

DELEGATED FILE NOTE

CASE OFFICER: ...Tom Rea.....

APPLICATION REFERENCE	BRIEF DESCRIPTION OF DEVELOPMENT	APPLICATION SITE
24/01623/FP	Change of use of existing showroom/workshop to form one 3-bed dwelling (as amended by plan no. 07).	94 Tilehouse Street Hitchin Hertfordshire SG5 2DW

Submitted Plan Nos

04A Location Plan 01 02 07

1.0 Policies

1.0 **Planning Policy**

1.1 North Herts Local Plan 2011 - 2031

- ☐ Policy SP4 – Town Centres
- ☐ Policy ETC5 – Secondary Shopping Frontages
- ☐ Policy T2 – Parking
- ☐ D1 – Sustainable Design
- ☐ D3 – Protecting Living conditions
- ☐ NE4 – Biodiversity and Geological sites
- ☐ HE1 – Designated heritage assets

2.0 **Site History**

2.1 There is no relevant planning history

3.0 **Representations**

3.1 Site Notice / Adjoining occupiers:

- ☐ Objection to installation of foil material to front windows – an alien and inappropriate feature, out of character, unsightly and may cause glare
- ☐ Support retention of crane and existing street-facing façade and its fenestration
- ☐ Concern at placement of bins
- ☐ Concern at noise from air source heat pump
- ☐ Concern at noises through party wall – soundproofing would be required
- ☐ Concern at construction noise /damage from construction
- ☐ Needs to be a separate water meter installed

3.2 NHDC Environmental Health: Request noise assessment (re ASHP)

3.3 Waste Manager : Provides advice re waste. Require further information.

3.4 Herts Highways: No objections. Requests a Construction Method Statement and Informatives

3.5 NHDC Conservation officer: Raises no objections. Recommends conditions

4.0 **Planning Considerations**

4.1 **Site and Surroundings**

Two storey shop and showroom premises located on the north side of Tilehouse Street between Bucklersbury and Sun Street. The site is within the Conservation Area and Secondary Shopping Frontage and the building is Grade II listed.

4.2 **Proposal**

Change of use of existing showroom/workshop to form one 3-bed dwelling (as amended by plan no. 07).

4.3 **Key Issues**

4.3.1 Planning Policy

4.3.2 The application site falls within the Secondary Shopping Frontage. Policy ETC5 states:

Policy ETC5: Secondary Shopping Frontages

In the Secondary Shopping Frontages of Hitchin, Letchworth Garden City, Baldock and Royston, as shown on the Policies Map, planning permission will be granted at ground-floor level:

- a) For shops, financial and professional services, restaurants and cafes, pubs or drinking establishments and takeaways; or
- b) For other main town centre uses⁸⁷ if it does not individually or cumulatively, undermine the retail function of the centre or detract from the centre's vitality and viability.

4.3.3 The proposed residential use does not fall within a) therefore the proposal must comply with b) – other main town centre uses.

4.3.4 The Local Plan Glossary defines Main Town Centre uses as follows:

Retail development (including warehouse clubs and factory outlet centres), leisure, entertainment facilities, intensive sport and recreation uses (including cinemas, restaurants, drive-through restaurants, bars and pubs, night-clubs, casinos, health and fitness centres, indoor bowling centres, and bingo halls), offices, and arts, culture and tourism development (including theatres, museums, galleries and concert halls, hotels and conference facilities).

4.3.5 The proposed residential use does not fall within any of the defined Main Town Centre uses set out in the Local Plan Glossary. On the face of it the proposal is contrary to policy.

- 4.3.6 No. 94 is still functioning as a shop – albeit that it is not open on several days of the week but it still retains its shop frontage and its authorised use as a shop.
- 4.3.7 In the light of the application being contrary to Policy ETC5 the applicant has provided a supplementary statement (received on 24th February 2025) by way of a justification for the proposals in land use terms. The statement makes the following points:
- ☐ The building has been let for the past 9 years at a non-commercial rent to support the tenant. This would not be sustainable in the longer term.
 - ☐ Future uses have been investigated
 - ☐ There is no demand for retail use in this tertiary location
 - ☐ There has been a decline in office accommodation in Tilehouse Street
 - ☐ The site only has potential for restaurant / wine bar uses but service access is poor and waste disposal difficult with likely noise impact on surrounding residential properties.
 - ☐ Costs of conversion into commercial use would not be economic
 - ☐ Tilehouse Street is almost exclusively residential
 - ☐ Several residential conversion applications have been approved in Tilehouse Street
 - ☐ The present use does not contribute to the vitality of the town centre due to the limited opening hours. The use would enhance vitality
 - ☐ The use would be the best sustainable use for this historic building as supported by the conservation officer
 - ☐ Policy SP4 was enacted in 2004 and there have been other residential conversion schemes permitted in Tilehouse Street since this time.
- 4.3.8 The agents have not supplied any marketing evidence to support the claim that alternative retail occupiers have been sought for the site and ‘all possible future uses were investigated’ The commentary on office provision in the area is not relevant. The limited opening hours of the existing shop is also not relevant – its authorised use is still as a retail premises. The LPA cannot control the opening hours of a shop unit unless it was controlled by a condition which is not the case with this well established retail unit.
- 4.3.9 No information has been supplied of the cost of conversion to a restaurant or wine bar use. The noise impact of such a use is acknowledged however particularly given the dominant residential use in this part of Tilehouse Street. That said, this is a town centre location where noise from commercial uses is expected. Footfall is quite healthy in this area (given its location between Sun Street and Bucklersbury). Given the town centre location parking would not be required or expected of a restaurant / wine bar use.
- 4.3.10 The applicants statement that Policy SP4 was enacted in 2004 is incorrect. The current local plan and Policy SP4 was adopted in 2022. The previous local plan did not include this part of Tilehouse Street in the Secondary Shopping frontage and therefore previous applications for residential conversions were not in conflict with planning policy. In any event the quoted planning permissions at Nos 83, 84, 85, 86 & 88 Tilehouse Street are all premises outside of the current SSF and would still not be in conflict with planning policy under SP4 and ETC5.
- 4.3.11 Despite the poor justification and lack of documentary evidence to substantiate the loss of the retail shop it is acknowledged that there has been a gradual diminishment in the

retail importance of Tilehouse Street generally and an incremental move over time towards residential use as being the dominant use in the street. Furthermore, town centres are changing towards a more mixed use environment as evidenced by the relatively new E class uses which allow for a permitted change to Class C3 residential under the prior approval process. There would also be no harm to the character and appearance of the street (see below). Probably the most important factor in this case however is securing the long term future use of the listed building. Paragraph 210 of the NPPF says LPA's should take account of *'the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;'* In this case the proposals do not make any significant changes to the external or internal historic character of the building and a residential use is likely to secure its long term future. The NPPF (at paragraph 212) attaches great weight to an assets' conservation irrespective of the degree of any potential harm. The Council's Conservation officer (see below) does not object to the development in heritage terms. Therefore, taking into account all of the circumstances in this case it is considered that an exception could be made to the requirements of Policy ETC5 in order to allow a conversion to residential use.

4.3.12 Impact on heritage assets

4.3.13 The proposals have been amended to delete the following physical intraventions that were of concern in heritage terms:

- ☐ No external changes to the appearance of the building
- ☐ Deletion of front balcony, roof garden and rooflight.
- ☐ Deletion of mirror film to front ground floor windows
- ☐ Retention of existing glazed screen
- ☐ Re-location of waste bin storage

4.3.14 The proposal are now supported by the Conservation officer as follows:

*'I raise **NO OBJECTION** on the basis that the proposal will satisfy the provisions of Sections 16(2) (LBC only), 66(1) (FP only) and 72(1) (both) of the Planning (Listed Buildings and Conservation Areas) Act 1990, Section 16 of the NPPF and the aims of Policy HE1: Designated Heritage Assets, of the North Hertfordshire Local Plan 2011-2031.'*

4.3.15 As mentioned above, Paragraph 210 of the NPPF says LPA's should take account of *'the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;'* In this case the proposals do not make any significant changes to the external or internal historic character of the building and a residential use is likely to secure its long term future. The applicant has made concessions which mean that the proposals will result in minimal interventions to the listed building from those that were originally proposed.

4.3.16 Overall it is considered that the development will have a neutral impact on the significance and historic character of the listed building and therefore no 'less than substantial harm' is caused and in turn no public benefits are required to be demonstrated (as normally required by paragraph 215 of the Framework).

4.3.17 Impact on the character and appearance of the area

4.3.18 As mentioned above there would be very limited visual impact arising from this proposal. The shopfront would be retained as well as other historic features (e.g crane and boarded opening). Therefore, it is considered that the proposal would not be harmful to the character and appearance of the area.

4.3.19 Impact on adjacent occupiers amenity and future occupiers living conditions

4.3.20 The adjacent uses are mainly residential and with the residential use proposed this should be compatible with the prevailing residential environment. Matters of 'noise' from adjoining rooms and arrangements for the supply of utilities are a civil matter. There is a commercial use to the rear of the property but this use would not be affected by a residential use of the building. For the prospective occupiers of the dwelling it is noted that the dwelling will have a heat recovery system installed which minimise the need to open windows and therefore reduce noise from adjacent road traffic. No amenity space is provided but this is a relatively small residential unit and therefore unlikely to be occupied by a large family with significant outdoor amenity space demands. This is a town centre location where outdoor amenity space is not always expected with residential development. In any case there is access to outdoor amenity space at the top end of Tilehouse Street and also public open space around the market area and St. Mary's church within the town centre. The lack of dedicated outdoor space is a weakness of the scheme but in the circumstances not critical to its acceptability in planning terms in my opinion.

4.3.21 In terms of living conditions therefore I consider that the proposals would comply with Policy D3 of the Local Plan

4.3.22 Highway / Parking matters

4.3.23 No parking is available at the premises and there never has been any. In this town centre location where there are public car parks nearby and options for sustainable travel there is no case for insisting on parking provision. It is possible that a small space could be made available internally for cycle storage.

4.3.24 The highway authority has requested a Construction Method Statement including contractor access arrangements, on site parking and on site hoarding / pedestrian routes. This is a small scale scheme with only limited internal works. A CMS would not be justified in the circumstances and in any event on site parking for construction vehicles is not possible.

4.3.25 Refuse provision is shown on the submitted plan. Bins would be collected from kerbside as per the existing arrangement.

4.3.26 Biodiversity and ecology

4.3.27 This development is exempt from the need to achieve a 10% biodiversity net gain. There are no ecological implications arising from this proposal as there is no ecological habitat on site.

4.3.28 Climate change

4.3.29 The proposed development will have no significant impacts on local climate change.

4.4 **Conclusion**

4.4.1 The proposal is acceptable in planning terms.

4.5 **Alternative Options**

4.5.1 None applicable

4.6 **Pre-Commencement Conditions**

4.6.1 I can confirm that the applicant is in agreement with the pre-commencement conditions that are proposed.

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. The new rear windows shall be flush timber casements unless otherwise agreed and approved in writing by the Local Planning Authority.

Reason: To ensure that special regard is paid to the listed building's special character and the appearance of the Hitchin Conservation Area under Sections 16 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 and Policy HE1 of the Local Plan

4. Prior to installation, details of the replacement rear roof light shall be submitted to and approved in writing by the Local Planning Authority. Thereafter shall be implemented in accordance with the approved details.

Reason: To ensure that special regard is paid to the listed building's special character and the appearance of the Hitchin Conservation Area under Sections 16 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 and Policy HE1 of the Local Plan.

5. The new windows and roof light on the rear elevation shall be implemented prior to the occupation of the 3-bed dwelling unless otherwise agreed and approved in writing by the Local Planning Authority.

Reason: To ensure suitable living conditions for the occupier of the new dwelling. To comply with Policy D3 of the Local Plan

6. Prior to installation, full details of the whole house heat recovery ventilation system shall be submitted and approved in writing by the local planning authority. Thereafter the whole house heat recovery ventilation system shall be implemented in accordance with the approved details and installed prior to the occupation of the dwelling.

Reason: To ensure that special regard is paid to the listed building's special character and the appearance of the Hitchin Conservation Area under Sections 16 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 and Policy HE1 of the Local Plan and to ensure suitable living conditions for the occupier of the new dwelling.

Biodiversity Net Gain

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:

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 (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: 25 February 2025	