

<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 – Withdrawn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 to the rear.

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.