

<b>ITEM NO:</b>	<u>Location:</u>	<b>The Cricketers, Arlesey Road, Ickleford, Hitchin, SG5 3TH</b>
	<u>Applicant:</u>	<b>Mr R Harry</b>
	<u>Proposal:</u>	<b>Variation to condition 2 (development in accordance with approved plans) of planning permission ref 11/00772/1 granted 23/05/2011 including increase in height of main roof and reduction in depth of side extension and alterations to fenestration (as amended by plan nos. CRI/09/03H, 05H &amp; 07H)</b>
	<u>Ref. No:</u>	<b>17/00536/ 1</b>
	<u>Officer:</u>	<b>Tom Rea</b>

**Date of expiry of statutory period:** 18 May 2017

**Reason for Delay**

Negotiations with the applicant.

**Reason for Referral to Committee**

The application has been called into Committee by Councillor Spencer-Smith in the wider public interest.

**1.0 Relevant History**

- 1.1 11/00772/1: Two storey and part single storey side extensions, part first floor rear and two storey rear extensions to create restaurant and additional bedroom facilities for current public house and bed and breakfast business  
The Cricketers, Arlesey Road, Ickleford, Hitchin, SG5 3TH. Approved 23/5/11.
- 1.2 16 00115/1NMA: Increase to roof height and alterations to fenestration of proposed two storey side/rear extension and alteration to width of proposed rear extension. Alteration to car park layout (non-material amendment to planning application 11/00772/1 granted 23/05/2011) - Approved 22/1/16.

**2.0 Policies**

- 2.1 **North Hertfordshire District Local Plan No.2 with Alterations (Saved Policies, 2007)**  
  
Policy 5 - Excluded Villages  
Policy 16 - Areas of Archaeological Significance and other Archaeological Areas  
Policy 55 - Car Parking Standards
- 2.2 **National Planning Policy Framework**  
Section 1 - Building a strong, competitive economy.  
Section 4 - Promoting sustainable transport.  
Section 7 - Requiring good design.  
Section 8 - Promoting healthy communities
- 2.3 **North Hertfordshire District Local Plan 2011-2031 Proposed Submission**  
Policy SP1 'Sustainable Development in North Hertfordshire'  
Policy SP9 'Design and Sustainability'

Policy T2 'Parking'  
Policy D1 Sustainable Design'  
Policy D3 'Protecting Living Conditions'  
Policy SP10 'Healthy Communities'

The Council submitted its Submission Local Plan to the Secretary of State for Examination in Public (EiP) on 9th June 2017.

### **3.0 Representations**

- 3.1 **Ickleford Parish Council:** Objects to this application on the basis that the applicant has totally disregarded and breached the previously approved plans. Furthermore, the above-named planning application is completely out of keeping with the surrounding street scene by virtue of the height of the building noted in the accompanying plans. Should this planning application be approved, we would like to request that North Hertfordshire District Council ensures strict measures are adopted to prevent the proposed plans from being varied without their authority.
- 3.2 **Representations following the site notice and neighbour consultation:**  
Letters of objection / concern have been received from the occupiers of 107a and 109 Arlesey Road raising the following points:
- Original approved plans not adhered to
  - Loss of privacy and amenity
  - Concern at visibility
  - Boundary fences have been removed
  - encroachment onto adjoining property
  - reduced size of the north extension makes no improvement to access problems given the retaining wall and footpath
  - set back from the front boundary is now 600mm not 1200mm as originally approved
  - extensions are oversized and ugly
  - query accuracy of the drawings
  - continuous rubbish and junk in rear car park
  - adjacent properties are being devalued
  -

At the time of writing this report 4 letters of support have been received making the following points:

- the addition of the restaurant and new facilities will benefit the area
- the owner has suffered health problems which has delayed the completion of the extensions
- proposals will help the pub be a viable business and sustain a vital community amenity
- the pub is an important part of our heritage and tradition
- will benefit the community

### **4.0 Planning Considerations**

#### **4.1 Site & Surroundings**

- 4.1.1 The Cricketers is a public house located on the west side of Arlesey Road north of the Ickleford Conservation Area. The site includes a large car park at the rear and an existing outbuilding located close to the southern boundary. The public house is located within a housing area with two properties located 37 metres to the rear of the premises served by a private drive off Arlesey Road. The public house is still operating opening daily from 4.00pm and during lunchtimes on Sundays.

Planning permission 11/00772/1 has begun to be implemented with the construction of the side and rear extensions which are nearing completion.

## 4.2 **Proposal**

- 4.2.1 As a variation to the original planning permission the applicant seeks permission to raise the roof of the pub by another 450mm and this would continue through to the rear elevation with the same increase in height proposed to the rear gable ends. . A reduction in the proposed side extension is proposed at the rear and a forward projection by 200mm. There are also various changes to the size and position of window and door openings.

Work has begun on the roof extension but has now stopped pending the outcome of this planning application.

## 4.3 **Key Issues**

- 4.3.1 The key issues are the impact on the character and appearance of the area, impact on neighbouring property and highway safety.

### 4.3.2 **Character and appearance**

The main impact of these proposals is the additional height and massing of the roof extension to the main roof and approved side extension. The increase in height is 450mm (1 foot 6 inches). This will increase the overall bulk and massing of the building in the street scene. However the pub is a detached building with several metres gap on either side before other properties. The building will remain two storey with a traditional two storey eaves height and there is no accommodation proposed within the roof void. The new overall ridge height would be 7 metres from ground level which is typical for a two storey building and comparable to many other properties along Arlesey Road.

- 4.3.3 The side extension (as amended) now shows a reduction in overall footprint. The side extension is now 8.0m in overall length - reduced from its originally approved 10 m. I consider this reduction will reduce the bulk and amassing of the building and therefore have a positive impact.

- 4.3.4 The adjustments to the window and door positions (at the rear of the building) are minor of no significance.

- 4.3.5 Overall I consider that the variations to the approved planning permission are not harmful to the character and appearance of the area.

### 4.3.6 **Impact on neighbouring property**

As stated above the roof extension is limited in its additional height and its distance from neighbouring properties means that it will not adversely affect residential amenity. The concerns over views are appreciated however there is no entitlement to a view in planning terms. In any event I consider that the loss of view is not severe.

- 4.3.7 Concerns have been raised with regard to the pub development encroaching onto the vehicular access to No's 107a and 109 Arlesey Road. The reduction in the rear projection of the northern side extension ensures that a gap of 4.2 metres will remain to allow adequate access to the pub car park. Damage to property and encroachment onto adjoining property are however civil issues and cannot be taken into account with this application.

- 4.3.8 There has been several unauthorised variations to the approved plans. The previous non-material amendment regularised some of this work and this current application seeks to regularise the roof works which have been temporarily suspended.

It is appreciated that the approved works to the pub have been carried out very slowly prolonging noise and disturbance for residents and this combined with the unfinished appearance of the development is frustrating for many. However recently

the front of the building has been painted improving its appearance and throughout this period the pub has remained open for customers.

4.3.9 The additional works that are now being sought permission are necessary for the applicant to complete the development and in themselves will not have an adverse impact on neighbouring property in my opinion.

#### 4.3.10 **Highway safety**

The amended plans show the side extension being set back from the front main wall of the pub by 1 metre. This is 200mm less than the originally approved set back but would be further set back than the existing side extension (which is 800mm set back) and visibility sight lines can still be achieved in accordance with condition 4 of the original planning permission.

#### 4.4 **Conclusion**

4.4.1 The proposed alterations to the approved planning permission would not have a significant impact on the character of the area or residential amenity in my view. The slow progress on the completion of the scheme is regrettable however the resultant development will secure the future of this community asset and this wider benefit would in my view outweigh any limited harm from the proposed additional works.

### **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 development being first brought into use a 2.0 metre x 2.0 metre visibility splay shall be provided and permanently maintained on either side of the access. It shall be measured from the edge of the accessway to the edge of the carriageway/back of footpath, within which there shall be not obstruction to visibility between 600mm and 2.0 metres above the carriageway/footpath level.

Reason: To provide adequate visibility for drivers entering or leaving the site.

4. Prior to the completion of the car parking area details of the hardsurfacing materials to be used shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason: In the interests of visual amenity

5. Before the occupation of any part of the floorspace hereby permitted, the parking and loading/unloading facilities shown on the approved plan shall be marked out and made available, and shall thereafter be kept available solely for parking in connection with the premises.

Reason: To ensure the provision of satisfactory vehicle parking and loading/unloading facilities clear of the public highway to meet the needs of the development.

6. The rooflight windows shown on the southern side elevation of the restaurant/storage space extension shall have an internal cill height to internal floor level of 1.7 metres.

Reason: In the interests of privacy

7. The gable end window shown at first floor level on the western elevation of the restaurant/storage space extension shall be installed with obscure glazing and permanently maintained as such.

Reason: In the interests of the privacy of adjoining residents

8. The use of the first floor accommodation above the restaurant shall be limited to storage purposes only as shown on the approved plan and shall not be used for any other purposes unless approved in writing by the Local Planning Authority.

Reason: To ensure that adequate storage facilities are provided within the site, to ensure the privacy of adjoining residents and to ensure that adequate parking facilities are provided at the site for the uses specified.

9. The restaurant area hereby permitted shall be restricted to uses falling within Class A3 (Restaurants and Cafes) only and for no other uses including Class A4 or Class A5 of the Town and Country Planning (Use Classes) Order.

Reason: In the interests of the amenity of the area

10. Details of the kitchen extract ventilation system to be used on the development shall be submitted to and approved in writing by the Local Planning Authority for approval prior to installation. The extract ventilation system shall incorporate a three stage carbon filtration or similar system whose outlet shall be at least 1 metre above the eaves of the building. Following approval and installation, the system shall thereafter be permanently maintained.

Reason: To safeguard the amenity of existing residents

11. Goods vehicle deliveries and refuse collection vehicles shall only be permitted between 07.30am hours and 20.00 hours Monday to Friday, 08.00 hours and 18.00 hours Saturdays and not on Sundays or Bank Holidays.

Reason: To protect the residential amenities of existing residents

12. Any new external lighting within the car park and located on the building(s), including columns and lamps and hours of operation, shall be submitted to and approved in writing by the Local Planning Authority. The lighting shall be installed and operated in accordance with the approved details.

Reason: In the interests of residential amenity

13. The hours of use of the restaurant hereby permitted shall be restricted to between the hours of 11.00 hours until 23.00 hours Monday to Saturday and between 12.00 mid day and 22.30 hours on Sundays. On Bank Holiday weekends the hours of use shall be restricted to between 11.00 hours and 24.00 hours.

Reason: In the interests of the residential amenity of existing residents

### **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 (paragraphs 186 and 187) and in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2015.

### **Planning Informative:**

The applicants attention is drawn to the requirements of the Environmental Health legislation in terms of providing adequate toilet and washroom facilities.