

DELEGATED FILE NOTE

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

APPLICATION REFERENCE	BRIEF DESCRIPTION OF DEVELOPMENT	APPLICATION SITE
25/03027/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 1HX

Submitted Plan Nos

HET-1792 01 E HET-1792 02 F

1.0 Policies

NONE

None Relevant

2.0 **Site History**

- 2.1 **24/01395/PNG** - Mixed used development comprising of commercial use (ground floor) and residential use (first floor) - to provide 1 x 2-bed flat.

Prior Approval Given

3.0 **Representations**

- 3.1 **Site Notice and Neighbour Consultation** – One comment received from 221 Hitchin Road, supporting the application.
- 3.2 **Hertfordshire Highways** – No objection.
- 3.3 **Environmental Health** – No objection subject to conditions.
- 3.4 **Waste and Recycling** – 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. Therefore, this would comply with this criterion.

(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 of 63sqm which is 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. This has been agreed by the applicant and 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 and external commercial noise sources to the rear of the premises 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.

Signed  Anne McDonald	Development Management North Hertfordshire District Council Council Offices Gernon Road Letchworth Herts SG6 3JF
Determining Officer Date: 19 January 2026	