

Location: **The Boot
73 High Street
Baldock
Hertfordshire
SG7 6BP**

Applicant: **Mr Mandeep Basra**

Proposal: **Two storey side extension, first floor rear and side extensions and change of use of building from Public House and three bedroom flat to C3 Residential to create 4no two bedroom flats and 2no one bedroom flats (as amended by plans received November 2020)**

Ref. No: 20/01098/FP

Officer: **Melissa Tyler**

Date of expiry of statutory period : 23.11.2020

Reason for Delay

Negotiations with Highways and committee cycle.

Reason for Referral to Committee

This planning application has been called into the Planning Control Committee by Cllr McNally on the basis that car parking levels car parking does not meet parking standards.

Submitted Plan Nos

3545 01 Location Plan
3545 02 Plans and elevation – Existing
3545 03 Sections – Existing
3545 10 D Proposed Site Plan
3545 11 B Proposed ground floor plan and elevations
3545 12 B Proposed first floor plan and elevations

200 Topographical Survey
Design and Access Statement Rev A
Tree Report
Public House Viability Test Report

1.0 **Policies**

1.1 **National Planning Policy Framework**

Paragraph 11 'Presumption in Favour of Sustainable Development'

Section 2. Achieving sustainable development

Section 5. Delivering a sufficient supply of homes

Section 9. Promoting sustainable transport

Section 11. Making effective use of land 35

Section 12. Achieving well-designed places

1.2 **North Hertfordshire District Local Plan No.2 with Alterations**

Policy 8 – Development in Towns.

Policy 26 - Housing proposals.

Policy 55 - Car Parking Standards.

Policy 57 - Residential Guidelines and Standards.

1.3 **Supplementary Planning Documents.**

Vehicle Parking Provision at New Development.

1.4 **North Hertfordshire District Local Plan 2011-2031**

Policy SD1 'Presumption in Favour of Sustainable Development'

Policy T1 'Sustainable Transport'

Policy T2 'Parking'

Policy HDS1 'Housing Targets 2011-2031'

Policy HDS2 'Settlement Hierarchy'

Policy D1 'Design and Sustainability'

Policy D3 'Protecting Living Conditions'

Policy NE6 'Reducing Flood Risk'

Policy NE7 'Water Quality and Environment'

Policy NE9 'Contaminated Land'

2.0 **Site History**

2.1 None relevant to proposed development

3.0 **Representations**

3.1 **Statutory Consultees**

HCC Highways – No objection – Condition recommended

North Herts Environmental Health - no objections to the proposed change of use

North Herts Waste – comments made

HCC Historic Environment – Conditions proposed given the location and size of the proposed extension

3.2 Neighbour Representations

3 Pinnocks Lane – Privacy issues including balcony and rear facing windows, trees and extension causes light issues to gardens, noise and lack of parking

5 Pinnocks Lane – lack of parking and trees should be removed Concerns over balcony – loss of privacy and noise

11 Pinnocks Lane – positive with keeping existing design on High street of former pub. Negatives – limited parking which will impact parking in Pinnocks Lane.

71a High Street – supports conversation to flats. Queries boundary maintenance

4.0 Planning Considerations

4.1 Site and Surroundings

4.1.1 The former public house The Boot which ceased trading in November 2019, is a two storey building with an existing parking area for 6 cars to the side of the property located on High street just outside the town centre area opposite Tesco's. The property is surrounded by residential properties. It shares boundaries with 71a High street, 83 High Street and a number of residential properties on Pinnocks Lane.

4.2 Proposal

4.2.1 Planning permission is sought for two storey side extension, first floor rear and side extensions and change of use of building from Public House and a single three bedroom flat to C3 Residential to create 4 x two bedroom flats and 2 x one bedroom flats.

4.2.2 4 parking spaces are proposed. This is a reduced number than originally proposed in order to enter and leave in a forward gear by providing sufficient room to manoeuvre the vehicles.

4.2.3 Waste and recycling bin stores are proposed along with the conversion of an existing outbuilding to be used as a secure bike storage sited on the rear boundary behind the proposed flats for 6 bikes.

4.2.4 The existing Sycamore tree is also proposed to be removed and to be replaced with more suitable sized trees. (See Tree Report found on website)

4.2.5 Materials include plain roof tiles to match the existing, Painted render at first floor and red facing brickwork with dentil course at ground floor to match the existing.

4.3 Key Issues

4.3.1 The key issues in the determination of this application are

the principle of the residential use;
parking requirements;
the living conditions of the future occupiers of the premises;
the character of the building and sites surroundings;
and the living conditions of the occupiers of adjoining premises.

Principle of residential

- 4.3.2 The Council is required to determine all planning applications in accordance with the development plan, which currently consists of the Saved Local Plan - North Hertfordshire District Local Plan no.2 with Alterations (SLP). Some weight is also afforded to the emerging North Hertfordshire Local Plan 2011-2031 (ELP) and the National Planning Policy Framework (NPPF) is also a material planning consideration.
- 4.3.3 Saved Policy 26 (Housing Proposals) of the Local Plan No.2 states that the Council will permit development ***'on sites within residential areas and elsewhere, if the proposal is acceptable in that location within the environment and character of the existing area'***. Policy SP9 (Design and sustainability) of the Proposed Submission Local Plan 2011-2021 states that ***'The Council considers good design to be a key aspect of sustainable development. We will: (a) Support new development where it is well designed and located and responds positively to its local context'***. In line with policy 8 of the Saved Local Plan (SLP), the Council will normally permit proposals to meet the majority of the development needs of the District within towns.
- 4.3.4 In regard to the change of use from a public house to residential use. While the loss of the business is regrettable, I can see no material planning objection based on policy. There is no policy protection within the Local Plan for the retention of small public houses within settlements where a range of services and other public houses exist within easy access. Furthermore, national and local planning policies seeks to increase housing densities in urban areas and to make good use of brown field sites to negate the need to develop green field sites. Therefore, this application is considered to accord with these principles. Further, the use of the building as residential flats will undoubtedly be less problematic for neighbours that its use as pub, indeed the change would probably result in an improvement in the general amenity of the area. The application includes the submission of a Viability Assessment and concludes that the use as a public house is not viable. There are 10 other public houses within the town centre and a number of different restaurants which are more centrally located. The former Boot is located outside the town centre area and in a prominently residential area.

- 4.3.5 The NPPF sets out a presumption in favour of sustainable development. There is no objection to the principle of the residential development of this site, in my view. Looking at the site in the broader context of sustainability, the site lies within the town of Baldock and is situated centrally to the town, with good access to a range of modes of transport, services and facilities. Consequently, in principle, residential development of the site is considered acceptable and would meet sustainability criteria set out in the NPPF.
- 4.3.6 The proposal would benefit the overall supply of housing and contribute to reducing the Council's five year shortfall. This would provide further social and environment benefits by making efficient use of previously developed in a location accessible to a full range of services, reducing the need to travel, particularly by car. There would be significant local economic benefits from the construction and servicing of the development and the future consumer spending of occupiers.

Design and character of surrounding

- 4.3.7 The location of the proposed extensions to the side and rear of the property would not have an adverse visual impact upon the street scene in my opinion. The side extension would be visible in the streetscene however this two storey extension would be sympathetic to the host building using materials to match the existing and appear subservient given the lower eaves and ridge height therefore would sit comfortably with the host building and the wider street scene.
- 4.3.8 It is my opinion that the amended scheme would not cause significant harm to the character and quality of the area and would thus comply with the provisions of Section 12 of the Framework and Emerging Policies SP9 and D1, and Saved Policy 57.

Living conditions of adjoining properties

- 4.3.9 A number of neighbouring residents had raised concerns with regards to overlooking and loss of privacy following the conversion to flats. Taking the comments of the neighbours into account, the agent has now removed the proposed balcony on the rear elevation that would have served unit 102. With regards to windows, the existing building has a flat at first floor where an existing window on the rear elevation facilitated a living room. Within the original building only one additional window is proposed to facilitate a bedroom at first floor (flat 101). I would therefore conclude that the potential increase in loss of privacy is no different than the existing flat at first floor. Two windows are proposed in the two-storey extension which facilitate kitchen/living rooms for two flats (102/103). These kitchen/living rooms have dual aspects and I have therefore recommended a condition to obscure glaze these windows which will reduce any perceived loss of privacy to the rear gardens of Pinnocks Lane. I therefore consider that no significant harm would be caused to the living conditions of nearby residents.

- 4.3.10 A neighbour has also raised concerns with regards to the proposed two storey extension and the dominance this would have on the rear garden of adjacent properties. The extension has been designed with a lower ridge height than the existing pub and using matching hipped roofs to reduce the bulk of the extension. The building would only partial affect the very ends of the gardens of Pinnocks Lane and due to the orientation of the extension and the relationship to neighbouring properties I do not consider that the proposed extension would result in any unacceptable level of over dominance of the neighbouring properties, given the distances between the proposed flats and the rear elevations of the neighbouring properties. I therefore consider that the extension would not have an adverse built impact on the neighbouring property in terms of loss of daylight/sunlight or being unduly dominant in the outlook they currently enjoy.

Living conditions of future occupiers

- 4.3.11 In terms of the future residents, it is important to ensure that this development provides a satisfactory living environment. Internal layouts of rooms would provide a good standard of amenity for future occupiers. In my view the scheme would be in line with the residential guidelines and standards set out in Policy 57.

Parking and access

- 4.3.12 The proposal offers four parking spaces and would not meet the Council's minimum car parking standards and so would conflict with NHDLP Policy 55.
- 4.3.13 However, paragraph 109 of the National Planning Policy Framework (NPPF) states that development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe. The proposal would not cause traffic congestion and the local highway authority has raised no objections. Based on the evidence, a severely harmful impact upon the parking capacity of the local highway network and local public car parks would not result.
- 4.3.14 This proposal is located just outside the town centre area, with good access to bus services and a wide range of regularly required services and facilities, including the rail station, all within a short walking or cycling distance. Therefore, future residents would not be dependent upon car ownership to meet most of their daily required needs.
- 4.3.15 Some future residents would still likely to be car owners. However, I am not persuaded that as a consequence this would result in material harm to the living conditions of neighbouring occupiers by exacerbating illegal and inconsiderate parking, including on pavements and verges, or in respect of increasing parking stress in areas with unrestricted on-street parking.
- 4.3.16 Furthermore, considering the depth of on-street parking restrictions in the surrounding area, it is not considered that the proposed four parking spaces for the proposed development would materially harm the safe operation of the highway or cause harm to the occupiers of adjoining premises by reason of displaced vehicle parking.

- 4.3.17 The details submitted in this application, including the application form and proposed site plan, state that 6 cycle parking spaces are to be provided in an existing outbuilding. It is considered that the securing of cycle parking provision, combined with the accessibility of the site from alternative modes of transport to private vehicle are material considerations which outweighs the conflict with policy 55 of the SLP, policy T2 of the ELP and the Vehicle Parking at New Development SPD.

Landscaping

- 4.3.18 Following objections regarding the existing trees a Tree report was submitted and the proposal includes the removal of 1 Sycamore Tree. The adjacent neighbours have requested this tree be removed due to its dominance and overbearing nature on the adjacent garden.
- 4.3.19 Landscaping details have been outlined on the Proposed Site Plan. I raise no objection to the proposed landscaping details. I have recommended a number of conditions which existing and proposed landscaping during construction and for the life-time of the development.

Other technical issues

- 4.3.20 Conditions have been recommended following consultation with Environmental Health, Hertfordshire Historical Environment Team. No objections were received.

Waste

- 4.3.21 The site plan shows bins and boxes to be stored at the side and rear next to parking area of the proposed dwellings. Occupiers would present these to the pavement on the frontage on collection day. These arrangements would minimise the appearance of waste and recycling receptacles in the streetscene of the development, retaining an attractive appearance to the development. The Waste Officer had made comments and recommendations for the developer to follow if permission is granted.

Planning Obligations and Wider Infrastructure

- 4.3.22 Being 6 units, the scheme falls below the threshold for obligations directed by National Planning Guidance.

4.4 Conclusion

- 4.4.1 The proposed development would, subject to conditions, accord with the policy principles of the local development plan framework. The proposed use would be in a sustainable location, and promote the use of alternative modes of transport to private motorised vehicles. The design of the development would preserve the significance of the site as a former public house, and respect the living conditions of the occupiers of adjoining premises.

4.5 **Alternative Options**

None applicable

4.6 **Pre-Commencement Conditions**

I can confirm that the applicant is in agreement with the pre-commencement conditions that are proposed

4.7 **Climate Change**

4.7.1 The proposed development, by virtue of its limited scale and appropriate design within the site, is sufficiently sustainable and would therefore be in compliance with Policy D1 of the Emerging Local Plan.

4.7.2 A condition for the inclusion of Electric Charging points has been requested by the Air Quality Officer to overcome impact of climate change to be secured via the grant of planning permission.

4.7.3 Replacement trees and appropriate landscaping has been conditioned.

4.8 **Site Assessment**

4.8.1 **In this case due to current circumstances regarding Covid-19 Pandemic and the current Government Restrictions a site visit from the public highway was able to take place. An assessment as to the impact of the proposed built form was undertaken using both a site visit and satellite imagery (google Maps dated August 2018) In this case it is considered that the information available and provided is sufficient to assess the impact of the development on the living conditions of the adjoining properties.**

5.0 **Legal Implications**

5.1 In making decisions on applications submitted under the Town and Country Planning legislation, the Council is required to have regard to the provisions of the development plan and to any other material considerations. The decision must be in accordance with the plan unless the material considerations indicate otherwise. Where the decision is to refuse or restrictive conditions are attached, the applicant has a right of appeal against the decision.

6.0 **Recommendation**

6.1 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 commencement of the use hereby permitted a visibility splay shall be provided in full accordance with the details indicated on the approved plan number (Rev: 10 C). The splay shall thereafter be maintained at all times free from any obstruction between 600mm and 2m above the level of the adjacent highway carriageway.

Reason: To ensure construction of a satisfactory development and in the interests of highway safety in accordance with Policy 5 of Hertfordshire's Local Transport Plan (adopted 2018).

4. Prior to the first occupation of the development hereby permitted the vehicular access shall be provided and thereafter retained at the position shown on the approved plan drawing number 10 Rev C to the Highway Authorities satisfaction. Arrangement shall be made for surface water drainage to be intercepted and disposed of separately so that it does not discharge from or onto the highway carriageway.

Reason: To ensure satisfactory access into the site and avoid carriage of extraneous material or surface water from or onto the highway in accordance with Policy 5 of Hertfordshire's Local Transport Plan (adopted 2018) and in order to minimise danger, obstruction, and inconvenience to users of the highway and of the premises.

5. Prior to the first occupation of the development hereby permitted the proposed onsite car and cycle parking areas shall be laid out, levelled, surfaced and drained in accordance with the approved plan (drawing 10 Rev C) and retained thereafter available for that specific use to ensure satisfactory parking of vehicles outside highway limits. Parking areas shall also be surfaced in tarmac or similar LPA approved durable, bound material and arrangements shall be made for surface water from the site to be intercepted and disposed of separately so that it does not discharge into the highway .

Reason: To ensure construction of a satisfactory development and in the interests of highway safety in accordance with Policy 5 of Hertfordshire's Local Transport Plan (adopted 2018).

6. The development shall not begin until full details of all proposed construction vehicle access, movements, parking arrangements and wheel washing facilities have been submitted to and approved in writing by the Local Planning Authority. The relevant details should be submitted in the form of a Construction Management Plan and the approved details are to be implemented throughout the construction programme.

Reason: To minimise danger, obstruction and inconvenience to users of the highway.

7. The approved details of landscaping as shown on Proposed Site Plan 3545 10D shall be carried out before the end of the first planting season following either the first occupation of any of the buildings or the completion of the development, whichever is the sooner; and any trees or plants which, within a period of 5 years from the completion of the development, die, are removed or become seriously damaged or diseased, shall be replaced during the next planting season with others of similar size and species, unless the Local Planning Authority agrees in writing to vary or dispense with this requirement.

Reason: To safeguard and enhance the appearance of the completed development and the visual amenity of the locality.

8. None of the trees to be retained on the application site shall be felled, lopped, topped, uprooted, removed or otherwise destroyed or killed without the prior written agreement of the Local Planning Authority.

Reason: To safeguard and enhance the appearance of the completed development and the visual amenity of the locality.

9. Any tree felled, lopped, topped, uprooted, removed or otherwise destroyed or killed contrary to the provisions of the tree retention condition above shall be replaced during the same or next planting season with another tree of a size and species as agreed in writing with the Local Planning Authority, unless the Authority agrees in writing to dispense with this requirement.

Reason: To safeguard and enhance the appearance of the completed development and the visual amenity of the locality.

10. Prior to occupation, each parking space shall incorporate one Electric Vehicle (EV) ready domestic charging point and it shall thereafter be retained.

Reason: To contribute to the objective of providing a sustainable transport network and to provide the necessary infrastructure to help off-set the adverse impact of the operational phase of the development on local air quality.

11. Before the occupation of any of the dwellings hereby permitted, the car parking facilities shown on the approved plan shall be marked out and made available, and shall thereafter be kept available solely for the parking of motor vehicles.

Reason: To ensure the provision of satisfactory car parking facilities clear of the public highway to meet the needs of the development.

12. The materials as shown on approved plan 3545 11B are to be used on all external elevations and the roof of the development hereby permitted shall be implemented on site unless otherwise approved in writing by the Local Planning Authority before the development is commenced.

Reason: To ensure that the development will have an acceptable appearance which does not detract from the appearance and character of the surrounding area.

13. The windows at first floor level relating to the kitchen/living room window of Flat 102 and the kitchen/living room window of Flat 103 on the North East elevation (as shown on plan 12B) hereby permitted shall be permanently glazed with obscure glass.

Reason: To safeguard the privacy of the occupiers of the adjacent dwelling.

14. No demolition/development shall take place/commence until an Archaeological Written Scheme of Investigation has been submitted to and approved by the local planning authority in writing. The scheme shall include an assessment of archaeological significance and research questions; and:
1. The programme and methodology of site investigation and recording
 2. The programme for post investigation assessment
 3. Provision to be made for analysis of the site investigation and recording
 4. Provision to be made for publication and dissemination of the analysis and records of the site investigation
 5. Provision to be made for archive deposition of the analysis and records of the site investigation
 6. Nomination of a competent person or persons/organisation to undertake the works set out within the Archaeological Written Scheme of Investigation.

15. The demolition/development shall take place/commence in accordance with the programme of archaeological works set out in the Written Scheme of Investigation approved under condition (14)

16. The development shall not be occupied/used until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the Written Scheme of Investigation approved under condition (14) and the provision made for analysis and publication where appropriate

Proactive Statement:

Planning permission has been granted for this proposal. The Council acted proactively through positive engagement with the applicant 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.

Informative/s:

1. Flats:
Doors to bin stores should be sufficient in width to allow the movement of bins at their widest and prevent entrapment of limbs. This is likely to be a minimum of 20cm in addition to the widest bin contained in the bin store.

Walls and doors should have protection strips to prevent damage and a mechanism for holding doors open should be available.
Doors should ideally be keypad entry or standard fire brigade keys. We do not support the use of electronic key fobs.

Roller shutters on bin stores can be considered to save space however the additional noise impacts should be considered.

Dropped kerbs should be provided to allow for ease of movement of bins to the collection vehicle and the pathway should be 1.5m in width taking the most direct route avoiding passing parked cars.

We do not advise the use of bin compactors, as they often cause excessive damage to bins or cause waste to get stuck inside bins. If bin compactors are used on site you should advise your waste collection contractor.

Bins in communal bin stores should be manoeuvrable to the refuse collection vehicle without the need to move other bins.
For flats, bins should be ordered direct from the Council's contractor 10 weeks in advance of first occupation to ensure they arrive in time for the first residents moving in.
2. AN1) Storage of Materials The applicant is advised that the storage of materials associated with the construction of this development should be provided within the site on land which is not public highway, and the use of such areas must not interfere with the public highway. If this is not possible, authorisation should be sought from the Highway Authority before construction works commence.
Further information is available via the website

<http://www.hertsdirect.org/services/transtreets/highways/> or by telephoning 0300 1234047.

AN2) Highway Obstruction It is an offence under section 137 of the Highways Act 1980 for any person, without lawful authority or excuse, in any way to wilfully obstruct the free passage along a highway or public right of way. If this development is likely to result in the public highway or public right of way network becoming routinely blocked (fully or partly) the applicant must contact the Highway Authority to obtain their permission and requirements before construction works commence. Further information is available via the website

<http://www.hertsdirect.org/services/transtreets/highways/> or by telephoning 0300 1234047.

AN3) Mud Deposit It is an offence under section 148 of the Highways Act 1980 to deposit mud or other debris on the public highway, and section 149 of the same Act gives the Highway Authority powers to remove such material at the expense of the party responsible. Therefore, best practical means shall be taken at all times to ensure that all vehicles leaving the site during construction of the development are in a condition such as not to emit dust or deposit mud, slurry or other debris on the highway. Further information is available via the website

<http://www.hertsdirect.org/services/transtreets/highways/> or by telephoning 0300 1234047.