

Location: **The Bull High Street Gosmore Hitchin Hertfordshire
SG4 7QG**

Applicant: **A E Hoffman and K A Lauder**

Proposal: **Change of use of the public house (Sui Generis) to
residential (Class C3) comprising 1x four-bed dwelling
and associated landscaping, Erection of
carport/storage**

Ref. No: **24/00796/FP**

Officer: **Thomas Howe**

Date of expiry of statutory period:

3 June 2024

Extension of time:

30 September 2024

Reason for Referral to Committee:

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

"I agree with the parish council on over development of the land. While I appreciate that it's a listed building and the plans are restricted to working within the bounds of the current structure, there is very little outdoor space, only one parking space for a 4 bed home and no grass/outdoor provision for a family home.

It's a listed building which has been allowed to go into disrepair rather than focusing on the intended use as a pub.

The Bull was listed as an Asset of Community Value but lost it's status when the current owners leased the building to a chef who ran it as a restaurant.

It, along with the Bird in Hand, was a popular and well used pub.

The residents in Gosmore would like the building to be sold and run as a pub once again. However if it should be awarded change of use, then plans should respect the Heritage and Listing of the building and be in keeping.

By calling in the change of use the future of the Bull will be properly debated and scrutinised.”

The above are considered detailed reasoning based upon one or more valid material planning considerations and details reasons why the matter is in the wider public interest.

1.0 **Site History**

1.1 24/00725/LBC - Internal and external alterations to facilitate change of use of the public house (Sui Generis) to residential (Class C3) comprising 1x four-bed dwelling – Concurrent Application

1.2 24/00751/FP - Temporary planning permission for a period of 12 months for the continued use of the first floor as residential accommodation – Pending

2.0 **Representations**

2.1 **Neighbour Consultation** – 2x Objections:

- Loss of pub use.
- Loss of business use harms local economy.
- Harm to social pillar of sustainability.
- Closure of public house was due to costs of operation, not poor operation and management.
- Opportunity to reopen business now.
- Harm to character of the village.
- Insufficient information provided to justify proposed change of use.
- Pub, when in operation, was well received by locals and from visitors.
- Change of use would not preserve a community facility.

2.2 **Parish Council** – Objection:

“It was agreed there was no objection in principle for a single use dwelling, however Parish Council agreed to object to this scheme as it is over development with insufficient parking provision.”

2.3 **Conservation Officer:**

“It is considered that the change of use will result in less than substantial harm to the character of the Gosmore Conservation Area by a reduction in the economic vitality of the area eroding Gosmore’s ability to be a sustainable community. However, unless there is considered good reason to seek marketing and viability evidence with the potential to retain the existing use, from a heritage perspective I see no alternative other than to raise NO OBJECTION as there is no other reason to resist the change to residential. This was the case with the Maidens Head, Whitwell. The scheme will thus satisfy Sections 66(1) 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.”

2.4 **Environmental Health** – No Objection subject to implementation of contamination condition.

3.0 **Planning Considerations**

3.1 **Site and Surroundings**

3.1.1 The Bull comprises a Public House in Gosmore at the crossroads between Waterdell Lane and the High Street. The site is within the Gosmore Conservation Area and the defined settlement boundary of Gosmore. The building is Grade II Listed and its List Entry reads as follows:

“House, now a public house. C17 or earlier, brick cased in early C18. Timber frame cased in plum brick with red dressings now painted on front and S part. Steep old red tile roofs. Low-pitched slate roof to E part of rear wing. A 2-storeys corner building facing W with single-storey rear service wing at SE. A 3-cells plan formerly roofed with cross-gable to parlour at S end, and a large projecting external chimney on E. Very large N gable chimney as open fireplace the full width of the house. Stair turret to rear of central part with front and rear doors. W front has plat-band, black painted plinth. 4 windows to 1st floor and 2 blocked openings. Segmental arches to the 3 windows on ground floor. Flush 2-lights casement windows with small-panes and external louvred shutters on ground floor. 8-panel door (renewed) in heavy frame up 2 steps. Wrought iron sign to RH end of front”

3.2 **Proposal**

3.2.1 Planning permission is sought for the change of use of the building from a Public House (Sui Generis) to a four bed, residential dwelling. Associated landscaping works and the erection of a carport and storage space are also proposed.

3.3 **Key Issues**

3.3.1 The key issues for consideration are as follows:

- The principle of the development.
- Sustainability.
- The acceptability of the design of the proposed development and its resultant impact on the character and appearance of the area.
- The impact on heritage assets.
- 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 sits within the defined settlement boundary of Gosmore, a Category A Village. Policy SP2 describes how general development will be permitted within the defined settlement boundaries of Category A Villages. The proposal comprises general development and is therefore considered to be compliant with the provisions of this policy.

- 3.3.3 The development seeks to change the use of the building into residential use. Policy ETC7 is of relevance given that it relates to the loss of a public house use in the village. The policy provides the following requirements:

“Planning permission for the loss or change of use of any shops, services or facilities outside the defined retail hierarchy will be granted where:

- a) There is another shop, service or facility of a similar use available for customers within an 800m walking distance; and*
- b) The proposed replacement use would complement the function and character of the area.”*

- 3.3.4 The area surrounding the site predominantly comprises residential dwellings, and I therefore do not consider that the public house is within the retail hierarchy. The Bird in Hand is an existing public house that remains in Gosmore, approximately 30 metres from the application site. Therefore, I consider that a) is met. With regards b), residential dwellings effectively surround the application site, and therefore a residential use would complement this prevailing use in this part of Gosmore. Overall, the principle of development is suitably supported for the proposed change of use.

Sustainability:

- 3.3.5 The application site is within Gosmore, a Category A settlement. Therefore, various amenities are available to the future occupiers of the dwelling and would therefore not require a private vehicle when traveling to the nearby public house and would benefit from bus stops providing travel throughout the district. Socioeconomic benefits would arise from the provision of a windfall dwelling within the district and due to local contractors being used during the construction phase and when maintaining the building in the future.

Design and Appearance:

- 3.3.6 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.
- 3.3.7 The proposed development requires few alterations to the main building, and where these are proposed, they are not development for the purposes of planning permission or are well screened from public vantage (see below section on Heritage Assets). A new car port is proposed together with associated storage space and landscaping. The proposed car port and landscaping works together with new boundary treatments are considered to be suitably in keeping with the existing building and surrounding area. Materials of construction, scale of development and built form are sympathetic to the existing building area and to this part of Gosmore.

- 3.3.8 The proposed development is therefore considered to be in compliance with Policies D1 and D2 of the Local Plan and the core principles set out within Section 12 of the National Planning Policy Framework. The design and appearance are therefore acceptable.

Impacts to Heritage Assets:

- 3.3.9 The building is Grade II Listed and both internal and external works are proposed. The council conservation officer has made representation, and this representation has not objected to the proposed development.
- 3.3.10 The analysis within the Conservation Officers representation is understood and agreed. The planning policy for services and facilities including public houses does not require, in this instance, justification for the loss of the use in respect to viability. Whilst the Conservation Officer acknowledges less than substantial harm to the character of the Gosmore Conservation Area by a reduction in the economic vitality of the area eroding Gosmore's ability to be a sustainable community, it is also acknowledged that there is not a policy based requirement for any long-term financial viability evidence for the change of use of the property. There is a requirement, and a benefit to the heritage asset, pursuant to safeguarding the future of the listed building. Subject to a condition requiring the submission of material details for the proposed glazed entrance hall to the rear, no harm would occur to the listed building pursuant to the physical works required to necessitate the change of use.
- 3.3.11 Whilst less than substantial harm would occur to the character of Gosmore Conservation Area, the harm would be on the lower end of less than substantial. The heritage benefits of safeguarding the future of the listed building and the public benefits of a windfall dwelling in a sustainable location would outweigh the lower end less than substantial harm to the contribution of the public house use of the building to the significance of the Conservation Area as a designated heritage asset.
- 3.3.12 The proposed car port would replace an existing car port of no special interest. Whilst taller with a pitched roof, the proposed car port, subject to conditions regarding materials, is not considered obtrusive or out of keeping with its context.
- 3.3.13 It is thereby considered that the proposed development would not occasion harm to the significance of the heritage asset or its setting which is not outweighed by public benefits. The scheme will thus satisfy Sections 66(1) 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.

Impact on Neighbouring Properties:

- 3.3.14 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 provisions within the National Planning Policy Framework.
- 3.3.15 The proposed change of use may improve the standard of amenities for neighbouring occupiers by removing a noise generating use from this predominantly residential area. Furthermore, proposed alterations to the building would not dominate or overlook any neighbouring occupiers.

The proposed car port/storage space would be located adjacent to the rear boundary and is therefore in proximity to No. 114. Given the presence of the driveway, an alleyway, and an existing covered area, I consider that the works would not overbear or overshadow this neighbouring dwelling.

- 3.3.16 It is considered that the proposed development would result in no unacceptable detrimental impact upon neighbouring occupiers and is therefore compliant with Policy D3 of the local plan and the aims of the National Planning Policy Framework.

Standard of Amenity for Future Occupiers:

- 3.3.16 The proposed internal floor space for the dwelling would exceed the minimum space required for a four-bed, two storey dwelling as required by the Nationally Described Space Standards. Amenity space is provided to the rear, featuring a patio area and some garden space. I consider that the amenities of future occupiers would be suitably served by the building and amenity space.

Highways and Parking:

- 3.3.17 The proposed development would be served by a minimum of one parking space that is off-street. On-street parking would be provided and therefore, I consider that sufficient parking would be provided for the dwelling. An existing access point would be used for vehicle parking, presently used as a car port to provide off-street vehicle parking. I therefore consider that the development would hold an acceptable relationship with the safe operation of the highway.

Biodiversity Net Gain:

- 3.3.18 The proposed development benefits from the 'de minimis' exemption from the 10% requirement for Biodiversity Net Gain given that the development would not impact a priority habitat and would impact less than 25 square metres (e.g. 5m by 5m) of onsite habitat. Policy NE4 requires measurable biodiversity, and the applicant has agreed to the introduction of a swift box to the car port to provide an on-site habitat.

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.

3.5 Alternative Options

- 3.5.1 None applicable.

3.6 Pre-Commencement Conditions

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

4.0 **Legal Implications**

- 4.1 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.

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.

3. In the event that contamination is found at any time when carrying out the approved development, it shall be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment shall then be undertaken by a competent person, in accordance with BS10175:2011. A written report of the findings should be forwarded for approval to the Local Planning Authority. Following completion of remedial measures, a verification report shall be prepared that demonstrates the effectiveness of the remediation carried out. No part of the development should be occupied until all remedial and validation works are approved in writing.

Reason: To protect human health and to ensure that no future investigation is required under Part 2A of the Environmental Protection Act 1990.

4. Prior to commencement of the approved development, the following landscape details to shall be submitted to the Local Planning Authority for approval, and the development shall be carried out in accordance with these details:

a) which, if any, of the existing vegetation is to be removed and which is to be retained

b) what new trees, shrubs, hedges and grassed areas are to be planted, together with the species proposed and the size and density of planting

c) the location and type of any new walls, fences or other means of enclosure and any hardscaping proposed

d) plans showing the design and external elevations of the cycle storage.

Reason: To ensure the submitted details are sufficiently comprehensive to enable proper consideration to be given to the appearance of the completed development. To comply with Policy D1 of the Local Plan.

5. The approved landscaping 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, and to comply with Policy NE2 of the North Hertfordshire Local Plan 2011 to 2031.

6. In accordance with approved drawing nos. PL.120, PL.210 and PL.211 which indicate the removal of the corrugated covered way, walk-in fridge-freezers and metal framed free-standing gazebo at the rear, these elements shall be removed prior to the occupation of the building as a dwellinghouse.

Reason: To ensure that special regard is paid to the setting of the listed building and to the character and appearance of the Gosmore Conservation Area under Sections 66 and 72 respectively of the Planning (Listed Buildings and Conservation Areas) Act 1990 and Policy HE1 of the North Hertfordshire Local Plan 2011-2031.

7. The carport/storage building shall be constructed with an oak -frame as annotated on approved drawing no. PL.211 unless otherwise agreed and approved in writing by the Local Planning Authority.

Reason: To ensure that special regard is paid to the setting of the listed building and to the character and appearance of the Gosmore Conservation Area under Sections 66 and 72 respectively of the Planning (Listed Buildings and Conservation Areas) Act 1990 and Policy HE1 of the North Hertfordshire Local Plan 2011-2031.

8. The carport/storage building shall be constructed with an open eaves (exposed rafter feet) unless otherwise agreed and approved in writing by the Local Planning Authority.

Reason: To ensure that special regard is paid to the setting of the listed building and to the character and appearance of the Gosmore Conservation Area under Sections 66 and 72 respectively of the Planning (Listed Buildings and Conservation Areas) Act 1990 and Policy HE1 of the North Hertfordshire Local Plan 2011-2031.

9. Details of the roof material for the carport/storage building shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of that part of the development hereby approved. The carport/storage building shall be completed in accordance with the approved roof materials.

Reason: To ensure that special regard is paid to the setting of the listed building and to the character and appearance of the Gosmore Conservation Area under Sections 66 and 72 respectively of the Planning (Listed Buildings and Conservation Areas) Act 1990 and Policy HE1 of the North Hertfordshire Local Plan 2011-2031.

10. Details of the rainwater goods for the carport/storage building shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of that part of the development hereby approved. The carport/storage building shall be completed in accordance with the approved rainwater goods.

Reason: To ensure that special regard is paid to the setting of the listed building and to the character and appearance of the Gosmore Conservation Area under Sections 66 and 72 respectively of the Planning (Listed Buildings and Conservation Areas) Act 1990 and Policy HE1 of the North Hertfordshire Local Plan 2011-2031.

11. Details of the siting and design of a bird box shall be submitted to and approved in writing by the Local Planning Authority prior to the first occupation of the development hereby approved. The bird box shall be implemented on site and retained in perpetuity with the residential use of the site.

Reason: To provide measurable biodiversity net gain in accordance with Policy NE4 of the North Hertfordshire 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.