

<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.