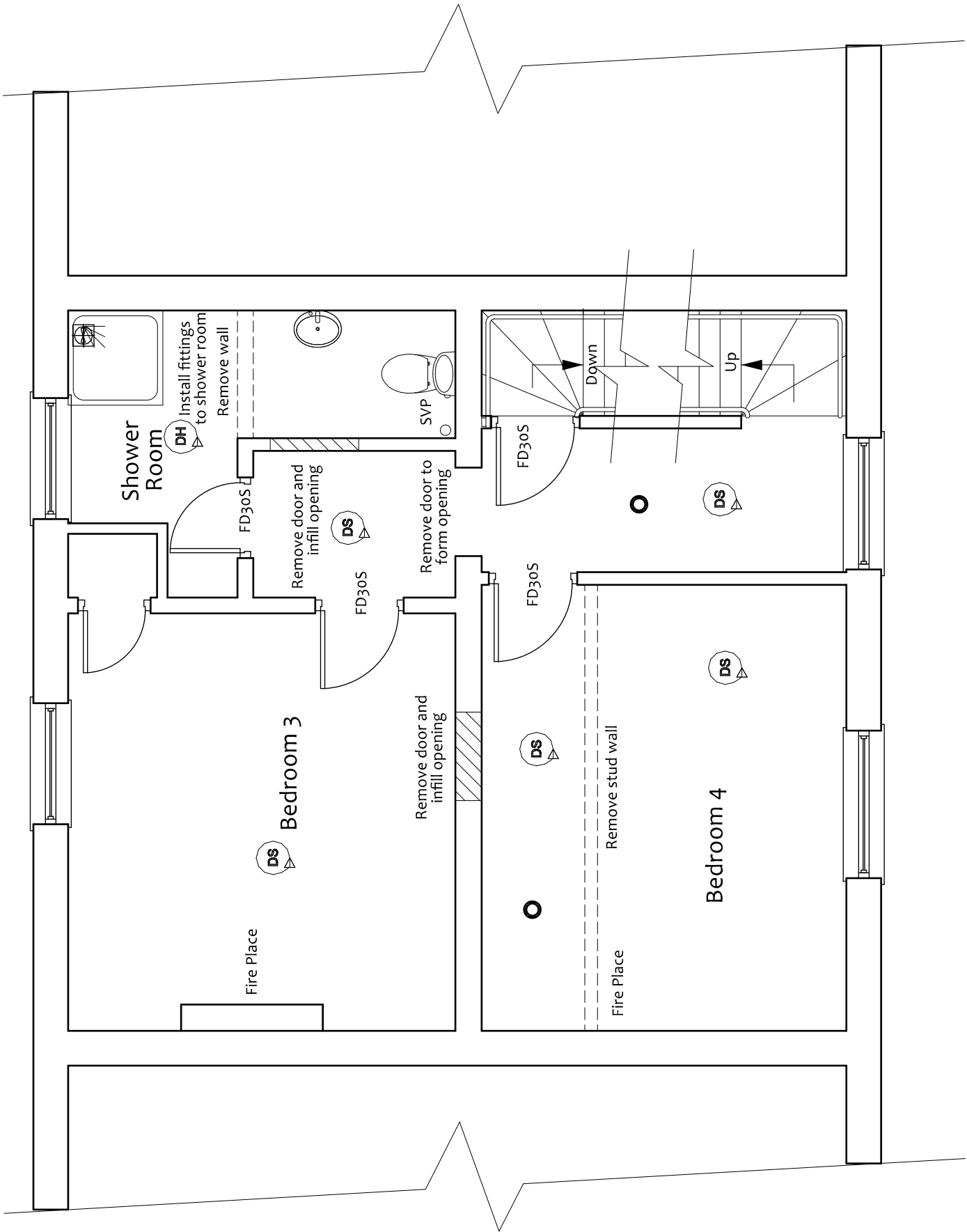
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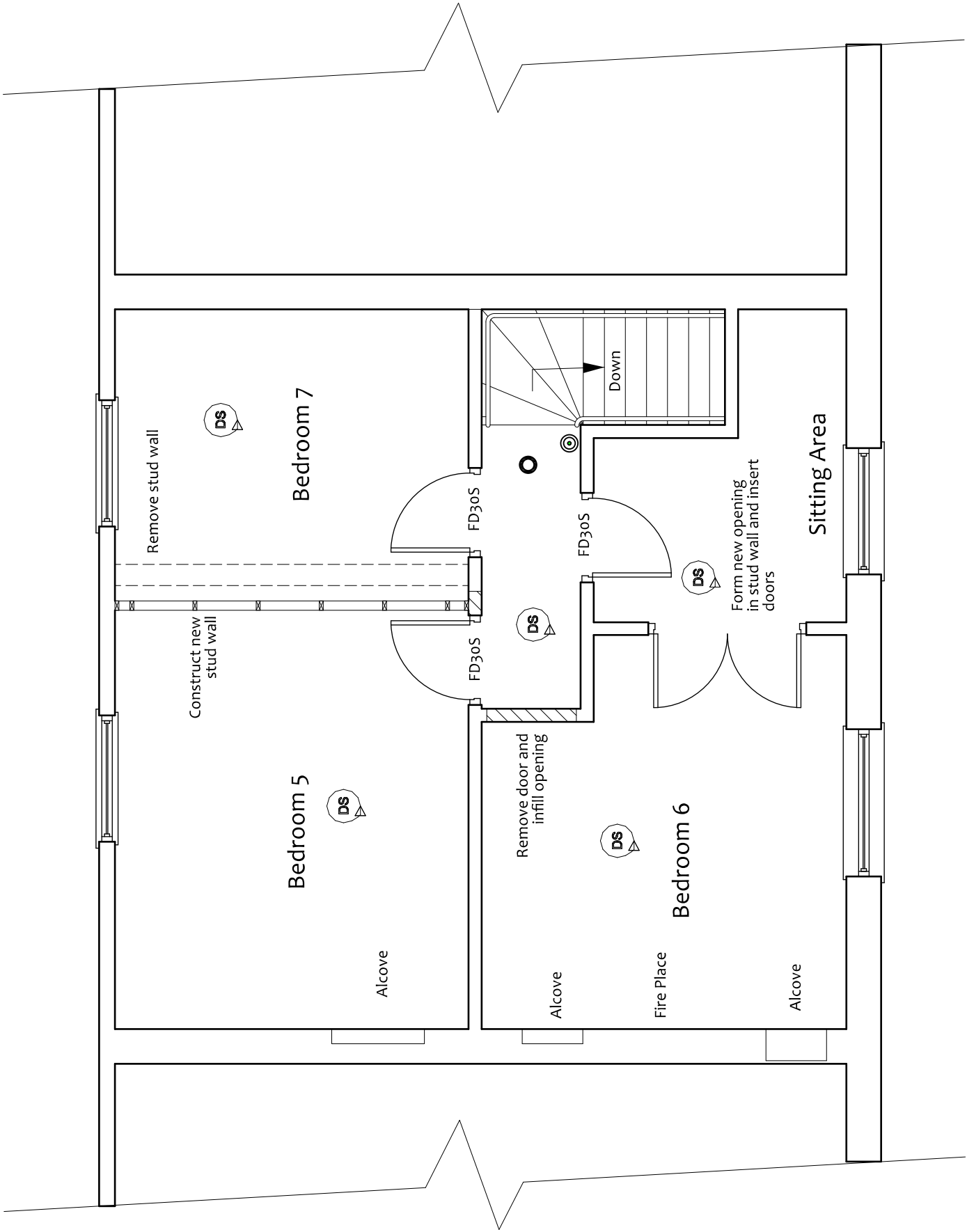
Basement/Lower Ground Floor



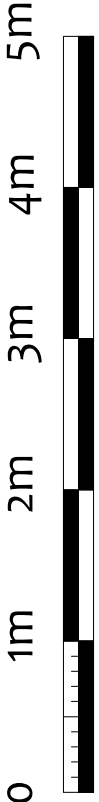
Upper Ground Floor



First Floor



Second Floor



Scale 1:50

- Emergency Lighting points.
- Fire alarm call points.
- Automatic fire detection heat / smoke.
- Fire alarm indicator panel.
- General Fire Notice.
- 'Fire Exit - Keep Clear' Notice.
- Beam Detector.
- Push Bars / Push Pad opening device.
- Approved Fixing.
- Guardrail.
- Fire Exit signage.
- Maintained illuminated exit sign.
- Vision Panel.
- Visual Alarm / Warning Device.



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A	18/9/20	Kitchen units moved from fire place
No	Date	Revision
Issue:	For Planning Approval	

Site: 2 Museum Square, Wisbech,
Cambridgeshire, PE13 1ES

Project: Change of use to House
in Multiple Occupation (HMO)

Drawing Title: Proposed Floor Plans

Client: Mr J Baldwin

Date:	July 2020
Scale:	1:50
At:	A1
Drawing Number:	20-2007-4-A