

DELEGATED FILE NOTE

CASE OFFICER: ...Melissa Tyler.....

APPLICATION REFERENCE	BRIEF DESCRIPTION OF DEVELOPMENT	APPLICATION SITE
25/02689/PNMA	Change of use from office (Use Class E) to residential (Use Class C3) to provide 27no. dwellings.	Pease House Tilehouse Street Hitchin Hertfordshire SG5 2DX

Submitted Plan Nos

133-OP-PL-SP-A-001 133-OP-PL-SP-A-002_ 133-OP-PL-SP-A-003-P0 133-OP-PL-EE-A-001 133-OP-PL-EE-A-002 133-OP-PL-EP-A-001 133-OP-PL-EP-A-002 133-OP-PL-EP-A-003 133-OP-PL-EP-A-004 133-OP-PL-EP-A-004_ 133-OP-PL-PE-A-001 133-OP-PL-PE-A-002_ 133-OP-PL-PP-A-001-P1 133-OP-PL-PP-A-002-P1 133-OP-PL-PP-A-003-P1 133-OP-PL-PP-A-004-P1_ 133-OP-PL-PP-A-004_

1.0 Policies

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Local Plan

Policy SP1: Sustainable development in North Hertfordshire
Policy SP2: Settlement Hierarchy and Spatial Distribution
Policy SP6: Sustainable Transport
Policy SP8: Housing
Policy SP9: Design and Sustainability
Policy SP11: Natural resources and sustainability
Policy T1: Assessment of Transport matters
Policy T2: Parking
Policy D1: Sustainable Design
Policy D3: Protecting living conditions
Policy D4: Air Quality
Policy NE7: Reducing flood risk
Policy NE8: Sustainable drainage systems
Policy HE1: Designated heritage assets

National Planning Policy Framework

Section 9 – Promoting sustainable transport
Section 11 – Making effective use of land
Section 12 – Achieving well-designed places
Section 14 - Meeting the challenge of climate change, flooding and coastal change

2.0 Relevant Site History

2.1 25/01698/FP Installation of safety rails to perimeter of roof CONDITIONAL
PERMISSION

3.0 Representations

3.1 Neighbours – Hitchin Forum

The proposal is to change this 1990s office block into flats. Hitchin Forum is generally in favour, subject to the following comments:- The Woodland car parking shown on the keyplan appears to be at a considerable distance from the flats, and it seems likely that people will drive up the footpaths or park in other parking areas or in the street in order to get nearer. This appears to be a significant defect, which needs resolution prior to approving this application. We note that some of the living/dining spaces seem poky,

and some kitchens are cramped and without daylight. Some of the flats, such as PH01.01 are very small, being of minimum gross internal floor area, and the door arrangements at the entrances are complicated and look fussy. Finally, we note the statement in Point 2.1 of the Design and Access Statement that “The building does not exceed the fire risk conditions set out under Class MA, and as such do(es) not need to be assessed as part of this application.” As the building is being totally changed internally, and with many more sources of heat, we assume that the fire risks and means of escape have been addressed from first principles.

- 3.2 **Waste and Recycling** – collection days for communal bins can be different days on a week (for example refuse on a Monday, food a Wednesday and recycling Friday as a extreme case) in all likelihood it only be on two days.
- 3.3 **HCC Highways** – Notice is given under article 22 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 that Hertfordshire County Council as Highway Authority does not wish to restrict the grant of permission subject to the following conditions
- 3.4 **Minerals and waste - Condition**
- As a SWMP has not been produced at the planning application stage, the Waste Planning Authority request the following pre-commencement condition be attached to any approved planning application
- 3.5 **NHDC Conservation officer:** No response
- 3.6 **NHDC Transport Policy Officer:** No response
- 3.7 **LLFA** – No formal response given as large delays in getting comments back.
- 3.8 **NHDC Environmental Health (Noise, Air Quality & Contamination):** I have no objections to the proposals

Noise: The application is supported by a noise assessment which concludes that although only noise from commercial sources is required to be assessed under such a prior approval, it has recommended mitigation against traffic noise. Given this, I recommend that a condition requiring the development to be undertaken in accordance with the submitted details is considered prudent.

Land Contamination: The application is supported by a phase 1 land contamination report. This report concludes that there are no suspected significant contamination issues. Based on the submitted information I have no objections to this but recommend that the following condition is placed on any decision notice should you be minded to grant approval. Any contamination that is found during the course of construction of the development permitted that was not previously identified shall be reported immediately to the local planning authority. Development on the part of the site affected shall be suspended and a risk assessment carried out and submitted to and approved in writing by the local planning authority. Where unacceptable risks are found remediation and verification schemes shall be submitted to and approved in writing by the local planning authority. These approved schemes shall be carried out before the development is resumed or continued.

4.0 **Planning Considerations**

4.1 **Site & Surroundings**

4.1.1 The application site is located within Hitchin, south of the town centre but within the town centre boundary in the Local Plan. The site is allocated for business and employment purposes in the Local Plan (HE4, HB4, ETC1). The site is located on Old Charlton Road, off Tilehouse Street. Pease House shares part of the site with Radcliffe House and Keynes House. Radcliffe House has had prior approval given to convert to residential under application reference 24/01669/PNMA. The site has car parking facilities at ground level to the east of the building. Pease House is situated within Hitchin Conservation Area. It is not a statutory or locally listed building, however there are listed buildings to the north and north east at 1 and 2 Tilehouse Street, the Coach House, the Garden Bridge, the Stables and The Priory, all of which are statutory listed.

4.1.2 The site is in Flood Zone 1 the lowest risk of flooding. It is within 15 m of potential surface water flooding. A flood risk assessment has been prepared by CRA.

4.2 **Proposal**

4.2.1 Prior Approval for Change of Use from Class E (Commercial, Business and Service) to 27 Dwellings (Use Class C3) under the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) Schedule 2, Part 3, Class MA

4.2.2 The proposals seek to provide dwellings broken down as the following housing mix: 1 bedroom - 13no. 2 bedroom - 14no

4.2.3 The application is accompanied by the following documents:

- ☐ Flood Risk Assessment
- ☐ Conservation Area statement
- ☐ Internal Daylight and Sunlight report
- ☐ Phase 1 Environmental Site Assessment
- ☐ Transport Statement
- ☐ Plans

4.3 **Key Issues**

4.3.1 **The Town and Country Planning**

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

Whether the proposal complies with the criteria set out in MA. 1

4.3.2 Permitted development

MA. Development consisting of a change of use of a building and any land within its curtilage from a use falling within Class E (commercial, business and service) of Schedule 2 to the Use Classes Order to a use falling within Class C3 (dwellinghouses) of Schedule 1 to that Order.

Development not permitted

MA.1.—(1) Development is not permitted by Class MA —

(a) unless the building has been vacant for a continuous period of at least 3 months immediately prior to the date of the application for prior approval.

Not applicable as omitted by The Town and Country Planning (General Permitted Development) (England) (Amendment) Order 2024.

(b) unless the use of the building fell within one or more of the classes specified in sub-paragraph (2) for a continuous period of at least 2 years prior to the date of the application for prior approval.

The application was submitted on the 31 October 2025, which therefore means that the building had to have been under one of the aforementioned classes for a continuous period of 2 years leading up to this date, so from 31 October 2023.

The applicant has stated that the building has been in one or more of the appropriate classes for the allotted period. As such, the proposal does not conflict with this criterion.

(c) if the cumulative floor space of the existing building changing use under Class MA exceeds 1,500 square metres;

Not applicable as omitted by The Town and Country Planning (General Permitted Development) (England) (Amendment) Order 2024.

(d) if land covered by, or within the curtilage of, the building—

(i) is or forms part of a site of special scientific interest;

(ii) is or forms part of a listed building or land within its curtilage;

(iii) is or forms part of a scheduled monument or land within its curtilage;

(iv) is or forms part of a safety hazard area; or

(v) is or forms part of a military explosive's storage area;

The building is not covered by, or within the curtilage of, any of the above. Therefore, the proposal does not conflict with this criterion.

(e) if the building is within—

(i) an area of outstanding natural beauty;

(ii) an area specified by the Secretary of State for the purposes of section 41(3) of the Wildlife and Countryside Act 1981;

(iii) the Broads;

(iv) a National Park; or

(v) a World Heritage Site.

The building is not within any of the above. Therefore, the proposal does not conflict with this criterion.

(f) if the site is occupied under an agricultural tenancy, unless the express consent of both the landlord and the tenant has been obtained; or

The building is not occupied under an agricultural tenancy. Therefore, the proposal does not conflict with this criterion.

(g) before 1 August 2022, if—

(i) the proposed development is of a description falling within Class O of this Part as that Class had effect immediately before 1st August 2021; and

(ii) the development would not have been permitted under Class O immediately before 1st August 2021 by virtue of the operation of a direction under article 4(1) of this Order which has not since been cancelled in accordance with the provisions of Schedule 3.

This application is being determined after 1st August 2022. Therefore, this criterion is not applicable.

(2) The classes mentioned in sub-paragraph (1)(b) are the following classes of the Use Classes Order—

(a) the following classes of the Schedule as it had effect before 1st September 2020—

(i) Class A1 (shops);

(ii) Class A2 (financial and professional services);

(iii) Class A3 (food and drink);

(iv) Class B1 (business);

(v) Class D1(a) (non-residential institutions – medical or health services);

(vi) Class D1(b) (non-residential institutions – crèche, day nursery or day centre);

(vii) Class D2(e) (assembly and leisure – indoor and outdoor sports), other than use as an indoor swimming pool or skating rink;

(b) on or after 1st September 2020, Class E (commercial, business and service) of Schedule 2.

Whether the proposal complies with the conditions set out in MA.2

4.3.3 Conditions MA.2.—

(1) Development under Class MA is permitted subject to the following conditions.

(2) Before beginning development under Class MA, 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—

(a) transport impacts of the development, particularly to ensure safe site access;

The site is located within a sustainable location in central Hitchin with public transport modes, shops and services, within walking distance.

The site will include 48 parking spaces provided.

The Council's parking standards are for one bedroom dwellings to have a minimum of 1 parking space and 2 or more bedroom dwellings to have two spaces. This would require 41 spaces. With an additional 7 spaces for visitors which is sufficient parking in this sustainable town centre location.

Visitors would be able to use nearby numerous public car parks and on-street parking, in addition to using public transport.

The assessment required is however on the transport impacts of the development, particularly to ensure safe site access. It is unlikely the proposal would generate additional parking pressures in the locality given the previous office use and the available on site car parking.

The Highway Officer has recommended approval subject to conditions.

I have no objections to the proposed development on transport impacts.

(b) contamination risks in relation to the building;

The building is currently in an office use and no ground works are proposed. Therefore, it is unlikely that there will be any risks of contamination as a result of this development.

(c) flooding risks in relation to the building;

The site is within Flood Zone 1, so there is a very low level of flood risk in my opinion.

The LLFA have recommended a condition

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

The Council's Environmental Health officer has raised no objections on noise grounds.

There are no nearby noise generating uses (e.g. industrial etc).

It is considered that impacts of noise from any commercial premises in the area would not be harmful.

(e) where—

(i) the building is located in a conservation area, and

(ii) the development involves a change of use of the whole or part of the ground floor, the impact of that change of use on the character or sustainability of the conservation area;

The building falls within the Hitchin Conservation area. There are listed buildings in Tilehouse Street to the north and north east but none adjoining or adjacent to Pease House.

The application is supported by a Conservation Area statement. It concludes that the Prior Approval application proposes only internal modifications to Pease House and therefore does not affect the defined character of the conservation area, its important features including the open spaces, groups of trees and existing boundary wall. The change of use from office to residential use, will not materially alter the character of Pease House and its contribution to the character of the location and is likely to reduce

the number of people accessing the location. The re-use of this existing building is a sustainable re-purposing of this highly sustainable location.

The proposals do not result in any harm to heritage assets and therefore no public benefits are needed to be considered to outweigh any harms identified. The application therefore addresses the legislative requirements of a Prior Approval application.

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

A Daylight and Sunlight Assessment (Within the Development) has been undertaken by Point 2 Surveyors Limited to demonstrate that the proposed residential units will achieve adequate natural light in all habitable rooms. Point 2 confirms that the proposed design satisfies all of the requirements set out in the BRE guide 'Site Layout Planning for Daylight and Sunlight' and that in its professional opinion, the proposed design will provide the development's future occupiers with adequate levels of natural light.

The proposal therefore complies with this requirement

(g) the impact on intended occupiers of the development of the introduction of residential use in an area the authority considers to be important for general or heavy industry, waste management, storage and distribution, or a mix of such uses;

None of the aforementioned uses are within close proximity to the building. Therefore, there are no objections in this regard.

**(h) where the development involves the loss of services provided by—
(i) a registered nursery, or
(ii) a health centre maintained under section 2 or 3 of the National Health Service Act 2006, the impact on the local provision of the type of services lost.**

Not Applicable.

(i) where the development meets the fire risk condition, the fire safety impacts on the intended occupants of the building.

The development would not meet the height conditions for fire risk safety impacts.

(3) An application for prior approval for development under Class MA may not be made before 1 August 2021.

Not Applicable.

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

**(a) for paragraph (e) of sub-paragraph (2) there were substituted—
“(e) where—**

(i) sub-paragraph (6) requires the Environment Agency to be consulted, a site-specific flood risk assessment;

(ii) sub-paragraph (6A) requires the Health and Safety Executive to be consulted, a statement about the fire safety design principles, concepts and standards that have been applied to the development,”; [see interpretation of Class MA below]

(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”;

(c) after sub-paragraph (6) there were inserted—

“(6A) Where the application relates to prior approval as to fire safety impacts, on receipt of the application, the local planning authority must consult the Health and Safety Executive.”; *[see interpretation of Class MA below]*

(d) in sub-paragraph (7) for “(5) and (6)” there were substituted “(5), (6) and (6A)”;

(5) Development must be completed within a period of 3 years starting with the prior approval date.

(6) Any building permitted to be used as a dwellinghouse by virtue of Class MA is to remain in use as a dwellinghouse within the meaning of Class C3 of Schedule 1 to the Use Classes Order and for no other purpose, except to the extent that the other purpose is ancillary to the use as a dwellinghouse.”.

4.3.4 Other considerations

Comments has been made by Hitchin Forum on some of the living conditions of the prospective occupiers with regard to size of the flats and car parking. However, due to the type of application that has been submitted, i.e. for Prior Approval, the LPA can only consider the proposal specifically against the criteria of Class MA and the above concerns falls outside of the scope of an PNMA application. In any event the proposed size of the flats meets the minimum standards set out in the Government’s Technical standards – nationally described space standard (2016).

4.4 **Conclusion**

- 4.4.1 The proposed ‘Conversion to 27 residential dwellings’ would comply with the criteria set out in Part 3, Schedule 2, Class MA as amended of the General Permitted Development Order as amended. The Prior Approval of the Local Planning Authority is required and as no objections are raised, is granted.

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 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. Prior to the first occupation of the development hereby permitted the proposed onsite car and cycle parking, Refuse collection areas and turning area shall be laid out, demarcated, levelled, surfaced and drained in accordance with the approved plan and retained thereafter available for that specific use.

Reason: To ensure construction of a satisfactory development and in the interests of highway safety in accordance with Policy 5 of Hertfordshire's Local Transport Plan (adopted 2018).

4. No development shall commence until a Construction Traffic/Environmental Management Plan has been submitted to and approved in writing by the Local Planning Authority. Thereafter the construction of the development shall only be carried out in accordance with the approved Plan. The Construction Traffic Management Plan shall include details of:
 - a. Construction vehicle numbers, type, routing.
 - b. Access arrangements to the site.
 - c. Measure to minimise dust, noise machinery and traffic noise impacts during construction.
 - d. Screening and hoarding details to protect neighbouring residents.
 - e. Traffic management requirements, including the location of routes and from the site, details of their signing monitoring and enforcement measures.
 - f. Construction and storage compounds (including areas designated for car parking, loading /unloading and turning areas);
 - g. Timing of construction activities (including delivery times and removal of waste) and to avoid school pick up/drop off times.
 - h. Provision of sufficient on-site parking prior to commencement of construction activities.
 - i. Post construction restoration/reinstatement of the working areas and temporary access to the public highway.
 - j. where works cannot be contained wholly within the site a plan should be submitted showing the site layout on the highway including extent of hoarding, pedestrian routes, and remaining road width for vehicle movements.

Reason: In order to protect highway safety and the amenity of other users of the public highway and rights of way in accordance with Policies 5, 12, 17 and 22 of Hertfordshire's Local Transport Plan (adopted 2018).

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.

Informative/s:

1. HIGHWAY INFORMATIVE:

AN) Storage of materials: The applicant is advised that the storage of materials associated with the construction of this development should be provided within the site on land which is not public highway, and the use of such areas must not interfere with the public highway. If this is not possible, authorisation should be sought from the Highway Authority before construction works commence. Further information is available via the County Council website at: <https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/business-licences/business-licences.aspx> or by telephoning 0300 1234047.

AN) Obstruction of highway: It is an offence under section 137 of the Highways Act 1980 for any person, without lawful authority or excuse, in any way to wilfully obstruct the free passage along a highway or public right of way. If this development is likely to result in the public highway or public right of way network becoming routinely blocked (fully or partly) the applicant must contact the Highway Authority to obtain their permission and requirements before construction works commence. Further information is available via the County Council website at: <https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/business-licences/business-licences.aspx> or by telephoning 0300 1234047.

AN) Debris and deposits on the highway: It is an offence under section 148 of the Highways Act 1980 to deposit compost, dung or other material for dressing land, or any rubbish on a made up carriageway, or any or other debris on a highway to the interruption of any highway user. Section 149 of the same Act gives the Highway Authority powers to remove such material at the expense of the party responsible. Therefore, best practical means shall be taken at all times to ensure that all vehicles leaving the site during construction of the development and use thereafter are in a condition such as not to emit dust or deposit mud, slurry or other debris on the highway. Further information is available by telephoning 0300 1234047.

AN) Construction Management Plan (CMP): The purpose of the CMP is to help developers minimise construction impacts and relates to all construction activity both on and off site that impacts on the wider environment. It is intended to be a live document whereby different stages will be completed and submitted for application as the development progresses. A completed and signed CMP must address the way in which

any impacts associated with the proposed works, and any cumulative impacts of other nearby construction sites will be mitigated and managed. The level of detail required in a CMP will depend on the scale and nature of development. The CMP would need to include elements of the Construction Logistics and Community Safety (CLOCS) standards as set out in our Construction Management template, a copy of which is available on the County Council's website at:
<https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/development-management/highways-development-management.asp>

Signed  Anne McDonald Determining Officer	Development Management North Hertfordshire District Council Council Offices Gernon Road Letchworth Herts SG6 3JF
Date: 18 December 2025	