

12 June 2024

Our Ref Planning Control Committee 20 June 2024
Contact. Committee Services
Direct Dial. (01462) 474655
Email. committee.services@north-herts.gov.uk

To: Members of the Committee: Councillors Elizabeth Dennis (Chair), Nigel Mason (Vice-Chair), Amy Allen, Sadie Billing, Ruth Brown, Emma Fernandes, Ian Mantle, Bryony May, Caroline McDonnell, Michael Muir, Louise Peace and Tom Tyson

Substitutes: Councillors Val Bryant, Jon Clayden, Mick Debenham, Joe Graziano, Keith Hoskins, Steve Jarvis, Sean Nolan and Martin Prescott

NOTICE IS HEREBY GIVEN OF A

MEETING OF THE PLANNING CONTROL COMMITTEE

to be held in the

**COUNCIL CHAMBER, DISTRICT COUNCIL OFFICES,
LETCWORTH GARDEN CITY, SG6 3JF**

On

THURSDAY, 20TH JUNE, 2024 AT 7.30 PM

Yours sincerely,

Jeanette Thompson
Service Director – Legal and Community

****MEMBERS PLEASE ENSURE THAT YOU DOWNLOAD ALL AGENDAS AND REPORTS VIA THE MOD.GOV APPLICATION ON YOUR TABLET BEFORE ATTENDING THE MEETING****

Agenda **Part I**

Item		Page
1.	APOLOGIES FOR ABSENCE Members are required to notify any substitutions by midday on the day of the meeting. Late substitutions will not be accepted and Members attending as a substitute without having given the due notice will not be able to take part in the meeting.	
2.	NOTIFICATION OF OTHER BUSINESS Members should notify the Chair of other business which they wish to be discussed at the end of either Part I or Part II business set out in the agenda. They must state the circumstances which they consider justify the business being considered as a matter of urgency. The Chair will decide whether any item(s) raised will be considered.	
3.	CHAIR'S ANNOUNCEMENTS Members are reminded that any declarations of interest in respect of any business set out in the agenda, should be declared as either a Disclosable Pecuniary Interest or Declarable Interest and are required to notify the Chair of the nature of any interest declared at the commencement of the relevant item on the agenda. Members declaring a Disclosable Pecuniary Interest must withdraw from the meeting for the duration of the item. Members declaring a Declarable Interest, wishing to exercise a 'Councillor Speaking Right', must declare this at the same time as the interest, move to the public area before speaking to the item and then must leave the room before the debate and vote.	
4.	PUBLIC PARTICIPATION To receive petitions, comments and questions from the public.	
5.	24/00181/FP THE GEORGE AT BALDOCK, HITCHIN STREET, BALDOCK, HERTFORDSHIRE, SG7 6AE REPORT OF THE DEVELOPMENT AND CONSERVATION MANAGER Part change of use and conversion of ground floor restaurant to four hotel rooms (C1 use) and one retail (E(a) use) and bar unit, to include insertion of two windows to rear elevation and internal alterations.	(Pages 5 - 14)
6.	24/00182/LBC THE GEORGE AT BALDOCK, HITCHIN STREET, BALDOCK, HERTFORDSHIRE, SG7 6AE REPORT OF THE DEVELOPMENT AND CONSERVATION MANAGER	(Pages 15 - 20)

Part change of use and conversion of ground floor restaurant to four hotel rooms (C1 use) and one retail (E(a) use) and bar unit, to include insertion of two windows to rear elevation and internal alterations.

7. **24/00537/FP 31 HITCHIN STREET, BALDOCK, HERTFORDSHIRE, SG7 6AQ** (Pages 21 - 30)
REPORT OF THE DEVELOPMENT AND CONSERVATION MANAGER

Change of Use from restaurant (Class E from the 1/09/2020) to C3 (residential) to create two x 1-bed flats. External window alterations to rear elevations.

8. **24/00538/LBC 31 HITCHIN STREET, BALDOCK, HERTFORDSHIRE, SG7 6AQ** (Pages 31 - 38)
REPORT OF THE DEVELOPMENT AND CONSERVATION MANAGER

Replacement double casement window to ground floor of rear courtyard and north-east courtyard elevations, together with refurbishment of mullion transom leaded light window on north-east courtyard elevation. Internal alterations.

This page is intentionally left blank

<u>Location:</u>	The George At Baldock Hitchin Street Baldock Hertfordshire SG7 6AE
<u>Applicant:</u>	Mr Sabahipour
<u>Proposal:</u>	Part change of use and conversion of ground floor restaurant to four hotel rooms (C1 use) and one retail (E(a) use) and bar unit, to include insertion of two windows to rear elevation and internal alterations.
<u>Ref. No:</u>	24/00181/FP
<u>Officer:</u>	Thomas Howe

Date of expiry of statutory period:

25 March 2024

Extension of time:

27 June 2024

Reason for Referral to Committee:

Councillor Alistair Willoughby has requested that the application be referred to planning control committee for the following reasons:

- Loss of commercial and employment floor space.
- The loss of a community amenity asset.
- The setting of the building within the Conservation Area.
- The long history of the building as a hospitality venue.
- Concerns raised by residents in Baldock about the proposed development.

1.0 **Site History**

1.1 22/01853/FP & 22/01854/LBC - Part change of use and conversion of ground floor restaurant to two residential flats (C3 use), with insertion of ground floor windows to rear elevation and internal alterations. – Withdrawn

1.2 Various other applications related to internal and external works including the provision of bedroom spaces and layout changes.

2.0 **Representations**

2.1 **Neighbour Consultation – 1x Neutral Representation:**

“Whilst the application is a positive improvement on the previously submitted scheme, I would request that consideration is given by the planning authority to ensure that the applicant is not seeking to rely on permitted development rights (both those currently in existence and those mentioned as future propositions by the government) to procure a back-door means of achieving the previously sought residential conversion for the site.

There is, as the planning authority will be aware, increased flexibility to change use without the consent of the planning authority. Such flexibility could be used in the context of this application to achieve a residential use in the future without consultation or approval, despite the importance of this site to community life and the history of the asset.

The property has a retail designation in the current and proposed local plans and protections should be afforded to the site as part of any consent to ensure that this designated use is maintained in the long term.

I would therefore ask that consideration is given to a condition that limits further changes of use from the proposed retail, hotel and restaurant use envisaged by the scheme unless further consent is obtained from the local authority to do so.

Similarly the application makes statements that there is no interest in the site in its current form, yet there is no evidence of any attempt to market the hotel and restaurant in their current form. These statements should be backed up by evidence if the applicant seeks to rely on them for the purposes of obtaining the consent. Considering the previous application alleged that the existing hotel and restaurant use was also not viable (and the existing operator has taken the hotel rooms on the upper floors out of use) it is somewhat surprising that the proposed scheme seeks to introduce additional hotel rooms at a ground floor level.

Despite the above points, if the applicant genuinely intends to implement the scheme as proposed then I would consider that to be a positive attempt to put the premises back into a use that will benefit the town.”

2.2 **Conservation Officer – No Objection:**

“I am likely to offer a NO OBJECTION recommendation. The scheme will satisfy the provisions of Sections 16/66 and 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 and the aims of Section 16 of the NPPF and Policy HE1 of the North Hertfordshire Local Plan 2011-2031.”

Recommends conditions.

2.3 **Environmental Health (Noise):**

“The application seeks the conversion of some restaurant space at ground level to hotel accommodation and associated development. For a residential development, we would seek to ensure that the internal noise levels would achieve relevant standards both for traffic noise and commercial noise sources and to this end would require a noise assessment to demonstrate this.

For commercial hotel accommodation, we would not seek such assurances as the person occupying the room would be temporary and could complain to the management about any disturbance.

So, for this proposed development, I have no objections to the proposals. However, if there is a mechanism to ensure that we are re-consulted on any subsequent change of use application then it is recommended that this is enabled.”

2.4 **Hertfordshire Highways:**

Does not wish to restrict grant of permission.

2.5 **Waste and Recycling:**

“If planning is granted, this means a potential increase of amount of waste produced. It is not clear what arrangement for waste collection are at present: how many waste bins, what waste streams are collected, how large the bin store is and if it is able to accommodate more bins.

Without sufficient information I am not able to determine that the proposal can meet the requirement”

3.0 **Planning Considerations**

3.1 **Site and Surroundings**

3.1.1 The application site comprises The George at Baldock. A unit most recently in use as a public house and presently operating as hotel space. The list entry for The George reads as follows:

“Early C19 front of red brick with slightly projecting 5 storey centre, 2 storey wings. Hipped tiled roof. 1:3:1 sash windows with glazing bars in reveals under flat arches, ground floor arched panels to 3 central windows, Dummy window in centre of each floor. Roof parapets, brick modillion cornice above 2nd floor. Modern wing on left.

Nos 2 to 16 (even) form a group.”

3.2 **Proposal**

3.2.1 Planning permission is sought for the part change of use and the conversion of ground floor restaurant to four hotel rooms (C1 use) and one retail (E(a) use) and bar unit, to include insertion of two windows to the rear elevation and internal alterations.

3.3 **Key Issues**

3.3.1 The key issues for consideration are as follows:

- The acceptability of the design of the proposed development and its resultant impact on the character and appearance of the area.
- The impact that the proposed development would have on the living conditions of neighbouring properties.
- The impact that the proposed development would have on car parking provision in the area.
- The impact that the proposed development would have on the environment.

Principle of Development:

- 3.3.2 The application site has most recently been used as a public house serving food and drink to be consumed within the premises. When considering the development in the eyes of the Local Plan, parts of the northern and southern and the entire eastern elevation are designated as Secondary Shopping Frontage, wherein Policy ETC5 of the Local Plan is of relevance for the change of use at ground floor level. This policy sets out permitted changes of use to ground floor units within the frontage and these are set out and discussed below.
- 3.3.3 Criterion a) states that permission will be granted at ground floor level for “shops, financial and professional services, restaurants and cafes, pubs or drinking establishments and takeaways; or”. Within the frontage area, the retail and bar unit is proposed as is the main restaurant space. Therefore, the proposed change of use in this location would comply with this criterion. Criterion b) relates to uses outside of this list of uses, however, given the compliance of the proposed change of use with a), the development sits entirely within the provisions of Policy ETC5 and is therefore acceptable in principle.

Impacts upon Designated Heritage Assets:

- 3.3.4 The Council Conservation Officer has been consulted and has not objected to the proposed development. It is advised that there would be less than substantial harm to this heritage asset, however, by reason of the proposed development bringing the building back into use after being vacant for an extended period, the public benefits would outweigh the harm that the works would cause. The previous application received objections based on the introduction of windows to the rear elevation facing the churchyard and the loss of historic fabric that this would require. This matter was acknowledged by the conservation officer, but with a suitably detailed window scheme, can be suitably completed to not cause significant harm to this heritage asset. It is acknowledged that concern is raised regarding the piecemeal approach to changing the use of the wider building and whilst this may cause some harm to the building, the applicant has argued that the viability of the unit is not sustainable without changing the layout of the building and changing the use of the floor space. I consider that this is acceptable to support the proposed change of use and would give significant weight to the proposal bringing the building back into use.

Design and Appearance:

- 3.3.5 Policy D1 of the Local Plan states that development will be granted provided the design of the development appropriately and positively responds to the site’s local context together with other criteria to encourage a positive and sustainable form of development. Policy D2 of the Local Plan requires extensions to houses and the erection or replacement of buildings to incorporate design that is sympathetic to the main building in terms of its scale, form and orientation and does not harm the character and appearance of the locality around the site. These policies are broadly consistent with Section 12 of the National Planning Policy Framework.
- 3.3.6 Although the proposed development is relatively extensive, the sole external alteration would be the introduction of windows to the rear elevation facing onto the churchyard. Following consultation with the conservation area, it was considered that this would not be detrimental in design terms to the surrounding area and the conservation area. Previously concern was raised regarding the layout of the proposed bin store serving the hotel rooms and the storage space

Given that the main access to the hotel rooms would not be run in front of the bin store, I do not consider that the internal siting of the store would be harmful.

- 3.3.7 The proposed design and appearance would be acceptable. Therefore, it is considered that the proposed development would comply with Policies D1 and D2 of the Local Plan and the core principles set out within Section 12 of the National Planning Policy Framework.

Impact on Neighbouring Properties:

- 3.3.8 Policy D3 of the Local Plan permits development that does not result in unacceptable harm to the amenity of neighbouring occupiers and where necessary encourages the use of mitigation measures to reduce these impacts. This is generally reflected by the policies within the National Planning Policy Framework.

- 3.3.9 The proposed unit was most recently in use as a restaurant including an open bar space. Given that this site is in a town centre and is surrounded by various town centre uses including cafes and restaurants, I do not consider that the proposed hotel space, restaurant area and cheese/wine bar would give rise to an unacceptable degree of noise generation that would significantly harm the amenities of neighbouring occupiers. Environmental Health (Noise) have not objected to the proposed development and therefore I consider that the works would not contribute significant harm to the amenities of nearby occupiers. When considering the relationship of the hotel space with the restaurant use, it is acknowledged that bedrooms would be immediately adjacent to the prep and kitchen space. The submitted design and access statement indicates that measures would be made to provide noise deadening to ensure that noise from the kitchen space does not cause harm the amenities of these occupiers.

- 3.3.10 Given the above, it is considered that the proposed development would not have an unacceptable detrimental impact upon the living conditions of neighbouring occupiers and would comply with Policy D3 of the local plan and the aims of the National Planning Policy Framework.

Highways and Parking:

- 3.3.11 The application site does not benefit from access to a car park. On-street parking is present throughout this part of Baldock. There are also public car parks within the town centre and I therefore consider that the works would benefit from a sufficient level of parking space. Hertfordshire Highways have not raised an objection to the proposed development and I therefore consider that the works would not be harmful to the safe operation of the highway or the parking levels in the area.

Environmental Implications:

- 3.3.12 The proposed development, by virtue of its limited scale in general terms together with the sustainable location would have no significant implications for the local environment in terms of carbon emissions and therefore would be generally in compliance with Section 14 of the NPPF.

Other Matters:

- 3.3.13 An interested party has raised the issue of permitted change of use that currently exists and that may exist in the future. There is currently a permitted development right for the change of use from use class E, which includes retail units and restaurants to Use Class C3 dwellings houses.

However, this permitted development right under Class MA of Part 3 to Schedule 2 of the Town and Country Planning (General Permitted Development) Order 2015 (as amended) does not apply in the case because the building is listed. There is currently no permitted development right for the change of use of Use Class C1 (hotels) to Use Class C3 (dwellinghouses) although the Government consulted on such a proposition in 2023 subject to prior approval. Therefore, in this instance the property would not benefit from permitted change of use to dwelling houses.

3.3.14 The agent for the application has been asked to agree to pre-commencement conditions.

3.4 **Conclusion**

3.4.1 The proposed development is considered acceptable and is considered to comply with the necessary provisions of the Local Plan policies and the National Planning Policy Framework. Grant conditional permission.

3.5 **Alternative Options**

3.5.1 None applicable.

4.0 **Recommendation**

4.1 That planning permission be **GRANTED** subject to the following conditions:

1. The development hereby permitted shall be begun before the expiration of 3 years from the date of this permission.

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

2. The development hereby permitted shall be carried out wholly in accordance with the details specified in the application and supporting approved documents and plans listed above.

Reason: To ensure the development is carried out in accordance with details which form the basis of this grant of permission.

3. Prior to the first use of either the restaurant or the cheese and wine bar, the proposed hours of operation shall be submitted to and agreed in writing by the Local Planning Authority.

Reason: In the interest of preserving the amenity of nearby residential properties to comply with the provision of Policy D3 of the Local Plan 2011-2031.

4. Prior to first occupation of the hotel rooms, details of soundproofing shall be submitted to and approved in writing by the Local Planning Authority.

Reason: In the interest of preserving the amenity of occupiers of the hotel rooms hereby proposed to comply with Policy D3 of the Local Plan 2011-2031.

5. Prior to the first commencement of the hotel, restaurant or wine bar use, details of the siting of bins and waste collection arrangements shall be submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that suitable arrangements for waste collection are made to comply with the provisions of Policy D1 of the Local Plan 2011-2031.

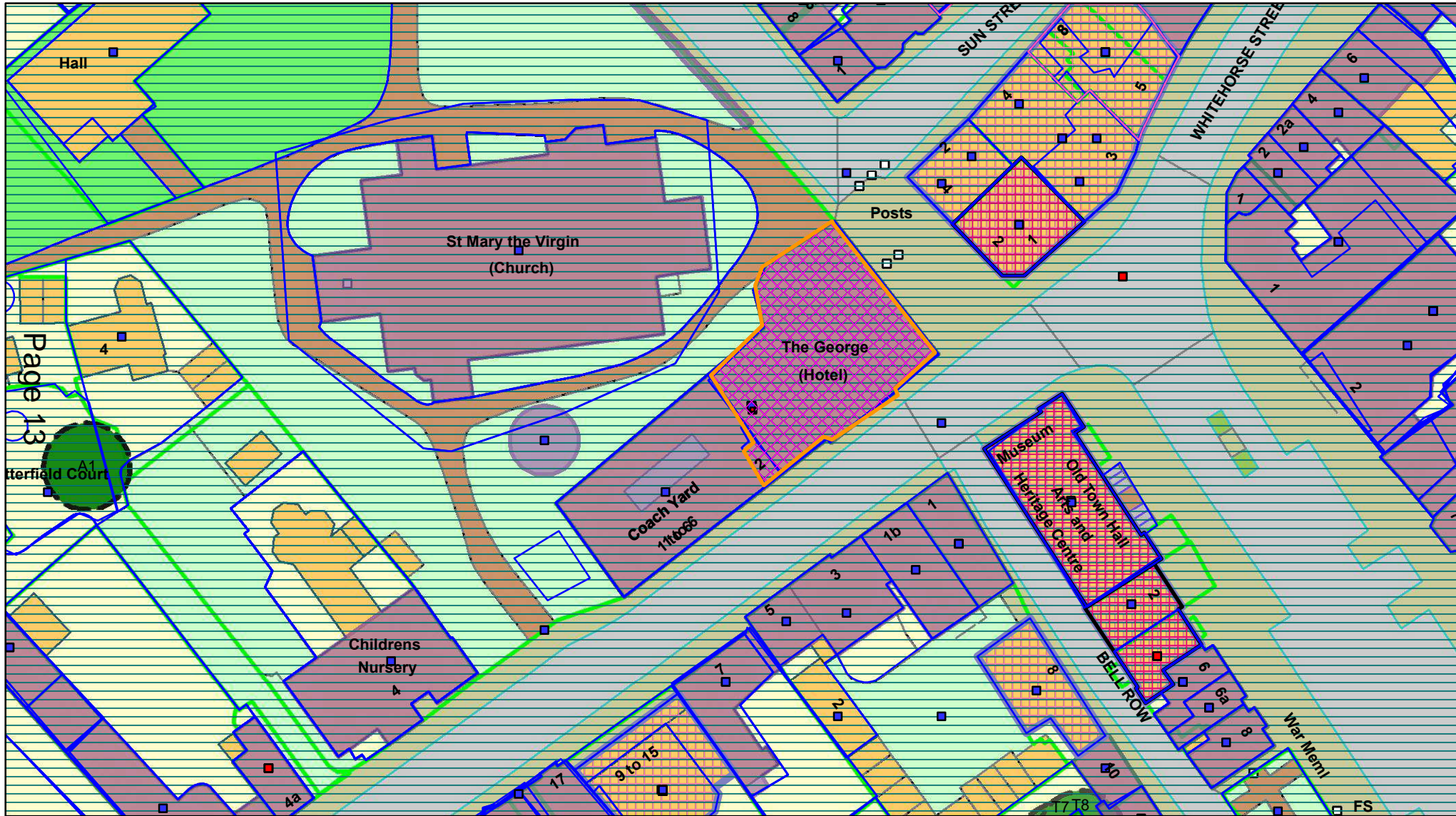
Proactive Statement:

Planning permission has been granted for this proposal. The Council acted proactively through positive engagement with the applicant at the pre-application stage and during the determination process which led to improvements to the scheme. The Council has therefore acted proactively in line with the requirements of the Framework (paragraph 38) and in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2015.

This page is intentionally left blank

NORTH HERTFORDSHIRE DISTRICT COUNCIL

24/00181/FP The George at Baldock, Hitchin Street, Baldock, Hertfordshire, SG7 6AE



Page 13

A1
Hatterfield Court

This page is intentionally left blank

<u>Location:</u>	The George At Baldock Hitchin Street Baldock Hertfordshire SG7 6AE
<u>Applicant:</u>	Mr Sabahipour
<u>Proposal:</u>	Part change of use and conversion of ground floor restaurant to four hotel rooms (C1 use) and one retail (E(a) use) and bar unit, to include insertion of two windows to rear elevation and internal alterations.
<u>Ref. No:</u>	24/00182/LBC
<u>Officer:</u>	Thomas Howe

Date of expiry of statutory period:

25 March 2024

Extension of time:

27 June 2024

Reason for Referral to Committee:

Councillor Alistair Willoughby has requested that the application be referred to planning control committee for the following material planning considerations:

- Loss of commercial and employment floor space.
- The loss of a community amenity asset.
- The setting of the building within the Conservation Area.
- The long history of the building as a hospitality venue.
- Concerns raised by residents in Baldock about the proposed development.

1.0 **Site History**

1.1 22/01853/FP & 22/01854/LBC - Part change of use and conversion of ground floor restaurant to two residential flats (C3 use), with insertion of ground floor windows to rear elevation and internal alterations. – Withdrawn

1.2 Various other applications related to internal and external works including the provision of bedroom spaces and layout changes.

2.0 **Representations**

2.1 **Conservation Officer – No Objection:**

“I am likely to offer a NO OBJECTION recommendation. The scheme will satisfy the provisions of Sections 16/66 and 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 and the aims of Section 16 of the NPPF and Policy HE1 of the North Hertfordshire Local Plan 2011-2031.”

Recommends conditions.

3.0 **Planning Considerations**

3.1 **Site and Surroundings**

3.1.1 The application site comprises The George at Baldock. A unit most recently in use as a public house and presently operating as hotel space. The list entry for The George reads as follows:

“Early C19 front of red brick with slightly projecting 5 storey centre, 2 storey wings. Hipped tiled roof. 1:3:1 sash windows with glazing bars in reveals under flat arches, ground floor arched panels to 3 central windows, Dummy window in centre of each floor. Roof parapets, brick modillion cornice above 2nd floor. Modern wing on left.

Nos 2 to 16 (even) form a group.”

3.2 **Proposal**

3.2.1 Listed Building Consent is sought for works to this property to include insertion of two windows to the rear elevation and internal alterations.

3.3 **Key Issues**

3.3.1 The key issues for consideration are the impacts that the proposed external and internal works together with the change of use would have on the significance of this Grade II Listed Building and the Baldock Conservation Area. The change of use is a matter for consideration relating to the application for planning permission.

3.3.2 The Council Conservation Officer was consulted on the case and has raised no objection to the proposed development. Their representation acknowledged that there would be less than substantial harm occasioned to the Listed Building as a heritage asset, however, positive weight was given to the fact that the works would enable the building to be brought back into use after an extended period of being vacant and out of use. Furthermore, given the prominent position of the application site in Baldock, it is considered that bringing it back into use is of significance given that it would contribute to the setting and amenity of nearby heritage assets.

3.3.3 The previous application raised concern about the prospective impacts to the neighbouring church and the loss of historic fabric by introducing 2 No. windows to the rear elevation. Although this matter is acknowledged, the conservation officer did not consider that this was sufficient to warrant an objection.

3.3.4 Overall, the impacts of the proposal on the character and appearance of the building and its significance as a designated heritage asset are considered acceptable.

Other Matters:

- 3.3.5 The agent for the application has been asked to agree to the pre-commencement conditions attached to this permission.

3.4 **Conclusion**

- 3.4.1 The proposed development is considered acceptable and is considered to comply with the necessary provisions of the Local Plan policies and the National Planning Policy Framework. Grant conditional consent.

3.5 **Alternative Options**

- 3.5.1 None applicable.

4.0 **Recommendation**

- 4.1 That Listed Building Consent be **GRANTED** subject to the following conditions:

1. The work to which this consent relates shall be begun by not later than the expiration of the period of 3 years from the date of this notice.

Reason: To comply with the provisions 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. Details and/or samples of materials to be used for the works, hereby granted consent, shall be submitted to and agreed, in writing, by the Local Planning Authority before any works are commenced.

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.

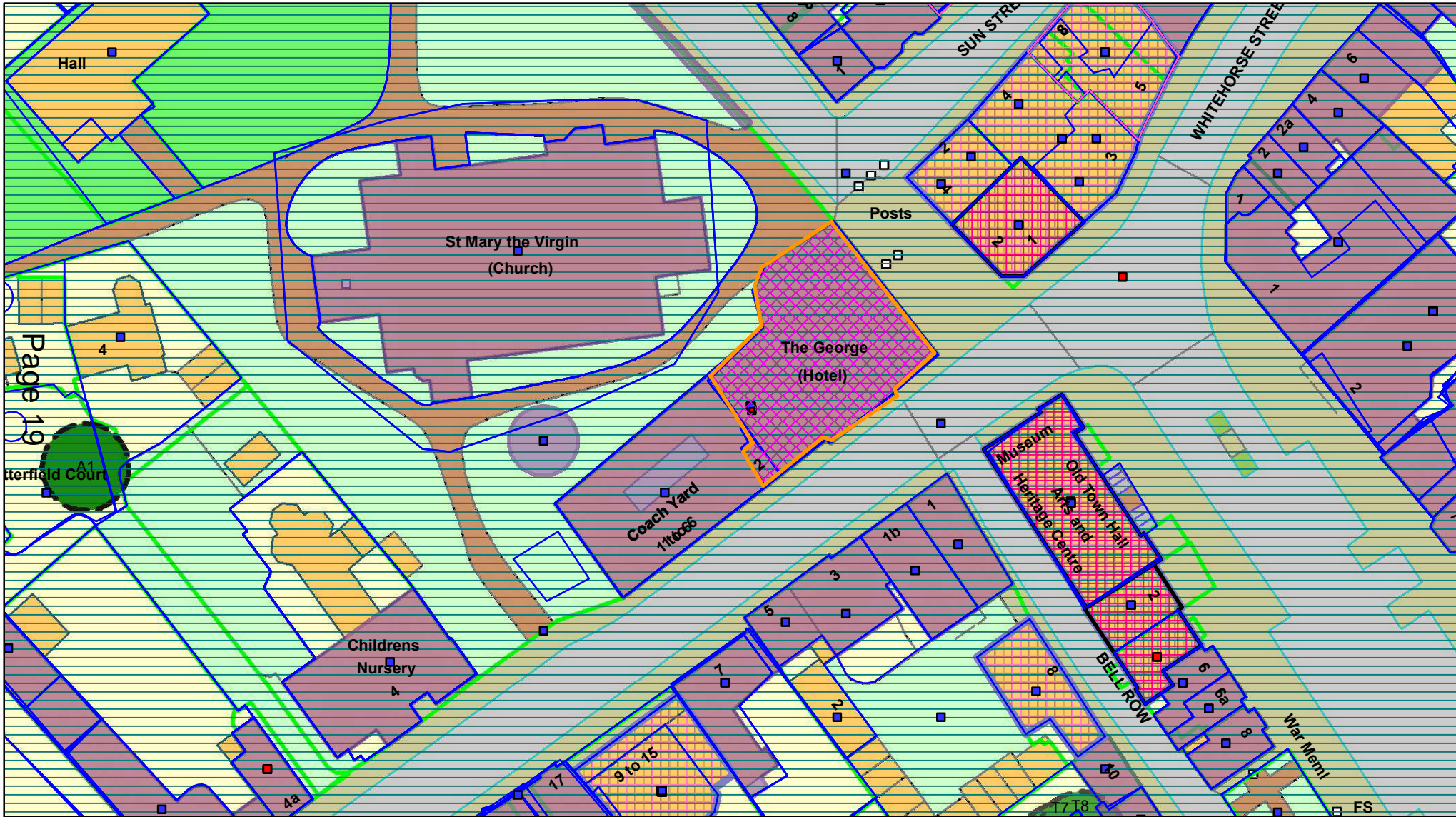
3. Full joinery details of the proposed new timber doors (internal) and windows to a metric scale and 1:1 scale drawings of the proposed glazing bars hereby granted consent, shall be submitted to and agreed, in writing, by the Local Planning Authority before any works are commenced/prior to manufacturing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

This page is intentionally left blank

NORTH HERTFORDSHIRE DISTRICT COUNCIL

24/00182/LBC The George at Baldock, Hitchin Street, Baldock, Hertfordshire, SG7 6AE



Page 19

A1
Hatterfield Court

This page is intentionally left blank

<u>Location:</u>	31 Hitchin Street Baldock Hertfordshire SG7 6AQ
<u>Applicant:</u>	Kirsten Wandlowsky
<u>Proposal:</u>	Change of Use from restaurant (Class E from the 1/09/2020) to C3 (residential) to create two x 1-bed flats. External window alterations to rear elevations.
<u>Ref. No:</u>	24/00537/FP
<u>Officer:</u>	Alex Howard

Date of expiry of statutory period: 15/05/2024

Extension of statutory period: 28/06/2024

Reason for Delay: In order to present the application to an available committee meeting.

Reason for Referral to Committee: The application has been called-in by Cllr Willoughby due to loss of amenity in regard to its employment and hospitality space.

1.0 **Site History**

1.1 Extensive history at this site. Relevant applications are as follows:

1.2 **20/02218/FP** - Change of Use from restaurant (Class E from the 1/09/2020) to C3 (residential) to create one 1-bed and one 2 bed flats. External window alterations to rear elevations.

Conditional Permission

1.3 **20/02285/LBC** - Replacement double casement window to ground floor of rear courtyard and north-east courtyard elevations, together with refurbishment of mullion transom leaded light window on north-east courtyard elevation. Internal alterations (as amended by drawing nos. BDH-200E and BDH-210A received on 01/02/202 and 08/02/2021 respectively).

Conditional Consent

2.0 **Policies**

2.1 **North Hertfordshire District Local Plan (The Local Plan) 2011 – 2031**

Policy SP1: Sustainable Development in North Hertfordshire

Policy SP9: Design and Sustainability

Policy SP10: Healthy Communities

Policy SP13: Historic Environment

Policy T2: Parking

Policy D1: Sustainable Design

Policy D3: Protecting Living Conditions

Policy HE1: Designated Heritage Assets

2.2 **National Planning Policy Framework (NPPF) (December 2023)**

Section 2: Achieving sustainable development

Section 4: Decision making

Section 7: Ensuring the vitality of Town Centres

Section 12: Achieving well-designed places and beautiful places

Section 16: Conserving and enhancing the historic environment

3.0 **Representations**

3.1 **Site Notice and Neighbour Consultation** – None received.

3.2 **Conservation Officer** – No objections raised to the identical FP/LBC applications under previously approved reference numbers: 20/02218/FP and 20/02285/LBC, subject to conditions.

3.3 **Environmental Health** – *“As we have discussed, this building is grade 2 listed and so any glazing or fenestration will have restrictions on what is possible in conservation terms. I have emailed Mark Simmons in relation to this but have had no response to date.*

Given that the previously granted application (20/02218/FP) had no mention from Environmental Health of noise from road traffic affecting the future occupiers, and given the listed status, I do not object to the proposals. If there is a possibility that double glazing units were possible or even secondary glazing, then this is advisable”.

3.4 **Hertfordshire Highways** – Following the submission of further details by the agent on the 8th April 2024, no objections have been raised.

3.5 **Baldock and Bygrave Planning Group** – None received.

3.6 **County Council Archaeology** – None received.

3.7 **Waste and Recycling** – General guidance given.

4.0 **Planning Considerations**

4.1 **Site and Surroundings**

4.1.1 The property is a vacant restaurant that is located on the south side of Hitchin Street, Baldock. It is Grade II listed and is within the Baldock Conservation Area. The site is within the designated Town Centre Area within the North Herts Local Plan.

The building and the area are Designated Heritage Assets for the purpose of applying the aims of the NPPF. The list entry reads as follows:

“Late C18 red brick front to C16 or C17 house. Steeply pitched tiled roof behind parapet and cornice of dentil and moulded brickwork. 2 storeys, slight central projection with ground floor glazed door in fielded panelled reveal, surround of Doric pilasters, entablature, and pediment. 2 wide Neo-Georgian shop windows either side. First floor 1:1:1 8asfi windows with glazing bars in reveals under flat arches. Narrow wing on left has exposed timber framework, ground floor carriageway, first floor oversailing on exposed corbels, with plaster infilling between closely spaced posts and flush 2 light lattice casement window. Steeply pitched old tiled roof with carved cornice. Gates of carriageway carved at top with initials S (for surname of owner) D E (for Christian names of owner and wife) and date 1632.”

4.2 Proposal

4.2.1 Full planning permission is sought for the Change of Use from restaurant (Class E from the 1/09/2020) to C3 (residential) to create two x 1-bed flats, as well as external window alterations to rear elevations.

4.2.2 The main area of floor space at the front of the site and leading round to the rear, which used to serve as the restaurant, bar, kitchen, and WCs, is proposed to be converted into Unit 1. The existing first floor space to the rear of the building is already a self-contained flat and is proposed to incorporate the ground floor store area behind the kitchen, to form Unit 2. Two private parking spaces are to be provided per dwelling. The existing spiral staircase to the basement is proposed to be removed and the basement will become a void with no use pertinent to the proposed residential use.

4.3 Key Issues

4.3.1 The key issues in this case are:

- The Principle of Development
- Design and Impact on Designated Heritage Assets
- Impact on Neighbours/Future Occupiers
- Parking

The Principle of Development

4.3.2 As stated previously, the site is within the designated Town Centre Area within the Local Plan. The site is not within the allocated Primary and Secondary Shopping Frontages in the Local Plan, although it is within very close proximity to units that are within these designations.

4.3.3 Seeing as this site is within the Town Centre Area but is not within a Primary or Secondary Shopping Frontage, Policies SP4, ETC4 and ETC5 of the Local Plan are not applicable. As such, the Council must consider the provisions set out in the NPPF.

- 4.3.4 Within Section 5 of the NPPF 'Delivering a sufficient supply of homes', paragraph 70 d) states:

“Small and medium sized sites can make an important contribution to meeting the housing requirement of an area, and are often built-out relatively quickly. To promote the development of a good mix of sites local planning authorities should

d) support the development of windfall sites through their policies and decisions – giving great weight to the benefits of using suitable sites within existing settlements for homes; and”

- 4.3.5 Within Section 7 of the NPPF 'Ensuring the vitality of town centres', paragraph 90 e) states:

“Planning policies and decisions should support the role that town centres play at the heart of local communities, by taking a positive approach to their growth, management and adaptation. Planning policies should:

(f) recognise that residential development often plays an important role in ensuring the vitality of centres and encourage residential development on appropriate sites”.

- 4.3.6 It is also noteworthy at this stage to acknowledge that as of November 2022, the Council has an up-to-date Local Plan and does not need to demonstrate a five-year land supply for applications received following the publication of the revised NPPF in December 2023. This application is an exact replica of one submitted in 2020 under ref: 20/02218/FP, which was granted subject to conditions on the 16th March 2021. The Council understand that the applicant failed to commence this approved consent within the allotted 3 years and has therefore run out of time, which is the reason for the resubmission before the Council. This previous application was considered before the Council adopted its Local Plan and when we were unable to demonstrate a five-year land supply, which afforded more weight to the delivery of residential dwellings. This clear difference in Local Plan circumstances is a material consideration in the assessment of this application and that of the call-in from the relevant Ward Councillor.

- 4.3.7 In the same way as the previous application at this site, the submitted DAS states the following:

“Currently the building is empty and has for several years opened under a variety of guises (office, shop, wine bar and restaurant) none of which have been sustainable. It is no longer seen as a viable option to run as a bar or restaurant, even before the coronavirus outbreak which has compounded the issues”.

It goes on to state: ***“The current function is deemed to be unsustainable, and the venue has been subject to several changes in ownership in the last decade, none of which have been successful. This is primarily due the buildings’ location, away from the main centre, surrounded by residential properties and configuration, it is a small venue over two stories with a remote kitchen and no outdoor space.***

There are other restaurants and public houses available within convenient walking distance and the proposed residential use compliments the function of the area”.

- 4.3.8 It should also be noted that this site was built as a two-storey house but has been subdivided over its history into separate units across both floors and towards the rear. When assessing the proposed development against the provisions set out in the NPPF, it is considered that the proposal would support the development of windfall sites within existing settlements for homes and recognises the role residential development plays in ensuring the vitality of Town Centres, in accordance with Sections 5 and 7 of the NPPF.
- 4.3.9 This is a planning benefit even in situations where the Council can demonstrate a 5-year land supply.
- 4.3.10 In the same way as under the previous application at this site, it is considered that as this building is not an allocated Primary/Secondary Shopping Frontage, this is in favour of the loss of this commercial unit and as a result, the principle of development on this particular site. The site is just off the main parade of shops and does not appear to accommodate much footfall, which could be the reason behind the previous uses of the unit as a restaurant/shop/bar becoming unviable as stated in the DAS. The site is surrounded by a variety of uses, including residential properties immediately next door, opposite and behind the building. Therefore, as stated above, the proposed change of use of this unit to residential would recognise the important role in ensuring the vitality of centres and is considered appropriate on this specific site, for the reasons given above; namely the lack of footfall due to its location, its current extended vacancy and historic viability issues as a commercial unit, and the number of residential properties within the immediate proximity.
- 4.3.11 As such, is therefore considered that the proposal complies with the relevant provisions of the NPPF and there are relevant and important material considerations in this particular case on this specific site that support the change to residential. This is consistent with the view given under the previous applications at this site. As such, it is considered that the principle of this development is acceptable.

Design and Impact on Designated Heritage Assets

- 4.3.12 The site is a Grade II listed building and is within the Conservation Area. Therefore, consideration is given as to the impact of the proposal upon these heritage assets. Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that in the exercise of planning powers, in conservation areas “*special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area*”. Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that where considering whether to grant planning permission for development which affects a listed building, or its setting, special regard shall be had to the desirability of preserving the building or its setting or any features of special architectural interest which it possesses.
- 4.3.13 Policy SP13 of the Local Plan states that “*When considering the impact of a proposed development on the significance of a designated heritage asset, great weight will be given to the asset’s conservation and the management of its setting*”. This reflects paragraph 205 of the NPPF which stipulates that great weight should be given to the conservation of designated heritage assets, such as conservation areas. Policy HE1 of the Local Plan states that “*Planning permission for development proposals affecting Designated Heritage Assets or their setting will be granted where they: c) Will lead to less than substantial harm to the significance of the designated heritage asset, and this harm is outweighed by the public benefits of the development, including securing the asset’s optimum viable use*”. This is reinforced by paragraph 208 of the NPPF.

- 4.3.14 The proposed development comprises no external changes to the building's principal elevation, with all the external works proposed on elevations facing the internal courtyard to the rear. During the lifetime of the previous applications in 2020 and through extensive consultation with the Agent and the Conservation Officer at that time, the proposed changes to 3NO windows were agreed (subject to conditions) on the simultaneous Listed Building Consent application (20/02285/LBC). The Conservation Officer has provided a formal comment on the most recent simultaneous Listed Building Consent, coming to the same conclusion of no objection subject to similar conditions relating to the windows and ventilation.
- 4.3.15 Moreover, seeing as the building has been vacant for an extended period due to several failed attempts to run it as a restaurant, bar and shop, a relevant consideration is whether the proposed use of this building for residential would be the optimum viable use for this building, to ensure that the building does not fall into disrepair in the future. This would align with the principles set out under Section 16 of the NPPF which seeks to secure the conservation of such heritage assets in the long term. There is a risk of to the building arising from the lack of repair and maintenance if it remains vacant. The proposed change of use would address this risk.
- 4.3.16 As such, the design of the development is considered acceptable, and the proposal will not result in harm to the architectural or historic importance of the Grade II listed building and the character and appearance of the Baldock Conservation Area. As the significance and heritage value of these assets would be unharmed, the proposal would accord with Policies SP13 and HE1 of the Local Plan and Sections 12 and 16 of the NPPF.

Impact on Neighbours/Future Occupiers

- 4.3.17 Policy D3 of the Local Plan states that planning permission will be granted for development proposals which do not cause unacceptable harm to living conditions.
- 4.3.18 The proposed development will change the use of the property from a restaurant to two dwellings. The site has an existing residential unit at first floor (Flat 1, Vintage Court), which sets a precedent for this type of development. The previous use of the ground floor unit was a restaurant which had the potential to harm the living conditions of occupiers of the existing residential property at first floor through noise, odour and general disturbance, due to the opening hours and nature of the business. It is therefore considered that the proposed residential use would be more appropriate and less harmful to the residential amenities of existing neighbours compared to the historic commercial uses at the site.
- 4.3.19 In terms of future occupiers of these units, the dwellings would exceed the nationally prescribed minimum space standards. Unit one is 78sqm for a 1-bed/2-person dwelling and Unit two is 58sqm for a 1-bed/2-person dwelling. All habitable rooms would benefit from suitable levels of natural light and whilst the dwellings would not benefit from private amenity space, given the type of dwelling proposed and the location of this site within the Town Centre and close to several nearby parks and open fields, this is considered acceptable.
- 4.3.20 In respect of the impact of noise on the ground floor unit fronting Hitchin Street, the Council's EHO has formally responded to this application acknowledging that under the previously granted application (20/02218/FP), there was no mention from Environmental Health of noise from road traffic affecting the future occupiers, and that given the listed status of the building, no objections were raised.

The Council acknowledge that future occupiers would benefit from double glazed ground floor windows, which would reduce potential noise from the highway and footway. However, this is not considered necessary.

- 4.3.21 In conclusion on this matter, proposed residential use of this site would not result in any materially adverse impacts upon the reasonable living conditions and well-being of neighbouring properties and the living conditions of future occupiers would be acceptable. This is in accordance with Section 12 of the NPPF and Policy D3 of the Local Plan.

Parking

- 4.3.22 The submitted parking plan has shown that 4 spaces will be available for the two units with two spaces per flat. As both units are 1-bed flats, this provision is considered in accordance with the Vehicle Parking at New Developments SPD and Policy T2 of the Local Plan.

4.4 **Conclusion**

- 4.4.1 It is considered that the proposal complies with the relevant provisions of the NPPF and there are relevant and important material considerations in this case that support the change of use to residential. This is consistent with the previous planning permission. It is further considered that the proposal is acceptable given the relevant material considerations, namely the lack of footfall due to its location, its current extended vacancy and historic viability issues as a commercial unit, and the number of residential properties within the immediate proximity.

The proposal would not harm the heritage significance of the host listed building and the Conservation Area, subject to the recommended conditions. The proposal would not result in any material harm to the reasonable living conditions and amenities of neighbours and future occupiers and would have acceptable parking provision. Overall, the proposed development is considered acceptable in planning terms.

4.5 **Alternative Options**

- 4.5.1 N/A

4.6 **Pre-Commencement Conditions**

- 4.6.1 N/A. These are dealt with under the submitted LBC under ref: 20/02285/LBC.

4.7 **Climate Change Mitigation Measures**

- 4.7.1 N/A

5.0 **Recommendation**

- 5.1 That planning permission be **GRANTED** subject to the following conditions:
1. The development hereby permitted shall be begun before the expiration of 3 years from the date of this permission.

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

2. The development hereby permitted shall be carried out wholly in accordance with the details specified in the application and supporting approved documents and plans listed above.

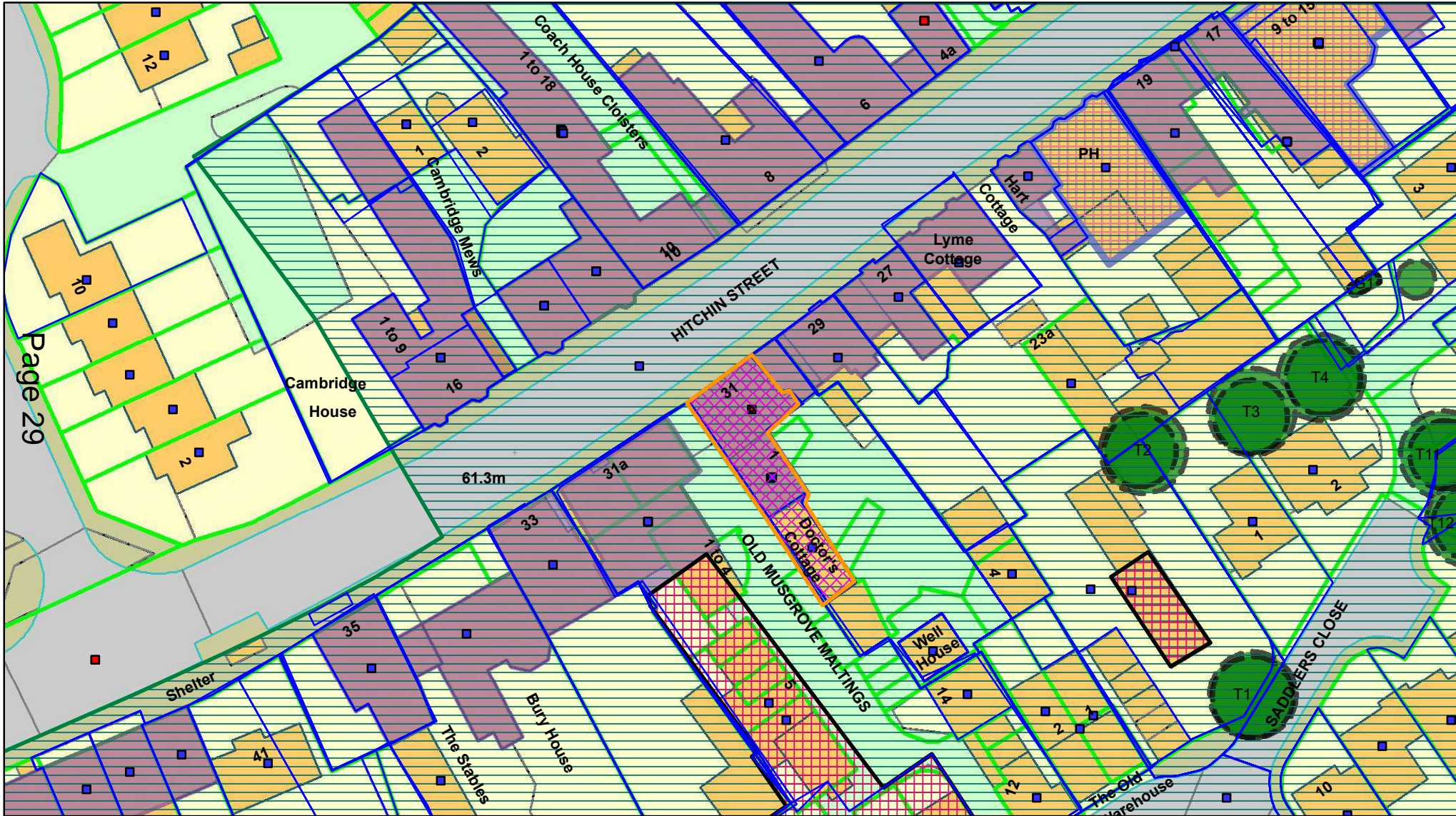
Reason: To ensure the development is carried out in accordance with details which form the basis of this grant of permission.

Proactive Statement

Planning permission has been granted for this proposal. Discussion with the applicant to seek an acceptable solution was not necessary in this instance. The Council has therefore acted proactively in line with the requirements of the Framework (paragraph 38) and in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2015.

NORTH HERTFORDSHIRE DISTRICT COUNCIL

24/00537/FP 31 Hitchin Street, Baldock, Hertfordshire, SG7 6AQ



Page 29

This page is intentionally left blank

<u>Location:</u>	31 Hitchin Street Baldock Hertfordshire SG7 6AQ
<u>Applicant:</u>	Kirsten Wandlowsky
<u>Proposal:</u>	Replacement double casement window to ground floor of rear courtyard and north-east courtyard elevations, together with refurbishment of mullion transom leaded light window on north-east courtyard elevation. Internal alterations.
<u>Ref. No:</u>	24/00538/LBC
<u>Officer:</u>	Alex Howard

Date of expiry of statutory period: 15/05/2024

Extension of statutory period: 28/06/2024

Reason for Delay: In order to present the application to an available committee meeting.

Reason for Referral to Committee: The application has been called-in by Cllr Willoughby due to loss of amenity in regard to its employment and hospitality space.

1.0 **Site History**

1.1 Extensive history at this site. Relevant applications are as follows:

1.2 **20/02218/FP** - Change of Use from restaurant (Class E from the 1/09/2020) to C3 (residential) to create one 1-bed and one 2 bed flats. External window alterations to rear elevations.

Conditional Permission

1.3 **20/02285/LBC** - Replacement double casement window to ground floor of rear courtyard and north-east courtyard elevations, together with refurbishment of mullion transom leaded light window on north-east courtyard elevation. Internal alterations (as amended by drawing nos. BDH-200E and BDH-210A received on 01/02/202 and 08/02/2021 respectively).

Conditional Consent

2.0 **Policies**

2.1 **North Hertfordshire District Local Plan (The Local Plan) 2011 – 2031**

Policy SP13: Historic Environment

Policy HE1: Designated Heritage Assets

2.2 **National Planning Policy Framework (NPPF) (December 2023)**

Section 16: Conserving and enhancing the historic environment

3.0 **Representations**

3.1 **Conservation Officer** – See below.

3.2 **Neighbour Consultation and Site Notice** – None received.

4.0 **Planning Considerations**

4.1 **Site and Surroundings**

4.1.1 The property is a vacant restaurant that is located on the south side of Hitchin Street, Baldock. It is Grade II listed and is within the Baldock Conservation Area. The building and the area are Designated Heritage Assets for the purpose of applying the aims of the NPPF. The list entry reads as follows:

“Late C18 red brick front to C16 or C17 house. Steeply pitched tiled roof behind parapet and cornice of dentil and moulded brickwork. 2 storeys, slight central projection with ground floor glazed door in fielded panelled reveal, surround of Doric pilasters, entablature, and pediment. 2 wide Neo-Georgian shop windows either side. First floor 1:1:1 8asfi windows with glazing bars in reveals under flat arches. Narrow wing on left has exposed timber framework, ground floor carriageway, first floor oversailing on exposed corbels, with plaster infilling between closely spaced posts and flush 2 light lattice casement window. Steeply pitched old tiled roof with carved cornice. Gates of carriageway carved at top with initials S (for surname of owner) D E (for Christian names of owner and wife) and date 1632.”

4.2 **Proposal**

4.2.1 Replacement double casement window to ground floor of rear courtyard and north-east courtyard elevations, together with refurbishment of mullion transom leaded light window on north-east courtyard elevation. Internal alterations.

4.3 **Key Issues**

4.3.1 The key issue in this case is the proposed developments impact upon the architectural or historic interest of the listed building.

4.3.2 After receiving a consultation response from the Conservation Officer on 30th May 2024, his comments are as follows.

4.3.3 *“I have placed great weight on the asset’s conservation (para 205) and I have considered whether the proposed works are convincingly justified (para 206). It is considered that the proposal will neither harm the listed building’s special character or harm the character or appearance of the Baldock Conservation Area. I therefore raise **NO OBJECTION** as the proposal will satisfy the provisions of Sections 16(2) (LBC only), 66(1) (FP only) and 72(1) of the Planning (LB & CA) Act 1990, the aims of Section 16 of the NPPF and Policy HE1 of the North Hertfordshire Local Plan 2011 – 2031”.*

“Suggested conditions if no further window details are forthcoming and assuming that drawing no. BDDH-700A will not be regarded as an ‘approved’ drawing.

1. *The work to which this consent relates shall be begun by not later than the expiration of the period of 3 years from the date of this notice.*

Reason: To comply with the provisions 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 new kitchen window to Flat 1 shall be constructed in timber with flush casements and no trickle vents unless otherwise agreed and approved in writing by the Local Planning Authority. Furthermore, section details of this window (including 1:1 glazing bar profile) shall be submitted to and approved in writing by the Local Planning Authority prior to the manufacture of the window and shall, thereafter, be installed in accordance with the approved details and prior to the occupation of Flat 1.*

Reason: To ensure that special regard is paid to protecting the special architectural and historic interest and integrity of this grade II listed building under Section 16(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 and Policy HE1 of the North Hertfordshire Local Plan 2011-2031.

3. *The new reception window to Flat 2 shall be constructed in timber with flush casements and no trickle vents unless otherwise agreed and approved in writing by the Local Planning Authority. Furthermore, section details of this window (including 1:1 glazing bar profile) shall be submitted to and approved in writing by the Local Planning Authority prior to the manufacture of the window and shall, thereafter, be installed in accordance with the approved details and prior to the occupation of Flat 2.*

Reason: To ensure that special regard is paid to protecting the special architectural and historic interest and integrity of this grade II listed building under Section 16(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 and Policy HE1 of the North Hertfordshire Local Plan 2011-2031.

4. *Notwithstanding the annotation on drawing no. BDH-210B that the large lead-light mullion-and-transom bedroom window to Flat 1 is to be replaced, this window shall be repaired*

and missing leaded-lights reinstated, unless justification is provided to the Local Planning Authority that it is incapable of being refurbished. In the event that it is agreed that the window is unable to be repaired then full working drawings of a replacement mullion-and-transom window with single-glazed leaded-lights shall be submitted to and approved in writing by the Local Planning Authority prior to the manufacture of the window and this shall, thereafter, be installed in accordance with the approved details and prior to the occupation of Flat 1.

Reason: To ensure that special regard is paid to protecting the special architectural and historic interest and integrity of this grade II listed building under Section 16(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 and Policy HE1 of the North Hertfordshire Local Plan 2011-2031.

5. *The existing WC vent under the carriage entrance shall be replaced with a Venta Axia Lo-Carbon Revive Selv 7 and the ensuite bathroom shall be vented through an existing flue to the left of leaded-light window on North East Elevation as indicated on drawing no. BDH-702 unless otherwise agreed and approved in writing by the Local Planning Authority.*

Reason: To ensure that special regard is paid to protecting the special architectural and historic interest and integrity of this grade II listed building under Section 16(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 and Policy HE1 of the North Hertfordshire Local Plan 2011-2031.

4.4 **Conclusion**

- 4.4.1 The proposed works would not harm the architectural or historic interest of the listed building and are therefore acceptable and listed building consent should be granted.

4.5 **Alternative Options**

- 4.5.1 N/A

4.6 **Pre-commencement Conditions**

- 4.6.1 I can confirm that the applicant/agent agree with the proposed pre-commencement conditions.

5.0 **Recommendation**

- 5.1 That listed building consent be **GRANTED** subject to the following conditions.

1. The work to which this consent relates shall be begun by not later than the expiration of the period of 3 years from the date of this notice.

Reason: To comply with the provisions 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 new kitchen window to Flat 1 shall be constructed in timber with flush casements and no trickle vents unless otherwise agreed and approved in writing by the Local Planning Authority. Furthermore, section details of this window (including 1:1 glazing bar profile) shall be submitted to and approved in writing by the Local Planning Authority prior to the manufacture of the window and shall, thereafter, be installed in accordance with the approved details and prior to the occupation of Flat 1.

Reason: To ensure that special regard is paid to protecting the special architectural and historic interest and integrity of this grade II listed building under Section 16(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 and Policy HE1 of the North Hertfordshire Local Plan 2011-2031.

3. The new reception window to Flat 2 shall be constructed in timber with flush casements and no trickle vents unless otherwise agreed and approved in writing by the Local Planning Authority. Furthermore, section details of this window (including 1:1 glazing bar profile) shall be submitted to and approved in writing by the Local Planning Authority prior to the manufacture of the window and shall, thereafter, be installed in accordance with the approved details and prior to the occupation of Flat 2.

Reason: To ensure that special regard is paid to protecting the special architectural and historic interest and integrity of this grade II listed building under Section 16(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 and Policy HE1 of the North Hertfordshire Local Plan 2011-2031.

4. Notwithstanding the annotation on drawing no.BDH-210B that the large lead-light mullion-and-transom bedroom window to Flat 1 is to be replaced, this window shall be repaired and missing leaded-lights reinstated, unless justification is provided to the Local Planning Authority that it is incapable of being refurbished. In the event that it is agreed that the window is unable to be repaired then full working drawings of a replacement mullion-and-transom window with single-glazed leaded-lights shall be submitted to and approved in writing by the Local Planning Authority prior to the manufacture of the window and this shall, thereafter, be installed in accordance with the approved details and prior to the occupation of Flat 1.

Reason: To ensure that special regard is paid to protecting the special architectural and historic interest and integrity of this grade II listed building under Section 16(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 and Policy HE1 of the North Hertfordshire Local Plan 2011-2031.

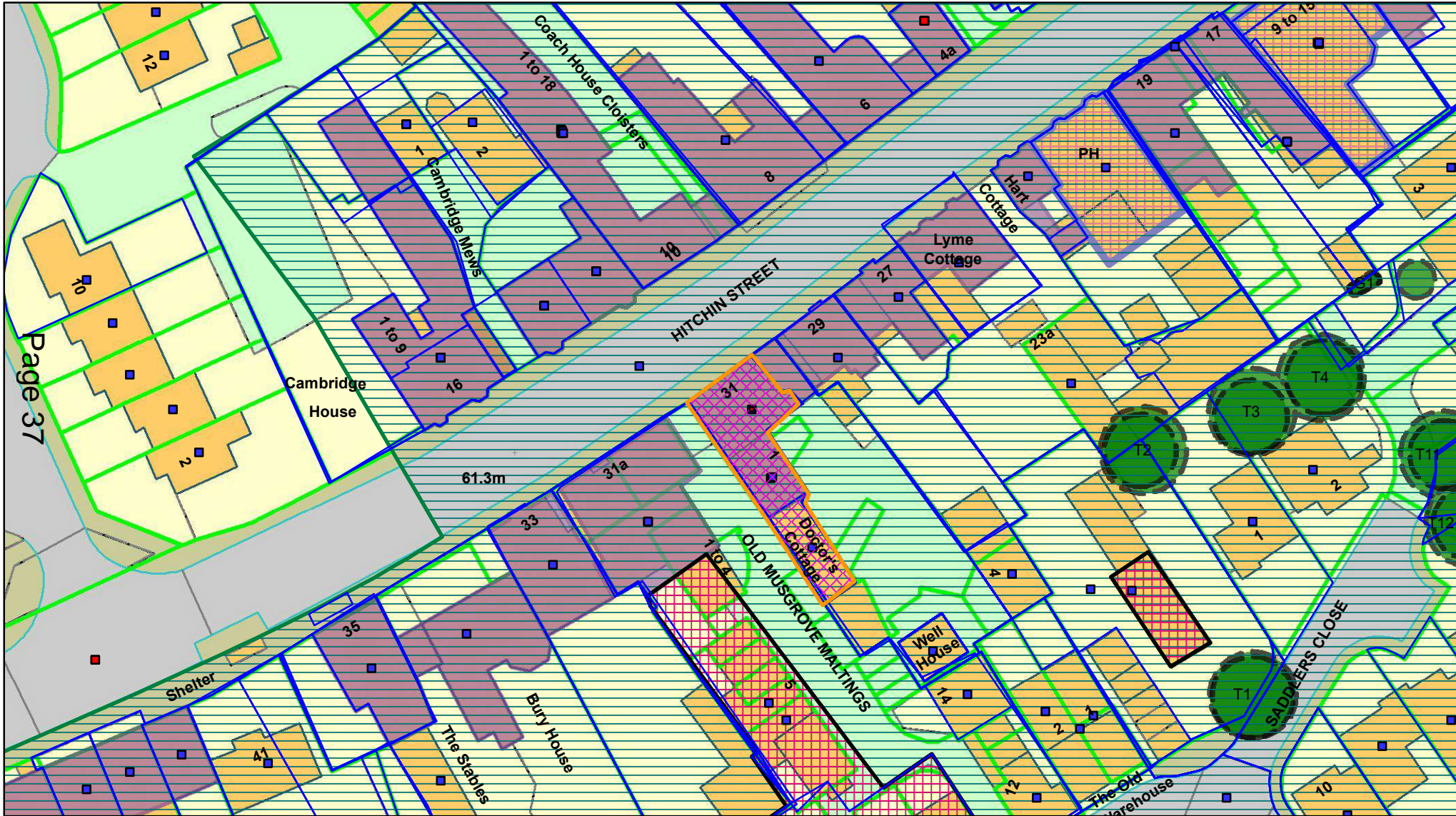
5. The existing WC vent under the carriage entrance shall be replaced with a Venta Axia Lo-Carbon Revive Selv 7 and the ensuite bathroom shall be vented through an existing flue to the left of leaded-light window on North East Elevation as indicated on drawing no. BDH-702 unless otherwise agreed and approved in writing by the Local Planning Authority.

Reason: To ensure that special regard is paid to protecting the special architectural and historic interest and integrity of this grade II listed building under Section 16(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 and Policy HE1 of the North Hertfordshire Local Plan 2011-2031.

This page is intentionally left blank

NORTH HERTFORDSHIRE DISTRICT COUNCIL

24/00538/LBC 31 Hitchin Street, Baldock, Hertfordshire, SG7 6AQ



Page 37

This page is intentionally left blank