

DELEGATED FILE NOTE

CASE OFFICER: ...Andrew Hunter.....

APPLICATION REFERENCE	BRIEF DESCRIPTION OF DEVELOPMENT	APPLICATION SITE
24/01952/S73	Removal of condition 3 (Electric Vehicle ready domestic charging point) of prior approval class MA 24/01306/PNMA granted 08.08.2024 for Conversion to 24 self-contained 1-bed residential units with associated cycle and refuse/recycling provisions.	The Exchange Queen Street Hitchin Hertfordshire

Submitted Plan Nos

LP.01

D1	Sustainable design
D3	Protecting living conditions
D4	Air quality
HE1	Designated heritage assets
NE7	Reducing flood risk
NE8	Sustainable drainage systems
SECN11	Making effective use of land
SECN12	Achieving well-designed places
SECN14	Meeting climate change,coastal,flooding
SECN9	Promoting sustainable transport
SP1	Sustainable development in North Herts
SP2	Settlement Hierarchy and Spatial Distrib
SP11	Natural resources and sustainability

SP6	Sustainable transport
SP8	Housing
SP9	Design and Sustainability
T2	Parking
T1	Assessment of transport matters

2.0 **Relevant Site History**

- 2.1 24/01306/PNMA - Conversion to 24 self-contained 1-bed residential units with associated cycle and refuse/recycling provisions – Prior Approval Given 08/08/24.
- 2.2 24/00514/FP - Alterations to fenestration and new fenestration on front, side and rear elevations – Approved 24/04/24.

3.0 **Representations**

- 3.1 **Neighbours** – The following objections were received:
- ☐ Grave missed opportunity to support the migration to electric vehicles.
 - ☐ Benefits current residents.
 - ☐ Not possible to have an electric vehicle due to no charging points.

4.0 **Planning Considerations**

4.1 **Site and Surroundings**

- 4.1.1 The site comprises a two and three storey 1950's former telephone exchange building with a flat roof, located on the corner of Queen Street and Hollow Lane. The first and second floors are used as C3 residential accommodation. The ground and lower ground floors are used as a gym with ancillary uses (Use Class E). Within the site is an area used for parking and bin storage. Within the same ownership of the applicant but outside the red-edged site area is part of a car park accessed from Lyle's Row.

- 4.1.2 The site adjoins an existing five storey building used as a BT exchange/offices, and has a car park higher than the site. C3 residential flats are opposite the site on Hollow Lane. Opposite the site on Queen Street are bus stops and a public car park, and the Grade I listed St Mary's Church and Grade II* The Biggin beyond. The site is in central Hitchin on the edge of the main commercial shopping area, where the locality has a predominantly commercial character. The site is close to a Conservation Area, the east boundary of which is on the eastern edge of Queen Street roadway with the footway adjacent to the application site.

4.2 **Proposal**

- 4.2.1 This application seeks to remove Condition 3 (provision of electric vehicle charging points) of previous Prior Approval 24/01306/PNMA.

Condition 9 states:

Prior to occupation, each parking space 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. To comply with Policy D4 of the Local Plan.

4.3 **Key Issues**

- 4.3.1 The key issues for consideration are air quality and climate change, and parking and highways.
- 4.3.2 The reasons for Condition 3 can be summarised as providing more sustainable transport by reducing emissions, which would be beneficial in terms of both local air quality and wider climate change impacts.
- 4.3.3 Policy D4 of the adopted Local Plan is referenced in the reason for the Condition, with D4 specifically relating to air quality. Condition 3 is considered to comply with the objectives of that Policy.
- 4.3.4 The original Prior Approval application was made in accordance with the requirements of Class MA, under The Town and Country Planning (General Development Order) 2015 Schedule 2, Part 3. MA.2 (4) states:

(4) The provisions of paragraph W (prior approval) of this Part apply in relation to an application under this paragraph as if—

(b) in the introductory words in sub-paragraph (5), for "and highways impacts of the development" there were substituted "impacts of the development, particularly to ensure safe site access";

- 4.3.5 Paragraph W (13) states:

(13) The local planning authority may grant prior approval unconditionally or subject to conditions reasonably related to the subject matter of the prior approval.

4.3.6 The LPA considers that it can impose conditions on applications given prior approval under Class MA, Part 3, Schedule 2 of the 2015 GPDO (as amended) for the reasons above.

4.3.7 The applicant's case for removing the condition is stated on the application form as:

The existing parking spaces currently shown on the drawing are currently owned by the residents on the existing first floor. The existing parking spaces should not be obliged to install EV charging points.

There are no new parking spaces provided to the new units, the proposal is car free.

4.3.8 On re-examining original approval 24/01306/PNMA, the Proposed Site Plan did not state that the development would be car free, neither did the other plans and the application form. A covering letter states that no additional car parking was included, with a separate Transport Note going into more detail.

4.3.9 The Transport Note however states that the development approved under 24/01306/PNMA was to be car free, stated most clearly in para. 43. At the time of a site visit for 24/01306/PNMA, the existing spaces against the south wall were for existing residents. Two other spaces for the gym were proposed to be removed.

4.3.10 With the remaining spaces against the south wall of the site being for existing residential units in The Exchange building, it is considered that there is justification for the proposal to remove Condition 3 of 24/01306/PNMA, as no new parking spaces will be created for the approved development.

4.3.11 In respect of the development complying with Class MA, it is considered that this remains the case as the development is intended to be car free. Should any residents own cars, spaces will need to be found, however this doesn't mean that the transport impacts would be unacceptable. The highways officer had not objected to the original application on the basis of it being car free, which is given significant weight.

4.4 **Conclusion**

4.4.1 The proposal to remove Condition 3 is **GRANTED**. Prior Approval will therefore be granted again without Condition 3.

5.0 **Recommendation**

5.1 That Prior Approval be **GRANTED** subject to the following conditions:

1. The development hereby permitted shall be begun before the expiration of 3 years from the giving of Prior Approval 24/01306/PNMA.

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:

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: 17 October 2024	