

NORTH HERTFORDSHIRE DISTRICT COUNCIL

PLANNING CONTROL COMMITTEE

**MEETING HELD IN THE COUNCIL CHAMBER, DISTRICT COUNCIL OFFICES,
LETCWORTH GARDEN CITY, SG6 3JF
ON THURSDAY, 20TH JUNE, 2024 AT 7.30 PM**

MINUTES

Present: *Councillors: Elizabeth Dennis (Chair), Nigel Mason (Vice-Chair), Amy Allen, Sadie Billing, Ruth Brown, Emma Fernandes, Ian Mantle, Bryony May, Caroline McDonnell, Louise Peace, Tom Tyson and Joe Graziano.*

In Attendance: *Shaun Greaves (Development and Conservation Manager), Alex Howard (Senior Planning Officer), Thomas Howe (Planning Officer), Caroline Jenkins (Committee, Member and Scrutiny Officer), Kerrie Munro (Locum Planning Lawyer), Alina Preda (Trainee Solicitor) and Sjanet Wickenden (Committee, Member and Scrutiny Officer).*

Also Present: *At the commencement of the meeting approximately 3 members of the public, including registered speakers.*

Councillor Alistair Willoughby was in attendance as Member Advocate.

13 APOLOGIES FOR ABSENCE

Audio recording – 1 minute 54 seconds

Apologies for absence were received from Councillor Michael Muir.

Having given due notice Councillor Joe Graziano would substitute for Councillor Michael Muir.

14 NOTIFICATION OF OTHER BUSINESS

Audio recording – 2 minute 12 seconds

There was no other business notified.

15 CHAIR'S ANNOUNCEMENTS

Audio recording – 2 minutes 17 seconds

- (1) The Chair advised that, in accordance with Council Policy, the meeting would be recorded.
- (2) The Chair drew attention to the item on the agenda front pages regarding Declarations of Interest and reminded Members that, in line with the Code of Conduct, any Declarations of Interest needed to be declared immediately prior to the item in question.
- (3) The Chair clarified matters for the registered speakers and advised that as there were two applications each with a listed building consent application, as well as a main planning application. Due to this there would be one presentation for each application covering both issues and speakers would be provided 10 minutes speaking time. Voting would take place individually on each item.

- (4) The Chair advised that Section 4.8.23(a) of the Constitution applied to the meeting.
- (5) A Delegated Decision was published in the Members Information Service on the 14 June 2024, regarding the Labour and Cooperative membership on the Planning Control Committee, therefore Councillors Amy Allen and Ian Mantle became full Committee Members and Councillor Sean Nolan a reserve member.
- (6) The Chair confirmed that the Planning Appeals listed on the Planning Control Committee Agenda for 13 June 2024 had been included for consideration at this meeting.

16 PUBLIC PARTICIPATION

Audio recording – 7 minutes

The Chair confirmed that the registered speakers were in attendance.

17 24/00181/FP THE GEORGE AT BALDOCK, HITCHIN STREET, BALDOCK, HERTFORDSHIRE, SG7 6AE

Audio Recording – 7 minute 27 seconds

The Planning Officer gave a verbal update and advised that:

- The Applicant was informed of pre-commencement conditions and had since provided the planning officer with some of the information, required by the conditions.
- The hours pre-commencement condition requiring opening times was replaced with a condition that the opening hours be 9am to Midnight from Monday to Sunday. Environmental Health were consulted and approved these hours and unless a variance of the application was received then they would not need to reconsider the opening hours.
- The Agent had supplied the Planning Officer with the sound proofing details and they were sent to Environmental Health who confirmed they were acceptable. The Conservation team had not been consulted and therefore this condition had been moved to the listed building consent to ensure there were no detrimental impacts from sound proofing.
- An updated floor plan had been added with a commercial bin storage area highlighted.
- The floor plan and sound proofing details were distributed via ModGov, which would supersede the original floor plan.
- The material samples condition stands and had not changed.
- A request was made by the Agent that the joinery details condition be updated to change this from a pre-commencement condition to 'prior to any work on windows or doors'.

The Planning Officer presented the report in respect of Application 24/00181/FP and 24/00182/LBC supported by a visual presentation consisting of photographs and plans.

The following Members asked points of clarification:

- Councillor Tom Tyson
- Councillor Louise Peace

In response to the points of clarification, the Planning Officer advised that:

- The large white canopy with two double doors would be the main entrance to the restaurant and the smaller single door as the entrance to the cheese and wine bar.
- There was currently no permitted change from a hotel to residential.

The Development and Conservation Manager confirmed that there was no permitted change of use from hotels to residential dwellings. Whilst there was permitted change of use from Class E to residential dwellings it was not applicable in this case because the building was listed.

The Chair invited the Member Advocate Objector, Councillor Alistair Willoughby to speak against the application. Councillor Willoughby thanked the Chair for the opportunity and provided the Committee with a verbal presentation, including that:

- The plan says buildings cannot be used if they will cause serious harm or damage to the heritage sight but due to this building being vacant for a longer period the benefits to the public outweighed the damage to surroundings.
- There was a lack of viability testing for the restaurant, the cheese and wine bar or for the third section that would be taken out of commercial use.
- A third retail or hospitality site should take the remaining space.
- Originally there was discussion of a stairway being necessary for access to electrical and boiler, with the staircase being in the restaurant, but that had changed and now it was said that there is access already via the communal spaces.
- The space should have been offered to local businesses and should have prioritised economic and productive growth for the community.
- There was no on-site parking, there was only timed or permitted and residential parking.
- There was a risk of removing local businesses and making Baldock a 'dormitory town'.

The following Members asked points of clarification:

- Councillor Ruth Brown
- Councillor Nigel Mason
- Councillor Elizabeth Dennis
- Councillor Tom Tyson

In response to the points of clarification, Councillor Alistair Willoughby advised that:

- The third area was being lost to hospitality as hotels were not considered hospitality.
- The people who used the hotel stay for at least a month meaning they were not providing tourism but rather in the area for work, so they would not provide as much benefit to the local area.
- Church Street had time limited parking Monday to Saturday and Hitchin Street also has time limited parking. There was no on street parking that would be suitable for the duration of time the venue would need. The only available parking nearby was for residential use.
- There was only one car park that was roughly a 10 – 15-minute walk so not within convenient distant.
- Overnight parking was only available after a certain time and cars would need to be moved early in the morning before parking restrictions applied. Additionally, those spaces were competitive.
- There were general concerns through talking to residents about the location losing retail space due to an ongoing issue of restaurants and local businesses closing.

The Development and Conservation Manager advised that there was no definition for of hospitality in planning, as such, but the local plan identifies town centre uses and this includes hotels.

The Chair invited the Agent, Mr James Gran to speak in support of the application. Mr Gran thanked the Chair for the opportunity and provided the Committee with a verbal presentation, including that:

- The current use of the venue as a restaurant was seen as too large following feedback hence the application to put a second venue alongside it.
- The front seating was always the most popular and the rear seating where the venue would be, was always the quietest.
- The proposed contractor had been in constant discussion and communication with the applicant about leasing this new unit.
- The proposal does reduce the overall commercial area but leaves it a viable size for operators to take on. They would still have 165 square feet of floor space.
- With the ground floor reopening there would be more employment opportunities.
- There would be four further hotel rooms added to the ground floor of the building, advertised as accessible rooms.
- Only two windows need to be added to the rear of the hotel ground floor to make the additional rooms viable.
- Due to two-hour restrictions, it was difficult during the daytime to have sit down meals and so owners must look at feasibility and sticking to evening trade to ensure profit, whilst considering rent and bills.
- There were no public objections to the application.
- The long-term customers would still need to spend money in town for food and supplies so they would be contributing whether they were long term or short-term guests.

The following members asked points of clarification:

- Councillor Ruth Brown
- Councillor Sadie Billing
- Councillor Tom Tyson
- Councillor Joe Graziano
- Councillor Louise Peace
- Councillor Elizabeth Dennis
- Councillor Caroline McDonnell
- Councillor Emma Fernandes

In response to the points of clarification, Mr Gran advised that:

- There were twenty existing rooms in the hotel.
- The accessibility access was the ground floor access and not wet rooms or special designs in the hotel rooms themselves.
- There were no plans for specific disability allowance for the venue inside the hotel.
- There was a prospective operator who were very keen to take on the unit. There had been several companies expressing interest in taking up the restaurant as well.
- There was no projected footfall data pre and post only general footfall without data.
- There were people who seek and get longer term accommodation and others that were at the hotel for a short term. Medium to long-term meaning three to four weeks at a time.
- There was consideration of a third retail opportunity, but it was dismissed due to there being massive alterations to the building to create another frontage, or they could keep the main layout without major alterations and add more disability access hotel rooms instead.
- There were currently no plans for a reception on the ground floor so would use a self-check in system where staff would be alerted to assist guests would be used.
- There was a laundry utility space for the hotel but there would be no access for guests.
- The hotel would not offer complimentary breakfast or meals so if they would like to eat at the restaurant, they would need to discuss accessibility with them.

N.B. Councillor Amy Allen entered the Chamber at 20.21.

The Chair noted the arrival of Councillor Amy Allen and advised that section 4.8.23(a) of the Constitution applied to this meeting, therefore Councillor Allen would be unable to take part in the vote on this item.

In response to the points of clarification, the Planning Officer advised that:

- There was no normal tenure for stay in hotels if it didn't exceed a month.
- It was not allowed to get an additional service out of the hotel, and it would be enforceable if they were.
- The stud wall was seen favourably by the Conservation Officer as it was easy to undo, and that bringing a listed building back into use after more than three years of inactivity would be good.
- The project was acceptable in principle from a planning perspective and from a heritage perspective, the Conservation Officer considered the internal alterations and the changes of use to be acceptable.
- There were sufficient and sustainable transport options to the site.

Councillor Ruth Brown proposed to approve planning permission and Councillor Tom Tyson seconded.

The following members took part in debate:

- Councillor Joe Graziano
- Councillor Nigel Mason
- Councillor Sadie Billing
- Councillor Tom Tyson
- Councillor Louise Peace

Points raised in debate included:

- With no elevator to the rest of the floors, it would not be possible for a party of 5 or more disabled individuals to stay at the hotel.
- Even with concerns around parking there were no ground to reject, due it being suitable and fitting all requirements and it would help make use of a town centre building.
- There was no reference on parking if people are at the hotel long term or short term and then others want to park too to attend the cheese and wine bar, the feasibility is not shown in any report.
- The policies support this venue, but it would also be good for the community of Baldock, and that feelings and inferences were not a suitable reason to deny.
- Assurances that the rooms could not be kept for over a month was reassuring and would prevent the hotel becoming bed sit in nature.

Having been proposed and seconded and, following a vote, it was:

RESOLVED: That application 24/00181/FP be **GRANTED** planning permission subject to the reasons and conditions set out in the report of the Development and Conservation Manager, with the removal of Conditions 4 and 5 and the following amendment to Condition 3, to read:

“Condition 3

The opening hours of the Restaurant (Use Class E) and Retail bar units, (Use Class E)A hereby permitted shall only be permitted between 09:00 hours and midnight hours Monday to Sunday.

Reason: To protect the residential amenities of existing residents and to comply with the provisions of policy D3 of North Herts Local Plan 2011-2031.”

18 **24/00182/LBC THE GEORGE AT BALDOCK, HITCHIN STREET, BALDOCK, HERTFORDSHIRE, SG7 6AE**

Audio Recording – 1 hour 13 minutes 10 seconds

Councillor Ruth Brown proposed to approve the planning application and Councillor Tom Tyson seconded and, following a vote, it was:

RESOLVED: That application 24/00182/LBC be **GRANTED** planning permission subject to the reasons and conditions set out in the report of the Development and Conservation Manager, with the following amendment to Condition 3, to read:

“Condition 3:

Full joinery details of the proposed new timber doors (internal) and windows to a metric scale and 1:1 scale drawings of the proposed glazing bars hereby granted consent, shall be submitted to and agreed, in writing, by the Local Planning Authority before any works commence to alter internal doors or external windows.

Reason: To safeguard the character and appearance of the listed building to which this consent relates and to comply with Policies SP13 and HE1 of the North Hertfordshire Local Plan 2011 to 2031.”

19 **24/00537/FP 31 HITCHIN STREET, BALDOCK, HERTFORDSHIRE, SG7 6AQ**

Audio Recording – 1 hour 14 minutes 57 seconds

The Senior Planning Officer gave a verbal update and advised that there was no mention of the Baldock Neighbourhood Plan as none of the policies were relevant to the application.

The Senior Planning Officer presented the report in respect of Application 24/00537/FP supported by a visual presentation consisting of photographs and plans.

The Chair invited Councillor Alistair Willoughby to speak against the application. Councillor Willoughby thanked the Chair for the opportunity and provided the Committee with a verbal presentation, including that:

- Whilst the application was on hold for three years, a local plan had been adopted which has come with many changes to the area, meaning the application must take into consideration all the new impacts on it.
- Converting a commercial space into residential would lead to less income for the community and fewer jobs, threatening the viability.
- There was no need for more houses in the area, and the current commercial use was successful so why stop it.
- The report stated that there had been several ownership changes in recent years which indicated that the business was unsuccessful, but it was unclear where this view had come from.
- There was a better opportunity for the town if the space was changed into a commercial use again rather than into a residential use.

The Chair invited the Agent, Mr Neil Gaskell to speak in support of the application. Mr Gaskell thanked the Chair for the opportunity and provided the Committee with a verbal presentation, including that:

- The location was on the edge of the town centre and so footfall was limited in the area meaning people attending a shop there was unlikely.

- The size of the space was also impractical for the running of a restaurant as the premises could only fit 18 covers.
- The Licensing Committee had imposed restrictions regarding music, windows and acoustic separations which made it difficult to run a bar on the site.
- The acoustic separation of the ceiling to limit the noise upstairs meant that the ceiling was lower and reached head height.
- There had been no public objections to the application
- There had been no commercial interest and the owner has lost money due to no one taking up the place for commercial use.

In response to a point of clarification from Councillor Tom Tyson, Mr Gaskell advised that:

- There had been no interest indicated in this building being taken over as an Asset of Community Value.
- The license had lapsed but the license was on the property not the owner.
- Additionally, the agent was informed that it was unlikely the license would be granted again due to how residentially surrounded it is.
- The Chair thanked Mr Gaskell for his presentation and invited the Senior Planning Officer to respond to any points raised.

The Senior Planning Officer advised that the previous decision for this application was considered under saved policies of the previous Local Plan and emerging policies of the now adopted Local Plan. In the current Local Plan development section it states that they have taken all material considerations into account, alongside the important factor of bringing a listed building back into some kind of reasonable use.

Councillor Ruth Brown proposed to approve planning permission and Councillor Amy Allen seconded.

The following members took part in the debate:

- Councillor Nigel Mason
- Councillor Elizabeth Dennis
- Councillor Amy Allen
- Councillor Tom Tyson

Points raised in the debate included:

- Majority of the roads around this premises had a lack of stores or commercial properties.
- There were pubs, shops, and other small local businesses closer to the nearby roundabout meaning there was not a need for a store.
- The use of this property as residential dwellings was better for the neighbourhood and the building itself.
- A one-bedroom accommodation would be difficult to find especially near town centre, so this would be sort after.

Having been proposed and seconded and following a vote, it was:

RESOLVED: That application 24/00537/FP be **GRANTED** planning permission subject to the reasons and conditions set out in the report of the Development and Conservation Manager.

20 24/00538/LBC 31 HITCHIN STREET, BALDOCK, HERTFORDSHIRE, SG7 6AQ

Audio Recording – 1 hour 37 minutes 15 seconds

Councillor Ruth Brown proposed to approve and Councillor Sadie Billing seconded and, following a vote, it was:

RESOLVED: That application 24/00538/LBC be **GRANTED** planning permission subject to the reasons and conditions set out in the report of the Development and Conservation Manager.

21 PLANNING APPEALS

The Development and Conservation Manager presented the report entitled Planning Appeals and informed the Committee that:

- Five appeals had been lodged since April through written representations procedure.
- The Committee was informed of the three appeals procedures; the written procedure where there was an exchange of written statements, the hearing procedure which was an exchange of written procedures and a hearing presided over by an inspector with round table discussion, and public inquiry which was a semi judicial process that involves barristers and cross examination and re-examination of expert witnesses.
- The appeals were modest scale developments and the majority had been refused.
- The matters of the appeals related to the Green Belt, character and appearance, and effect upon a neighbour.
- The Council had been notified of the intention to submit an appeal through the public inquiry procedure and if that appeal was lodged it would be reported at the next meeting. It related to the residential development at Rhee Spring in Baldock put in by Chalkdene.
- The reason for refusal was related to failure to deliver the required amount of affordable housing, as they were offering two units, significantly less than the required 40%.

RESOLVED: That the Committee noted the report.

The meeting closed at 9.13 pm

Chair