

**PLANNING AND HERITAGE SUPPORT STATEMENT TO ACCOMPANY PLANNING AND LISTED BUILDING APPLICATIONS FOR THE SUB-DIVISION OF THE BUILDING TO BE PART RETAINED AS A CLASS A4 PUBLIC HOUSE AND PART USE AS A SINGLE C3 DWELLINGHOUSE, TOGETHER WITH ALTERATIONS TO EXISTING DWELLING AT THE CABINET, HIGH STREET, REED, ROYSTON, HERTS SG8 8AH**

**1.0 BACKGROUND**

- 1.1 The property known as The Cabinet has an extensive planning history, which pre-2016 was associated with its use as a public house/restaurant. In July 2017, planning permission for its change of use from a public house (Use Class A4) to a single dwelling (Use Class C3) was refused and a subsequent appeal dismissed on 10<sup>th</sup> December 2018. References will be made to the Inspector's comments upon this proposal later in this statement, particularly in relation to the significance of The Cabinet as a Listed Building, and on the significance of the Reed Conservation Area.
- 1.2 Subsequent to that decision, in April 2019 planning permission was refused for the sub-division of the building to be part retained as a public house and part change of use to a single dwellinghouse, the creation of new car parking for the public house and the erection of a 1.8m high close boarded timber fence on the line of the rear shared boundary between the retained Public House and the new dwelling (Ref; 19/00341/FP). A concurrent listed building application (19/01222/LBC) was also refused for internal alterations to facilitate the sub-division of the building to be part retained as a public house and part change of use to a single dwellinghouse.
- 1.3 Appeals were not lodged against these decisions, with the applicant looking at ways in which to overcome the concerns expressed in both the planning and listed building refusals.
- 1.4 The planning application was refused for 5 reasons as follows:
  1. *The application does not set out that a public house of this reduced size, with no commercial kitchen to allow the sale of food items, no residential accommodation to allow a manager or tenant*

*to live at the business and without access to a reasonable sized car parking area for customers, would be able to trade successfully and could operate as a viable business. As a result, the viability of the public house in the medium to long term has to be questioned, contrary to paragraph 92(c) of the NPPF which seeks to guard against the unnecessary loss of valued local facilities.*

*2. Objection to the location of a new car park in principle on the north side of the building due to the less than substantial harm this would have on the setting of the listed building, contrary to paragraph 196 of the NPPF.*

*3. The full details and justification of the car park in terms of surface and boundary treatment are lacking, and therefore the full impact of these works on the setting of the listed building and character and appearance of the Conservation Area cannot be fully assessed. This is contrary to emerging policy HE1 of the Local Plan 2011 - 2031.*

*4. The close proximity of a single residential dwellinghouse to a public house when they are not in association with each other, is likely to lead to friction and conflict between these two uses from the late night noise and activity associated with a public house use on the residential amenities of the single dwellinghouse, contrary to emerging policy D3 of the Local Plan 2011 - 2031.*

*5. The application is lacking in full details with regards to waste storage for the proposed reduced public house area. The waste storage could result in blocking access or parking spaces or spilling out into the lane, resulting in less than substantial harm to both the character and appearance of the lane and Conservation Area and on the setting of the listed building, contrary to paragraph 196 of the NPPF and contrary to the provisions of emerging policy D1 of the Local Plan 2011 - 2031.*

1.5 The listed building application was refused for just the one reason:

*Full details of the proposed internal works for the separation, sound and fire proofing have not been provided. This is contrary to emerging Policy HE1 of the Local Plan 2011 - 203. Furthermore, as the full details of the works cannot be assessed, the works could cause less than substantial harm to the listed building, contrary to paragraph 196 of the NPPF*

## 2.0 THE APPLICATION SITE

2.1 The application property was described in the officer's report upon the 2019 planning application as a two storey, timber clad building located on the east side of the High Street, adjacent to the village pond. The building is wide, although relatively shallow in depth, and sits fairly close to the lane frontage, with a car park and rear gardens. There is a change of levels at the front, with steps up and a patio area in front of the building. A new driveway area has been laid in front of the pub next to the pond. At the rear there is a range of single storey buildings.

2.2 The property is a Grade II listed building, listed in 1987 and described as:

*“Public house. Late C17 or early C18, extended C19 and C20. Timber frame on brick base. Weatherboarded. Steeply pitched tiled roof. Originally 2 bays, extended by 1 bay to left with further additions at both ends. 2 storeys. Ground floor: entrance to left of original centre, recessed plank door in architrave with dentilled and bracketed hood, to left two 3 light small pane flush frame casements, to right one of 2 panes, all with hoodboards. First floor three 2 light small pane casements. Coved eaves. Cross axial ridge stack at original left end, part rebuilt. To rear a C19 continuous lean-to outshut behind main range and first added bay, weatherboarded and rendered. Rendered upper part of rear wall on main block with some comb pargetting. Short C20 gabled addition to left end, set back slightly. 1 storey mid C20 addition to right end with an entrance. Beyond this to right a C19 weatherboarded and slate roofed outbuilding with 2 doors to front. Interior: chamfered axial bearer, stop chamfered fireplace lintel.”*

2.3 The application site is also within the Reed Conservation Area. In the Character section of the Reed Conservation Area Character Statement, (November 2019) The Cabinet is mentioned as a *public house near the southern end of High Street, which, with its weatherboarded exterior and steeply pitched roof, is typical of the rural character of the Conservation Area.* It is not described as being within a 'key view' within the Conservation Area and its re-use as a public house (bearing in mind it was closed at the time of the appraisal) is not listed as providing one of the opportunities for improvement.

2.4 The premises were registered as an Asset of Community Value (ACV) in April 2014 following a request from Reed Parish Council.

### **3.0 THE PROPOSED DEVELOPMENT**

3.1 For obvious reasons this planning application seeks to address the 5 objections that the Council had to the 2019 scheme, listed in paragraph 1.4 of this statement and the single reason for the refusal of listed building consent listed at paragraph 1.5. The layout details of the proposed pub/restaurant and the retained single dwelling are shown on drawing 14120-P002-1<sup>st</sup> and the elevations on drawing no 14120-P001-1<sup>st</sup>.

3.2 The development involves converting the 19<sup>th</sup> Century single storey weatherboarded and slate roofed outbuilding to the north of the principal listed structure into a pub/restaurant, involving a new kitchen, bar and restaurant areas, with associated toilets and store room. The internal alterations needed to create the use are shown on the ground floor plan and involve very little structural work. New walls and swing doors would divide the kitchen from the lobby/bar area and separate the toilets. Two doors from the dwelling into the bar and restaurant areas are proposed and will be discussed later.

3.3 Externally an existing door within the south elevation of the restaurant area would be sealed and dry lined. The store room would be enclosed by filling in existing openings and the existing stable door on the east elevation would be reinstated and repaired with the lower part boarded and the upper part fitted with obscure glazing.

3.4 The works to the existing dwelling within the listed section are all detailed on the ground and first floor plans.

3.5 This statement will now deal with the planning and listed building issues separately, although the Class A4 use that is proposed for the outbuildings will have a direct bearing upon the listed building issue, given the views expressed by the Inspector who dismissed the appeal involving the loss of the Class A4 use in 2018. The Inspector found that the less than substantial harm to the Listed Building and significance of the Conservation Area that the proposal would cause was not outweighed by the public benefits put forward. As that proposal involved the loss of the public house

the Inspector considered that that would not have secured the conservation and preservation of the heritage asset. He felt that only through the reinstatement of a Class A4 use would the public benefits outweigh the less than substantial harm to the heritage asset.

## **4.0 THE PLANNING APPLICATION**

4.1 It is now intended to compare the planning merits of this revised scheme with that which was refused in April 2019. This will be done through addressing each of the 5 reasons separately.

### **4.2 Reason 1 – Commercial kitchen, residential accommodation, car parking and viability**

4.2.1 This refusal questions the medium to long term use of the premises as a viable business. This was understandable given the fact that the scheme made no provision for a commercial kitchen. In this proposal the Class A4 use would have a purposely designed kitchen and a store room attached, separate toilets, bar area and retained restaurant.

4.2.2 The Class A4 use would be linked to the existing dwelling through two door openings into both the bar area and the restaurant. There was no physical linkage within the refused scheme. The applicant will provide a management input into the day to day operation of the pub/restaurant as a licensee with an interest in a public house elsewhere. There will therefore be a physical and functional link between the accommodation in the retained dwelling and the Class A4 use. The applicant will provide 24/7 surveillance and security for the commercial use.

4.2.3 The previous proposal involved sub-dividing the site into the two uses and providing the Class A4 use with a new car park with capacity for 13 spaces. This was considered unacceptable. In this scheme there will be no new parking provided, reverting to the situation that existed up until the premises closed in 2011, with the former car park being reinstated for customers benefit.

4.2.4 In considering the parking provision in the previous proposal the case officer made the point that the existing car parking to the south of the site could hold approximately 28 cars. The report

pointed out that much evidence was given at the Public Inquiry (into the proposal to change of use of the public house into a single dwelling house) that parking at The Cabinet was never really an issue when the pub was operating at capacity prior to 2011. The case officer concluded that to protect the pub's long term viability, 13 parking spaces was not sufficient and the car park to the south should be retained as the car park for the pub business. That will be the case in this scheme.

4.2.4 The combination of a dedicated commercial kitchen, linkage between the dwelling and the pub for management and security purposes and the reinstatement of the original car park would ensure that the reintroduction of the Class A4 use would satisfy the requirements of Paragraph 92 (c) of the NPPF by firstly ensuring that viability of the reinstated use is secured and secondly by giving the village back this valued local facility, lost since 2011.

4.2.5 It is hoped that the Council will agree that reason 1 of the 2019 scheme can no longer be justified in the context of this revised proposal.

### **4.3 Reason 2 – The location of the car park**

4.3.1 As previously stated, this application no longer proposes a new car park on the northern side of the site. On that basis reason 2 has been overcome and there would be no consequential impact on the setting of the listed building or conflict with paragraph 196 of the NPPF in terms of harm to the significance of the designated heritage asset from the car parking element.

### **4.4 Reason 3 – Surface and boundary treatment of the car park**

4.4.1 As with reason 2 above, given the removal of the car park proposed in the previous scheme there is no need to supply details or justification for its surface and boundary treatment. Without it there would be no impact on the setting of the listed building and the character and appearance of the Conservation Area and there would be no conflict with Policy HE1 of the Local Plan 2011 - 2031.

### **4.5 Reason 4 – Relationship of the dwelling to the public house**

4.5.1 This reason stemmed from the fact that there was no physical or functional relationship between the retained dwelling and the re-

instated public house. In this scheme there will be both. The physical relationship is derived from two connecting doors between the house and the pub/restaurant. The functional relationship will come from the applicant's involvement in the management of the pub and providing a 24/7 presence at the site.

- 4.5.2 As a consequence this development will not lead to friction and conflict between these two uses from late night noise and activity associated with the public house use on the residential amenities of the single dwellinghouse. The proposal is no longer in conflict with Policy D3 of the Local Plan 2011 - 2031.

#### **4.6 Reason 5 – Waste storage**

- 4.6.1 No bin storage areas were shown in the previous scheme. This was not considered to be a problem for the proposed dwellinghouse part of the site, as the rear garden and parking area to the side is large enough to store bins for refuse and recycling storage for a single dwellinghouse. However, this was considered to be a much more significant issue for the pub part of the site. Due to the type of 'waste' including the storage of barrels / kegs and bottles it was felt that this could result in a large land take, and no space had been allocated for the waste storage for the pub.
- 4.6.2 In this scheme the open sided outbuilding in the north-western corner of the building would be enclosed and become a store. It would have a door in its northern elevation and the kitchen would benefit from the re-instated door in the east elevation, onto the hardstanding in front of it. Unlike the previous scheme this arrangement for waste storage and collection would not result in blocking access or parking spaces or spilling out into the lane.
- 4.6.3 As a consequence of the proposed enclosed storage facility in this scheme there would be no impact upon the setting of the listed building and the character and appearance of this Conservation Area location associated with waste storage and collection.

#### **5.0 SUMMARY OF PLANNING ISSUES**

- 5.1 The intentions of this planning application are twofold. Firstly to reinstate a viable Class A4 use in this part of the village, through the re-use and conversion of the outbuildings to the north of the

principal building In this way the village will get back this valued local facility, lost since 2011, meeting the objectives of the NPPF. Secondly, the application demonstrates that this re-use can and will be achieved through directly addressing the 5 reasons for the refusal of the application which sought, unsuccessfully, to achieve the same objective.

- 5.2 The viability of the use has been demonstrated by the inclusion of a commercial kitchen, physical and functional links between the two uses, 24/7 surveillance and security, the removal of any new car parking, meeting the case officer's requirement that the existing car park be retained for the business use and the provision of suitable waste storage. In these respects the proposal does not conflict with any national or local planning policies, such that on this occasion planning permission should be granted.

## **6.0 THE LISTED BUILDING APPLICATION**

- 6.1 The only reason why the previous listed building application was refused was because it was lacking details of the proposed internal works for the separation, sound and fire proofing. This reason was the product of there being no functional linkage between the two units. That is not the case in this application.

- 6.2 Previous applications for listed building consent in 2016 and 2017 were not decided and the only plan on which the 2019 listed building application was judged showed very few works to the building.

- 6.3 This application includes all of the works involved in removing, reinstating or installing the physical works, necessary to restore the listed qualities of the building and to accommodate the reinstated pub use. These are notated on drawing 14120-P002-1<sup>st</sup> and listed here as:

### **6.4 The dwelling**

#### **Kitchen/dining/lounge**

- existing stud partition, door and frame removed new timber partition between existing timber studs.
- rotten chipboard cladding removed to both sides of partition to expose timber studs

- new timber stud partition
- existing plasterboard cladding to staircase to be removed
- existing above ground svp removed
- new door and frame fitted into existing opening
- new svp, boxed in and connected to existing foul water system

#### TV Room

- original brick floor in this room taken up and re-laid on polythene dpm
- timber stud partition constructed to tie/buttress external wall to fireplace

#### Shower Room

- new sanitary ware fitted to shower room
- existing door sealed and dry-lined worktop

#### Hallway

- new timber partition and door installed

#### Staircase

- infill opening to match existing timber studs
- new timber partition between existing

### 6.5 **The commercial use**

#### Bar area

- new bar and serving counter fitted

#### Restaurant

- existing matchboard panelling removed
- existing door sealed and dry-lined

#### Toilets

- new door with opening created through modern studwork
- existing shower tray removed new sanitary ware installed to wc's
- new timber stud partition

#### Pub kitchen

- existing fitted furniture to be removed new timber stud partition and swing door

- g/f insulation fitted between rafters and faced with foil-backed plasterboard and lime render over this room
- kitchen fittings designed and installed by specialist, all internal areas have been re-decorated
- new timber stud partition
- reinstate and repair existing stable door with lower part sealed and dry-lined
- misted glass infill to door opening

#### Store Room

- infilled openings between existing studs

- 6.7 In his consideration of the effect of the proposed change of use on the significance of The Cabinet as a Listed Building, and on the significance of the Reed Conservation Area, the Inspector concluded that the change to residential use would result in 'less than substantial harm' to the Reed Conservation Area. This view was shared by the case officer in respect of the 2019 application. However the Inspector took the view that the test set out in paragraph 196 of the NPPF therefore applied, so that the harm had to be weighed against the public benefits in respect of both the heritage asset of the Listed Building and the Reed Conservation Area.
- 6.8 The Inspector recognised that the conversion of The Cabinet to a house had resulted in the repair of the building which is a public benefit given that the evidence shows that the fabric of the building deteriorated when closed. However, he had concluded that the Cabinet could be viable as a public house, which represented the optimum viable use. Therefore, only if that use was reinstated would its significance as a local heritage asset be secured.
- 6.9 Overall on the heritage asset issue the Inspector found that the less than substantial harm to the Listed Building and significance of the Conservation Area that the proposal would cause was not outweighed by the public benefits put forward. As the change of use proposed would not secure the conservation and preservation of the heritage asset in the long term the proposal conflicted with Policy HE1(a) of the new Local Plan.
- 6.10 This would not be the case with this application. The re-opening of the premises as a Class A4 use would secure its optimum viable use as a valued local community facility, providing the public

benefit required under paragraph 196 of the NPPF. This of course assumes that the physical works to the building itself would cause any harm at all. On this occasion it is our view that the works involved in this application would not harm either the listed building or this part of the Reed Conservation Area.

- 6.11 At national level **Section 66** of The Planning (Listed Buildings and Conservation Areas) Act 1990, S.66 (2), requires a local planning authority, in considering whether to grant listed building consent for any works, to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. Similarly, **Section 72(1)** of the Act requires special attention be paid to the desirability of preserving or enhancing the character or appearance of a conservation area.
- 6.12 If, as we believe to the case, this development would not just preserve, but also enhance The Cabinet and its status as a listed building. It would achieve the objective of preserving its features of special architectural or historic interest and have a neutral effect on the heritage asset and its setting, such that the public benefits of the proposal do not really need to be weighed in the balance, as would ordinarily be required under paragraph 196 of the National Planning Policy Framework (2019).

## **7.0 SUMMARY OF LISTED BUILDING AND CONSERVATION AREA ISSUES**

- 7.1 The reason for the refusal of the 2019 listed building application was because it was not accompanied by details of the proposed internal works for the separation, sound and fire proofing. There is no separation in this proposal.
- 7.2 The physical works proposed in this application are designed to remove, reinstate and install elements associated with the residential and commercial uses. The end result would be a development that re-opens the community facility as a local pub/restaurant and preserves the residential use without causing any harm to the character and appearance of either the listed building or the Conservation Area.

7.3 In these respects, just like the planning application for this development the listed building proposal does not conflict with any national or local planning policies, such that on this occasion listed building consent should also be granted.

## **8.0 CONCLUSION**

8.1 We trust that the Council will share our views on these two applications and that, notwithstanding the chequered planning history of the site since its closure as a public house in 2011, both applications will be supported. However, should the Council require any further details from us, or clarification of any of the notes on the drawings, or more information upon the re-opened pub use or the physical works involved to the listed building then we would welcome the opportunity to provide them, before a decision is taken upon these applications.

**Hertford Planning Service  
June 2020**