

DELEGATED FILE NOTE

CASE OFFICER: ...Alex Howard.....

APPLICATION REFERENCE	BRIEF DESCRIPTION OF DEVELOPMENT	APPLICATION SITE
24/01395/PNG	Mixed used development comprising of commercial use (ground floor) and residential use (first floor) - to provide 1 x 2-bed flat.	3 Brand Street Hitchin Hertfordshire SG5 1LP

Submitted Plan Nos

1792 01 A 1792 02 A

1.0 Policies

NONE	None Relevant
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2.0 **Site History**

2.1 Extensive site history. None relevant

3.0 **Representations**

3.1 **Site Notice and Neighbour Consultation** – None received.

3.2 **County Council Archaeology** – None received.

3.3 **Environmental Health** – None received.

4.0 **Planning Considerations**

4.1 **Site & Surroundings**

4.1.1 The application site is an existing two storey commercial building located on the south side of Brand Street, Hitchin.

4.2 **Proposal**

4.2.1 Prior Approval is sought for a mixed used development comprising of commercial use (ground floor) and residential use (first floor) - to provide 1 x 2-bed flat.

4.3 **Key Issues**

4.3.1 The key issue is firstly whether the proposed development complies with the relevant criteria as set out in G of The Town and Country Planning (General Development Order) 2015 Schedule 2, Part 3, Class G as amended. Secondly, whether the proposed development would require Prior Approval for matters in relation to the conditions listed in paragraph G.1.

4.3.2 **Permitted development**

Class G – commercial, business and service or betting office or pay day loan shop to mixed use

G. Development consisting of a change of use of a building—

(a) from a use within Class E (commercial, business and service) of Schedule 2 to the Use Classes Order, to a mixed use for any purpose within that Class and as up to 2 flats;

The application is for the conversion of a two-storey building under an existing Class E use to a Class E unit at ground floor and a single 2-bedroom flat at first floor.

(c) from a use within article 3(6)(n) (betting office) or 3(6)(o) (pay day loan shop) of the Use Classes Order, to a mixed use for any purpose within Class E (commercial, business and service) of Schedule 2 to that Order and as up to 2 flats;

N/A

(e) from a use falling within article 3(6)(n) (betting office) or 3 (6)(o) (pay day loan shop) of the Use Classes Order to a mixed use falling within article 3(6)(n) (betting office) or 3 (6)(o) (pay day loan shop) of the Use Classes Order and as up to 2 flats.

N/A

Conditions

G.1 Development permitted by Class G is subject to the following conditions—

(a) some or all of the parts of the building used for a use within, as the case may be, article 3(6)(n) (betting office) or 3(6)(o) (pay day loan shop) of, or Class E of Schedule 2 to, the Use Classes Order is situated on a floor below the lowest part of the building used as a flat;

The proposed use of the ground floor as a commercial unit will be below the proposed first floor use as a residential flat.

(b) where the development consists of a change of use of any building with a display window at ground floor level, the ground floor must not be used in whole or in part as a flat;

The plans show that the commercial unit at ground floor is to be retained

(c) a flat must not be used otherwise than as a dwelling (whether or not as a sole or main residence)—

(i) by a single person or by people living together as a family, or

(ii) by not more than 6 residents living together as a single household (including a household where care is provided for residents).

The proposal is for 1 x 2 bed self-contained flat, which has a gross internal area in excess of that required in the nationally prescribed space standards for a 2-bedroom/3-person flat.

(d) before beginning development, the developer must apply to the local planning authority for a determination as to whether the prior approval of the authority will be required as to—

(i) contamination risks in relation to the building;

Given the nature of the existing first floor commercial use and the proposed change of use to residential, as well as the very minor external changes to facilitate this proposal, it is considered that there is limited risk of contamination.

(ii) flooding risks in relation to the building;

The application site is within 1 flood zone, an area with a low probability of flooding.

(iii) impacts of noise from commercial premises on the intended occupiers of the development;

The application form states that *“Replacement of windows and noise breakers/sound proofing will be put in place between flat and commercial building on ground floor”*. The Councils Environmental Health Officer has formally responded to this application, stating no objection subject to a condition covering the submission of a scheme for noise protection which has been agreed by the applicant. This would address the requirements of the condition.

(iv) the provision of adequate natural light in all habitable rooms of the dwellinghouses;

As shown on the proposed plans, all living rooms, bedrooms and kitchens benefit from large windows to provide adequate natural day light.

(v) arrangements required for the storage and management of domestic waste.

The application form states that *“Bins will be provided and will be allocated to the rear of the building where existing waste bins are present”*. This would appear to satisfactorily address the requirements of this condition.

4.4 Conclusion

- 4.4.1 The proposed mixed used development comprising of commercial use (ground floor) and residential use (first floor) - to provide 1 x 2-bed flat would comply with the criteria set out in Part 3, Schedule 2, Class G as amended of the General Permitted Development Order 2015 as amended. The Prior Approval of the Local Planning Authority is required insofar as it relates to the noise condition set out under G.1. d iii).

5.0 Recommendation

- 5.1 Prior Approval is **GIVEN**.

1. The development hereby permitted shall be completed before the expiration of 3 years from the date of this decision notice.

Reason: As required by the Town and Country Planning (General Permitted Development) Order 2015, Schedule 2, Part 3, Class G.

2. No development shall take place until a scheme for protecting the proposed first floor dwelling from noise from the commercial use of the ground floor has been submitted to and approved in writing by the local planning authority. The dwelling shall not be occupied until such a scheme has been implemented in accordance with the approved details, and shown to be effective, and it shall be retained in accordance with those details thereafter.

Reason: to protect the amenities of future occupiers, in accordance with Policy D3 of the Local Plan.

3. Prior to occupation, each new dwelling shall incorporate an Electric Vehicle (EV) ready domestic charging point.

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.

Informative/s:

1. A charging point shall be installed by an appropriately certified electrician/electrical contractor in accordance with the following specification. The necessary certification of electrical installation should be submitted as evidence of appropriate installation to meet the requirements of Part P of the most current Building Regulations.
Cable and circuitry ratings should be of adequate size to ensure a minimum continuous current demand for the vehicle of 16A and a maximum demand of 32A (which is recommended for Eco developments)
 - o A separate dedicated circuit protected by an RBCO should be provided from the main distribution board, to a suitably enclosed termination point within a garage or an accessible enclosed termination point for future connection to an external charge point.
 - o The electrical circuit shall comply with the Electrical requirements of BS7671: 2008 as well as conform to the IET code of practice on Electric Vehicle Charging Equipment installation 2012 ISBN 978-1-84919-515-7 (PDF). This includes requirements such as ensuring the Charging Equipment integral protective device shall be at least Type A RCD (required to comply with BS EN 61851 Mode 3 charging).
 - o If installed in a garage all conductive surfaces should be protected by supplementary protective equipotential bonding. For vehicle connecting points installed such that the vehicle can only be charged within the building, e.g. in a garage with a (non-extended) tethered lead, the PME earth may be used. For external installations the risk assessment outlined in the IET code of practice must be adopted, and may require additional earth stake or mat for the EV charging circuit. This should be installed as part of the EV ready installation to avoid significant on cost later.
 - o A list of authorised installers (for the Government's Electric Vehicle Homecharge Scheme) can be found at <https://www.gov.uk/government/organisations/office-for-low-emission-vehicles>
 - o UK Government issued legislation in 2021 to require domestic EV charge points to be smart, thus we recommend that all charge points will be capable of smart charging, as detailed in UK Gov regulations.
- 2) The above condition is considered relevant and reasonable for the following reasons:
 - o Paragraphs 170 (e), 181 of the NPPF, which refer to the effects (including cumulative effects) of pollution (including air pollution) on health, the natural environment (including air quality).
 - o Paragraphs 102 (d), 105 (e) and 110 (e) of the NPPF, which refer to the need to promote sustainable transport including the provision for charging plug-in and other ultra

low emission vehicles.

- o HCC Local Transport Plan (LTP4) 2018-2031 which includes an objective to 'preserve the character and quality of the Hertfordshire environment' and 'make journeys and their impact safer and healthier', as well as its Emissions Reduction Policy 19.
- o It is consistent with the approach specified in the NHDC Air Quality Planning Guidance Document, which is referenced within the current consultation version of the Local Plan.

Signed  Anne McDonald	Development Management North Hertfordshire District Council Council Offices Gernon Road Letchworth Herts SG6 3JF
Determining Officer Date: 7 August 2024	