

Location: **Coach House Cloisters
Hitchin Street
Baldock
Hertfordshire
SG7 6AE**

Applicant: **Jason Kitchener**

Proposal: **Change of use of rearward buildings from offices to five 2-bed dwellings, retention of office use class to main front building, provision of 9 parking spaces and bin storage. Removal of existing archway gates and installation of new sliding gates.**

Ref. No: 24/00756/FP

Officer: **Melissa Tyler**

Date of expiry of statutory period: 6 June 2024

Extension of statutory period: 30 October 2024

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

Reason for Referral to Committee: Contrary to Highways

1.0 **Site History**

1.1 Extensive history at this site in the 1980s/90s. Relevant applications are as follows:

1.2 **23/02868/FP**- Change of use for a section of car park from E(c) Office class to additional garden space for C3 Dwellinghouse and erection of timber framed garden room.

Conditional Permission

1.3 **24/00757/LBC** Internal and external alterations including alteration to existing roof and fenestration, to facilitate conversion of rearward buildings from offices into 5 x 2 bed dwellings and installation of sliding entrance gates

TO BE DETERMINED AT SAME TIME

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 **Baldock, Bygrave and Clothall Neighbourhood Plan**

Policy G3 Creating well-designed places
Policy G4 Sustainable design
Policy G5 Baldock Conservation Area

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

Section 2: Achieving sustainable development
Section 4: Decision making
Section 5: Delivering a sufficient supply of homes
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. Conditions recommended

3.3 **Environmental Health** –

Noise: The offices are being retained at the front, adjacent to Hitchin Street and as such, the proposed dwellings behind are well screened from the road traffic. I have no objections on this basis.

Contaminated Land: The application is not supported by any information on land contamination. However, given the location and existing use I have no objections subject to the following condition being placed on any decision notice should you be minded to grant approval

Local Air Quality: North Herts Council have specific air quality planning guidance that can be found at <http://www.north-herts.gov.uk/home/environmental-health/pollution/air-quality/air-quality-andplanning> Application of the guidance to a development of this scale and location defines the site as being a MINOR scale development and so the following condition is recommended to ensure that appropriate local air quality mitigation is provided.

3.4 Hertfordshire Highways – Objection

Notice is given under article 22 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 that Hertfordshire County Council as Highway Authority recommends that permission be refused for the following reasons:

The proposed access arrangement as shown in the proposed plan (Ref- PL200 Rev-C) will not be acceptable.

- *The access arrangement as shown the drawing (Ref- PL200 Rev-C) is substandard in terms of its width to accommodate emergency vehicles.*
- *The application has failed to demonstrate how the emergency vehicles (such as ambulances, delivery vans, fire service vehicles) will enter and exit the site in forward gears.*
- *The application has failed to provide overhead clearance (hight of the gate) to accommodate emergency vehicles.*
- *The application has failed to provide sufficient turning area for emergency vehicles within the site.*
- *No information is provided for the service road which is appeared substandard in terms of its width to pass vehicles each other.*

3.5 Baldock and Bygrave Planning Group – None received.

3.6 County Council Archaeology – None received. Have recommended a standard condition if anything is found during construction.

3.7 Waste and Recycling – General guidance given.

Standard domestic service –

For houses, waste collection is a kerbside service; therefore, residents must be able to take their bins to the kerbside for emptying. Bins must be accessible to crews directly from the kerbside, without pulling distances.

Adequate off-street storage must be provided for bins, and storage areas need to have sufficient space for all necessary waste and recycling containers.

The surface to the collection point should be uninterrupted, level with no gravel or similar covering, and have a width to enable the easy passage of wheeled bins. For two-wheeled bins this should be 1 metre with a maximum gradient of 1:12.

Any pathways should take the most direct route possible to the kerbside and avoid the need to pull bins past parked cars or parking bays.

4.0 Planning Considerations

4.1 Site and Surroundings

4.1.1 The property is located on the north 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 in terms of applying the policies of the NPPF. The application site is part of a larger original site, containing the listed building at the front of the site, and later additional buildings running northwest into the site.

4.2 **Proposal**

4.2.1 Full planning permission is sought for the change of use of rearward buildings from offices to five 2-bed dwellings, retention of office use class to main front building, provision of 9 parking spaces and bin storage. Removal of existing archway gates and installation of new sliding gate.

4.2.2 The 5 new residential units will comprise the following:

Unit 1 – 78.7m² – 2b 3p

Unit 2 – 71.2m² – 2b 3p

Unit 3 – 70.2m² – 2b 3p

Unit 4 – 82.8m² – 2b 3p

Unit 5 – 75.5m² – 2b 3p

4.2.3 As existing, buildings 3 and 4 have lightweight cladding/sheeting roof pitches. These are proposed to be replaced with more substantial roof construction, to give adequate structural thermal and fire resistance. This new roof would be finished with reconstituted slate. New rooflights would be fitted to the western facing pitches, to add additional natural light to the new staircases and alternative lighting and ventilation aspect. The existing fenestration includes a mix of single double and triple timber single glazed casements with Georgian bars. The proposals seek to replace all units with timber double glazed units with sightlines to match existing (The sightline is a term used to describe the amount of window frame that you see when looking directly at the window).

4.2.4 There are 9 car parking spaces shown on the site plan. Four of which are allocated to the existing offices. New secure cycle storage facilities will be located within the car park. Vehicles cycles and pedestrians will enter and exit the site via the existing entrance, however a new set of sliding powered gates will be fitted to the rear elevation of building 1, to allow for off-street waiting while the gates are operating.

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
- Highways and Parking

The Principle of Development

4.3.2 Policy SP2 of the Local Plan states that the majority of the district's new housing will be focused in towns, which is echoed in Policy SP8. The site is located on the edge of Baldock Town Centre, in a sustainable location within close proximity to a variety of shops, schools and public transport links.

4.3.3 Therefore, in my opinion, given the surrounding pattern of development of residential units in the vicinity and the sustainable urban location on previously developed land, the principle of development is acceptable and in accordance with Policy SP2 and SP8 of the Local Plan.

4.3.4 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.

4.3.5 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”

4.3.6 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”.

Within Section 11 of the NPPF 'Making effective use of land' paragraph 124 (c) states that planning policies and decisions should:

“c) give substantial weight to the value of using suitable brownfield land within settlements for homes and other identified purposes ...”

d) promote and support the development of under-utilised land and buildings, especially where this would help to meet identifies needs for housing where land supply is constrained and available sites could be used more effectively...”

- 4.3.7 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.
- 4.3.8 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.
- 4.3.9 This is a planning benefit even in situations where the Council is not required to demonstrate a 5-year land supply.
- 4.3.10 It is considered that as this building is not an allocated Primary/Secondary Shopping Frontage, the loss of these office units is acceptable in principle. The site is surrounded by a variety of uses, including residential properties. The Baldock, Bygrave and Clothall Neighbourhood Plan (BBCNP) supplements Local Plan policies and does not address matters relating to the principle of the proposed development in this location.
- 4.3.11 As such, it is therefore considered that the proposal complies with the Local Plan as whole, as well as relevant provisions of the NPPF, and 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 when 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. Policy G5 of the BBCNP stipulates that development within the Baldock Conservation Area, should conserve or enhance its character and appearance.

- 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. The Conservation Officer has provided a formal comment on the simultaneous Listed Building Consent, coming to the same conclusion of no objection subject to conditions relating to the windows and materials.
- 4.3.15 The principles set out under Section 16 of the NPPF seek 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, Policy G5 of the BBCNP 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 offices to dwellings. 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. The units range from 70 sqm to 82 sqm. 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, this is considered acceptable.
- 4.3.20 In respect of the impact of noise, the Council's EHO has formally responded to this application stating that given the location of the flats to the rear of the site and the offices at the front of the site to be retained the dwellings are well screened from road traffic noise.
- 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.

Highways and Parking

- 4.3.22 The Highway Authority were consulted on this application and an initial response was received on the 3rd May 2024, objecting to the proposed development on a number of grounds, including

- *The access arrangement as shown the drawing (Ref- PL200 Rev-C) is substandard in terms of its width to accommodate emergency vehicles.*
- *The application has failed to demonstrate how the emergency vehicles (such as ambulances, delivery vans, fire service vehicles) will enter and exit the site in forward gears.*
- *The application has failed to provide overhead clearance (hight of the gate) to accommodate emergency vehicles.*
- *The application has failed to provide sufficient turning area for emergency vehicles within the site.*
- *No information is provided for the service road which is appeared substandard in terms of its width to pass vehicles each other*
- *Waste collection – The submitted drawing (Ref- PL200 Rev-C) shows the refuse bin collection point. it appears to me that residents of plots 4 and 5 would have to carry their refuse bins for more than 30 metres which is unacceptable. Residents should not have to carry their rubbish more than 30m to a storage point. (Sources BS5906:2005 and Schedule 1 Part H Building Regulations). Furthermore, the highway authority considers that refuse collection vehicles would have to park and wait longer than normal time on the adjacent footways to collect the bins. This means pedestrians would have to walk onto the main carriageway which is unacceptable and contrary to the LTP4 policy.*

4.3.23 In response, Planning Officers have considered these matters at length. The recommendation for refusal seems to be based on the ingress and egress of emergency vehicles through a historic coaching inn archway, which as existing is not adequate for the vehicles (current use of the property is offices). It would seem that the Highway Authority has not considered the listed nature of the historic frontage, and its inherent restrictions of height and width of its existing access. This is a matter for the Local Planning Authority to assess in the planning balance.

4.3.24 The applicant's agent submitted the following response (see appendix 1 for full statement)

1. ***It would seem that highways have not considered the listed nature of the historic frontage, and its inherent restrictions of height and width. Furthermore they seem to think that the access is a "service road", rather than a private driveway proposed for residents and office users. As existing, this private entrance serviced approx. 16 office units, and did not need to be constructed of 2 lanes as they now seem to require.***
NPPF-2023 para 116 (d) is referring to development sites (can this site be classified thus, or would we be deemed conversion?), but Highways have not read this in conjunction with para's of Considering potential impacts, especially 214. Local planning authorities should assess whether the benefits of a proposal for enabling development, which would otherwise conflict with planning policies but which would secure the future conservation of a heritage asset, outweigh the disbenefits of departing from those policies.

2. Emergency Vehicles:

A fire tender would also NOT be required to enter site, we have accounted for sprinklers to the final block (4 & 5), this being the only part of the development that would fall outside the 45m max distance required for Fire brigade hose distance from tender to the further part of the conversion.

Standard practice from the Fire Brigade is to stop at the roadside rather than entering private driveways/sites, hence the 45m max hose distance and sprinkler system implementation to meet current building regulations. Fire Brigade access/approval would usually be dealt with through the Building Control process.

4.3.25 In response to the waste objection, it is acknowledged that ideally from a highway safety perspective, new developments should normally be serviced from within. However, refuse is already collected from Hitchin Street with the refuse vehicle stopping on the highway for a short period of time. This proposed arrangement for the new development would mean that the refuse vehicle and workers would need slightly more time on the highway to pick up the waste. This additional amount of time is not deemed to be significantly above what is already occurring on Hitchin Street.

4.3.26 Therefore, it is considered that the Highway objections relating to emergency vehicle, access and refuse collection arrangement grounds weigh against the proposal. However, this must be considered against the identified benefits of the proposal. When assessing the scheme as a whole it is considered that the benefits of bringing this listed building back into use and delivering housing in this sustainable urban location on previously developed land leads outweighs the objections raised by the Highway Authority.

4.3.27 In respect of parking provision, the plans show that each dwelling would benefit from 1 allocated car parking space, with 4 spaces allocated to the remaining office units. This does not meet the minimum parking standard Policy T2 of the Local Plan and the Vehicle Parking at New Developments SPD. However, the site is located within close proximity to a number of public transport links, including Baldock Train Station. Therefore, I do not consider it appropriate to object to this proposal on the grounds of its lack of parking provision, as this site is within a very sustainable location.

4.3.28 Following the above queries raised following the objection response the highway Authority replied with the following: **the highway's recommendation for this development (Ref-24/00756/FP at Coach House) will remain unchanged, although the North Herts District Council as a planning authority could decide differently.**

4.3.29 The Highway Authority have not provided the Council with any conditions as they are maintaining their objection. It is therefore down to the Council, as the decision-making authority, to consider the imposition of suitably worded conditions that cover highway safety matters.

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.

4.4.2 The proposal would not harm the heritage significance of the host listed building and the Conservation Area. 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: 24/00757/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. This development is not subject to the statutory Biodiversity Gain Plan condition because it is considered exempt under the statutory exemptions (<https://www.gov.uk/guidance/biodiversity-net-gain-exempt-developments>) or transitional arrangements in respect of the biodiversity gain condition.
2. 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.

3. 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.

4. 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.

5. Prior to occupation, the proposed new development shall incorporate Electric Vehicle (EV) ready domestic charging points on the following basis:
1 charging point per unit (dwelling with dedicated parking) or 1 charging point per 10 spaces (unallocated parking)
The final provision and EV specification should be submitted to and agreed with the Council on the basis of a detailed proposal.

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.

6. If any archaeology artefacts are found during the site clearance and digging out stages, all works must stop on site and advice be sought from the HCC Archaeology team.

Reason - in the interests of archaeology protection to comply with Policy HE4 of the North Hertfordshire Local Plan 2011 to 2031.

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.

7.0 **Appendices**

7.1 Applicant response to Highway Objection