

DELEGATED FILE NOTE

CASE OFFICER: ...Saffron Loasby.....

APPLICATION REFERENCE	BRIEF DESCRIPTION OF DEVELOPMENT	APPLICATION SITE
26/01097/FP	Change of use from Restaurant Class E(b) to Office Class E(c)	23A Market Place Hitchin Hertfordshire SG5 1DT

Submitted Plan Nos

Location Plan 283-001 283-010 283-020

1.0 Policies

SP9	Design and Sustainability
D1	Sustainable design

SP4	Town Centres,Local Centres,CommunityShop
ETC3	New retail, leisure, other main TC devel
ETC4	Primary Shopping Frontages
D3	Protecting living conditions
T1	Assessment of transport matters
T2	Parking
SECN12	Achieving well-designed places
SECN15	Conserve + enhance natural environment
SECN16	Conserve + enhance historic environment
HE1	Designated heritage assets

2.0 **Site History**

- 2.1 26/01098/LBC – Internal alterations to facilitate the change of use from Restaurant Class E(b) to office Class E(c) - Pending consideration at the time of writing.

3.0 **Representations**

3.1 Site Notice and Neighbour Consultation – None received.

4.0 **Planning Considerations**

4.1 **Site and Surroundings**

4.1.1 The application site comprises a three storey commercial premises fronting the Market Square within Hitchin's Primary Shopping Frontage. The property is a grade two listed building of late 18th to early 19th Century stucco fronted property with a steeply pitched roof with an 'M' shaped gable to the front. The ground floor comprises canted bay windows and is used for retail purposes. The first floor is accessed independently from the ground floor and expands over the two upper floors of the building. It is over these two floors the building has been used as a restaurant.

4.1.2 The surrounding area comprises a busy retail area with primary shopping frontages at ground floor and mixed commercial and residential uses at first floor and above. The market square comprises predominantly listed premises that form a listed group status within the wider conservation area.

4.2 **Proposal**

4.2.1 The proposal is for a change of use from restaurant E (b) to office use E(c). No external changes are proposed as part of this application.

4.3 **Key Issues**

4.3.1 The key material considerations are as follows:

- ❑ Principle of development
- ❑ Impact on the character and appearance of the area
- ❑ Impact on neighbour amenity
- ❑ Highways and Parking
- ❑ Impact on the environment

Principle of development

4.3.2 The application site is in the centre of Hitchin, within the Primary shopping frontage of the historic centre. The application proposes the occupation of the first and second floors as office accommodation whilst retaining the existing commercial use of the ground floor. Policy SP4 seeks to maintain the vitality and viability of town centres by encouraging an appropriate mix of town centre uses. Offices are recognised as a town centre use and are directed towards town centre locations. Policy ETC4 seeks to retain active retail frontages at ground floor level within Primary Shopping Frontages. Supporting text to the Local Plan (5.14) recognises that upper floors are the preferred location for office use above ground floor retail uses where they do not undermine the retail function of the frontage. The proposal would not result in the loss of an active retail frontage as the

ground floor retail unit would remain unchanged. The first floor makes only a limited contribution to the retail function of the shopping frontage and office accommodation represents an appropriate town centre use capable of supporting the vitality of the centre by increasing daytime activity and employment opportunities. Accordingly, the principle of development is considered acceptable and accords with Policies SP4, ETC3, and ETC4 of the Local Plan together with Section 7 of the NPPF.

Impact on the character and appearance of the area

- 4.3.3 The Local Plan emphasises how town centres must remain vibrant in a changing and volatile retail environment. As shopping patterns and practices change there is a need to be more flexible in our approach towards the changing needs of town centres whilst also ensuring that they retain their market share in supporting local communities. Supporting text advises that only shops will generally be permitted in Primary Shopping frontages in order to avoid the creation of 'dead frontages', thus retaining the attractiveness of the essential and continuous shopping cores of the town centres.
- 4.3.4 Policy SP9 of the Local Plan is the overarching strategic design policy that requires development to respond positively to the site context, reinforce local distinctiveness, create a strong sense of place, respect the character of the surrounding area and achieve high quality design. Development Plan Policy D1 of the Local Plan also supports development proposals that respond positively to the sites local context.
- 4.3.5 In this case the proposed change of use is at first and second floor only, therefore retaining the existing ground floor use of the building and the sites active frontage. There are no external structural changes proposed to the building as a part of the change of use, however it is likely the existing restaurant signage and associated paraphernalia will be removed from the front elevation.
- 4.3.6 The proposal is considered to meet the requirements of Policies SP9 and D1 and will have no adverse impact on the character and appearance of the wider area, nor an adverse impact on the wider conservation area.

Impact on neighbour amenity

- 4.3.7 A core planning principle set out in the NPPF is to always seek to secure a good standard of amenity for all existing and future occupants of land and buildings. This principle is reflected in the provisions of Policy D3 of the NHLP.
- 4.3.8 In respect of neighbouring amenity, the proposed change of use is considered acceptable and would be comparable to other uses at first floor in vicinity and is considered appropriate in this context. As such, the proposal would not result in unacceptable harm to neighbouring living conditions by reason of overshadowing or overlooking, noise or disturbance.
- 4.3.9 The development is therefore considered to accord with Policy D3 of the NHLP and Section 12 of the NPPF.

Highways and Parking

- 4.3.10 Policy T1 and Policy T2 of the Local Plan seek to ensure that development provides safe access arrangements and appropriate parking provision, having regard to the Council's Vehicle Parking at New Developments Supplementary Planning Document (SPD).
- 4.3.11 The proposal relates to the change of use of an existing building from a restaurant to office accommodation and does not involve any alterations to existing access arrangements. No off-street parking is provided for either the existing restaurant use or the proposed office use; however, this reflects the established circumstances of the site. The application site occupies a sustainable town centre location with good access to public transport, public car parks and a range of services and facilities within walking distance. As no parking is being lost and the proposal would retain an existing commercial use within the town centre, it is not considered that the development would give rise to an unacceptable impact on highway safety or the operation of the local highway network.
- 4.3.12 The proposal is therefore considered to comply with Policies T1 and T2 of the North Hertfordshire Local Plan 2011–2031 and the guidance contained within the Council's Vehicle Parking at New Developments Supplementary Planning Document.

Impact on the Environment

- 4.3.13 Section 15 of the National Planning Policy Framework (NPPF) seeks to ensure that planning decisions contribute to and enhance the natural and local environment. At the local level, Policies SP9, D1, NE1 of the Local Plan seek to ensure that development is environmentally sustainable and respects its surroundings.
- 4.3.14 The proposal comprises the change of use of an existing commercial unit from a restaurant to office accommodation within the established town centre and does not involve any external alterations, extensions or operational development. The proposal would make use of an existing building within the built-up area and would not result in the loss of green infrastructure, trees or other natural features, nor is it considered likely to have any adverse effects on biodiversity, landscape character or the wider natural environment. Furthermore, the site's sustainable town centre location enables convenient access to public transport and local services, thereby reducing reliance on private vehicle journeys. Accordingly, it is considered that the proposal would not give rise to any significant adverse environmental impacts and complies with Section 15 of the NPPF and Policies SP9, D1 and NE1 of the Local Plan.

4.4 **Conclusion**

- 4.4.1 In the absence of material planning reasons to the contrary it is my view that planning permission is **GRANTED**.

4.5 **Alternative Options**

- 4.5.1 N/A

4.6 **Pre-Commencement Conditions**

- 4.6.1 N/A

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.

Biodiversity Net Gain

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.

Proactive Statement:

- 1 Planning permission has been granted for this proposal. Discussion with the applicant to seek an acceptable solution was not necessary in this instance. 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.

Signed  Anne McDonald	Development Management North Hertfordshire District Council Council Offices Gernon Road Letchworth Herts SG6 3JF
Determining Officer Date: 15 July 2026	