DELEGATED FILE NOTE

CASE OFFICER: ...Melissa Tyler.....

APPLICATION REFERENCE	BRIEF DESCRIPTION OF DEVELOPMENT	APPLICATION SITE
17/04418/FP	Reconfiguration and change of use of upper floors and additional single storey extension to provide 10 residential flats	Roysia House John Street Royston Hertfordshire SG8 9JH

Submitted Plan Nos

S01 PD02B PD01 PD03B

1.0 Policies

SECT1 Building a Strong, Competitive Economy

SECT4	Promoting Sustainable Transport
LP6	Rural Areas Beyond the Green Belt
LP7	Selected Villages Beyond the Green Belt
LP8	Development in Towns
LP26	Housing Proposals
LP51	Development Effects and Planning Gain
LP55	Car Parking Standards
LP57	Residential Guidelines and Standards
XSP1	Sustainable Development in NH
XT2	Parking
XHS1	Local Housing Allocations
XD1	Sustainable Design
XD3	Protecting Living Conditions

2.0 **Site History**

3.0 Representations

3.1 **Highway Authority** - Does not wish to restrict the grant of permission. Recommends informatives.

3.2 **NHDC Environmental protection officer** - No concerns to raise about land contamination or local air quality in relation to this planning application.

3.3 **Environmental Health (Noise and Odour)** -

Noise

The main sources of noise which could impact on prospective occupiers of the proposed flats are:

- *Road traffic noise to the side and front of the building, including delivery and collection vehicles in Fish Hill square.*
- *Plant equipment to the rear (kitchen extracts and AC condenser units).*
- *Music and patron noise from nearby licensed premises.*

I have reviewed the Noise Exposure Assessment by Clement Acoustics dated 18th December 2017 which has considered the majority of the above noise sources and provided some recommendations on noise mitigation measures in order for internal noise targets to be met. I am in agreement with these measures which come in the form of glazing and ventilation specifications and I have included a suitable recommendation below.

It is important to note the 'Type B' glazing and ventilation specifications apply to the rear and side façade (Jepps Lane side) only. I would imagine that this noise report predates the final submitted layout plans because the use of internal staircases and corridors means that this 'Type B' option will only be necessary for the third floor bedroom window which opens onto Jepps Lane. Noise from the fixed plant equipment for the restaurant below and for the restaurant opposite at the rear should not present an issue given the carefully considered layout which includes the internal staircases and corridors mentioned above.

The report does not discuss the outdoor amenity areas on the third floor which come in the form of two decked areas (balconies). Again, I would guess that these were not part of the design when the noise report was produced. The noise levels in the report which are relevant to these balconies are the daytime location 1 results which have an LAeq (T) of 59dB (A). This is marginally above the recommended upper limit of 55dB (A) found in BS 8233. However, I would consider that this is acceptable given the desirable location of the development. Furthermore, the location 1 results were taken on the 2nd floor and noise levels on the third floor once it is constructed would be further from the noise sources at ground level so it is likely the actual noise levels will be closer to the upper limit in reality. I do not see this issue being a barrier to the development.

Noise from nearby licensed premises may become relevant at weekends but the glazing and ventilation specifications should be sufficient to protect residential amenity from these noise sources. In any case, occupiers of the flats should be aware that their dwellings are located in a town centre location and so a certain amount of tolerance should be expected.

Finally, I wanted to note that I have briefly reviewed the Internal Building Fabric report by Clement Acoustics dated 18th December 2017. I agree that it demonstrates that the sound insulation between the ground floor restaurant and first floor dwellings will meet the required standards although I do not want to comment on this further as sound insulation is covered under Approved Document E of the Building Regulations.

Odour

My concerns surrounding odour relate to the kitchen extract ventilation system on the building in question which serves the ground floor restaurant. This is located at the rear and appears to terminate sufficiently above the third floor roof so I do not think that odour will be an issue for occupiers of the dwellings provided that this system is maintained although I appreciate that this is beyond the control of the developer. The restaurant on King Street which has a kitchen extract ventilation system to the rear which terminates far below the proposed flats is also a concern. However, these concerns are allayed because the plans demonstrate that there are no windows opening into the habitable rooms on the rear façade. The existing rear façade windows will serve the corridors to the flats.

3.4 **NHDC Waste Manager** – No objection

3.5 **Historical Environment Team -** *In this instance I consider that given the recent date of the building, and the nature of the proposal, the development will not have an impact on heritage assets of archaeological interest. I therefore have no comment to make upon the proposal.*

3.6 **Lead Local Flood Authority -** *The application seeks to change the use of the first and second floors to residential use and to construct an additional floor of accommodation on top of the existing building to provide a total of 10 residential units. We acknowledge that layout, the position and overall footprint of the building will remain unchanged. Therefore we can confirm that we have no objection to the proposals.*

3.7 **NHDC Conservation officer**: *I raise no objection to the principle of change of use. It is considered that the contemporary cladding to the ground, first and second floors will not harm the setting of nearby listed buildings or harm the character or appearance of the Royston Conservation Area. The additional storey height does, however, give cause for concern and I am minded to conclude that there would be a degree of harm (less than substantial) occasioned to the setting of listed buildings (particularly no.1 John Street) when viewed from the High Street and to the character of the conservation area, due to the four-storey approach. I appreciate, however, that the proposal would deliver at least two important public benefits (additional housing units and the visual improvement to the host building, therefore, an improvement to the conservation area). The question here is whether the degree of harm that would result from increasing the scale/bulk/height of this building is outweighed by the delivery of public benefits. It is for the case officer to make this balanced judgement in light of concerns raised with respect to Sections 66 and 72 of the Planning (Listed Buildings*

and Conservation Areas) Act 1990, the aims of Sections 7 and 12 of the NPPF and Policy HE1 of the North Hertfordshire Local Plan 2011 - 2031 (Proposed Submission, October 2016).

3.8 **Anglian Water**: Recommends a condition.

3.9 **Hertfordshire Planning Obligations** - *we are advised that your authority is not intending to seek planning obligations on behalf of Hertfordshire County Council Property Services for this application. This is on the understanding that the development is for ten units or less, and which has a maximum combined gross floorspace of no more than 1000sqm. We therefore have no further comment on behalf of these services.*

3.9 **Neighbour Representations** – no neighbour representations have been received

4.0 Planning Considerations

4.1 Site & Surroundings

4.1 Roysia House is a three storey, 1960's building with a flat roof located on Fish Hill Square located in the Conservation Area in the centre of the Town Centre. The existing building comprises of offices, a nightclub and A3 restaurant/café use at ground floor.

4.2 Proposal

4.2.1 The proposal is to provide an additional floor to the building to facilitate the conversion of the existing night club and office premises to residential with the provision of 8 x 1 bed flats and 2 x 2 bed flats. The new third floor would contain the two 2 bed flats. At ground floor level the existing restaurant/cafe will be retained.

4.2.2 Externally the building would be clad with white cladding and render with flat aluminium panel for the roof and aluminium windows.

4.2.3 The pedestrian access is situated on the front elevation where the existing access is currently located. Additional bin storage is provided in a dedicated and screened refuse store to the rear of the existing block. Cycle stores are also provide in the same location as the bins.

4.3 Key Issues

4.3.1 The key issues are the principle of the development, impact on the character and appearance of the area, living conditions, environmental issues and parking and access.

Principle of the development

4.3.2 The proposal is to construct an additional floor of accommodation on top of the existing building. Ten flats will be created on the existing first and second floor and additional third floor, with the retention of a commercial unit on the ground floor. The current use for this unit is A3 (café/restaurant). The appearance of the building is proposed to be altered through the use of new cladding and windows.

4.3.3 The Royston Town Centre Strategy document states the following in regards the Fish Hill Square area:

"To ensure that a mix of uses is retained in Royston Town Centre, it will be necessary to retain the provision of commercial and office space. New office development will be supported in the Town Centre to sustain a strong employment base and a diverse economy"

Existing ground floor premises around this square could be encouraged to open out onto the square and become café or restaurant uses with the potential for outdoor terraces. Such activities should be encouraged at the earliest opportunity so that there is immediate benefit to the use of this space. This would support the findings of both the DTZ Report, and NLP Town Centre and Retail Study, which identified scope for an increase in restaurants within Royston. Centring on this area would provide a focus to the daytime and evening economy within Royston and could provide an active and vibrant heart to the Town Centre core."

4.3.4 In terms with the loss of office space which is deemed to be promoted through the Town Centre Strategy as stated above. New legislation on changes of use and permitted development were brought in from 30 May 2013 would be applicable. A number of changes have taken place in respect of the Use Class Order and permitted changes for new and extending business premises. These additional changes are required to follow a "prior notification" process and in brief include:

- Premises in B1(a) office use can change to C3 residential use, subject to prior approval covering flooding, highways and transport issues and contamination.

4.3.5 With theses permitted development right to change the use of offices to residential in mind, I would view these proposals for the redevelopment of the host building to residential to be acceptable in principle.

4.3.6 In view of the above factors, including the conservation area designation, I consider that the development is acceptable in principle in this town centre location.

Impact on character and appearance

4.3.7 The Conservation Officer has made detailed comments on the scheme in regards to the impact on a number of listed buildings and the Conservation Area:

"There are a number of listed buildings within the immediate vicinity of Roysia House with no.1 John Street (grade II) in particular, sitting immediately adjacent to the west (see photo). Roysia House together with no.1 John Street and the listed building to the left of this form a more or less continuous wall plate/eaves level. There is a concern that the two flats proposed at third floor will unnecessarily increase the mass/bulk of this building as seen from this direction and would have a more dominant impact upon the skyline when looking north from half way up Market Hill i.e. by the library and with no.1 Market Hill nestling in front of this building.

On the opposite side of John Street and to the south is no.1 Market Hill (grade II listed) which is a prominent, two-storey corner building and located to the east of this is the former town hall (also grade II). To the north of Roysia House are two Buildings of Local Interest (nos. 18 and 19 on the adopted Register).

In such a sensitive location with a number of designated and non-designated heritage assets in view, the elevational changes and any additional height to what is currently a poorly detailed building will need to be carefully considered. This scheme reminds me of advice that I have provided in recent times with regard to the introduction of an additional floor to prominent late C20 flat roof buildings in Hitchin (Hermitage Road) and Letchworth (Station Parade) Conservation Areas and in each of these cases the additional accommodation was granted planning permission.

In my opinion, this is an equally sensitive site and the key issue in my opinion is the extent to which the proposed third floor would impact upon the setting of nearby listed buildings and upon the character and appearance of the Royston Conservation Area. No evidence has been provided to suggest that the scheme is not viable without the additional units."

4.3.8 The Conservation Officer concludes that:

*"The additional storey height does, however, give cause for concern and I am minded to conclude that there would be a degree of harm (**less than substantial**) occasioned to the setting of listed buildings (particularly no.1 John Street) when viewed from the High Street and to the character of the conservation area, due to the four-storey approach"*

4.3.9 The provision of the additional storey is the most controversial element of the proposals given the proximately to a number of listed buildings, however given the less than substantial degree of harm identified by the Conservation Officer this should not in itself be a reason to oppose the scheme. The proposal would deliver at least two important public benefits (additional housing units and the visual improvement to the host building, therefore, an improvement to the conservation area).The additional floor is also set in by 1.5 metres and this stepping in of the third floor reduces its consequent impact. The harm on the character and appearance of the area by reason of its height and massing is therefore minimised in my view.

4.3.10 In view of all of the above, including and the context of the development site and its surroundings I am of the opinion that the development would not be demonstrably harmful to the character and appearance of the area.

Living conditions

4.3.11 The proposed dwelling would have a limited impact upon the amenities of adjacent dwellings and buildings. The proposed design including the proposed windows and doors do not materially impact upon the amenity of any neighbouring property as a result.

4.3.12 It is also my view that the proposal would not have any adverse built impact, in terms of loss of light or over dominance to any neighbouring property.

4.3.13 In terms of the new residents, it is important to ensure that this development provides a satisfactory living environment. In my view the scheme would be in line with the residential guidelines and standards set out in Policy 57.

Environmental issues

4.3.14 The Environmental Health officer was consulted and recommends a condition and an informatives to control construction activities including hours of construction.

Parking and access

4.3.15 No parking is proposed for the new flats. The Council's Supplementary Document 'Vehicle Parking at New Development' (2011) (paragraph 4.10) refers to situations where car free developments may be acceptable (i.e. on small scale sites in town centres). In addition Appendix 4 of the emerging local plan document (Proposed Submission Local Plan 2011 - 2031) recognises that there may be cases where reductions in car parking standards are appropriate. Because of the accessible location of this site and the flexibility allowed for in the Council's parking standards a car free development is acceptable in this case. In any event controlled parking restrictions exists in the vicinity of the site and therefore measures are already in place to control street parking and congestion.

4.3.16 Given this is a highly sustainable location, being both close to bus stops and the train station and is amongst the services and amenities of Royston, this is acceptable in my view. Finally it is noted that the Highway Authority do not raise any objections to this development.

Section 106

4.3.17 Following the Court of Appeal decision in May 2016 the National Planning Policy Guidance makes it clear that affordable housing and tariff -style Section 106 contributions should not be sought from developments of 10 dwellings or less. Therefore no affordable housing or financial contributions towards local services can be secured from this development.

The Planning Balance

4.3.18 The benefits of the scheme can be summarised as follows:

-a comprehensive scheme that improves the appearance of the whole building and consequently has a positive impact on local character and the Conservation Area

-the delivery of 10 new homes to assist the supply of housing in the district

4.3.19 The dis-benefits of the scheme can be summarised as follows:

-the height, scale and dominance of the building is not sympathetic to and has a detrimental impact on the character and appearance of the conservation area and the neighbouring listed buildings

4.3.20 The benefits of the scheme outlined above are significant public benefits and are acknowledged. The development is also in accordance with the development plan in so far as it maintains the shopping frontage and achieves an 'improvement opportunity' as identified in the Royston Town Centre Strategy. The development is also in a sustainable location and promotes the development of a brownfield site - both key aspects of the Framework. The dis-benefits of the scheme are also acknowledged however the actual level of harm is not considered so significant to outweigh the public benefits of the scheme in my opinion.

4.3.21 The proposed development represents sustainable development with the public benefits outweighing the dis-benefits.

4.4 **Conclusion**

4.4.1 The proposals are considered acceptable in planning, environmental and highway terms.

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. No drainage works shall commence until a surface water management strategy has been submitted to and approved in writing by the Local Planning Authority. No hard-standing areas to be constructed until the works have been carried out in accordance with the surface water strategy so approved unless otherwise agreed in writing by the Local Planning Authority.

   Reason: To prevent environmental and amenity problems arising from flooding.

4. The noise mitigation measures detailed in section 6.2 of the Clement Acoustics report reference 13081-NEA-01 dated 18th December 2017 (Roysia House, John Street, Royston- Noise Exposure Assessment), relating to glazing and ventilation specifications are hereby approved by the LPA. The development shall not be occupied until the approved scheme is fully implemented in accordance with the details provided. Once implemented, the scheme of measures shall be maintained in accordance with the details in perpetuity.

   Reason: to protect the residential amenities of future occupiers of the development.

Proactive Statement:

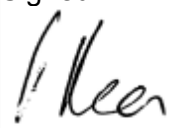
Planning permission has been granted for this proposal. The Council acted proactively through early engagement with the applicant at the pre-application stage which led to improvements to the scheme. The Council has therefore acted proactively in line with the requirements of the Framework (paragraphs 186 and 187) and in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2015.

Informative/s:

1. Informatives

During the change of use and construction phases the guidance in BS5228-1:2009 (Code of Practice for noise Control on construction and open sites) should be adhered to.

During the change of use and construction phases no activities should take place outside the following hours: Monday to Friday 08:00-18:00hrs; Saturdays 08:00-13:00hrs and Sundays and Bank Holidays: no work at any time.

Signed  Tom Rea Determining Officer	Development Management North Hertfordshire District Council Council Offices Gernon Road Letchworth Herts SG6 3JF
Date: 29 March 2018	