

DELEGATED FILE NOTE

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

APPLICATION REFERENCE	BRIEF DESCRIPTION OF DEVELOPMENT	APPLICATION SITE
25/00663/PNMA	Creation of 6 self-contained residential units.	The Exchange Queen Street Hitchin Hertfordshire SG4 9TY

Submitted Plan Nos

LP.01 S.01 PR.00 EX.00_W

1.0 Policies

1.0 Policies

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 24/02058/FP – Alterations to fenestration to lower ground floor front elevation – Approved 06/11/24.
- 2.2 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 – Approved 21/10/24.
- 2.3 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.
- 2.4 24/00514/FP - Alterations to fenestration and new fenestration on front, side and rear elevations – Approved 24/04/24.
- 2.5 23/02718/FP - Alterations to fenestration and new fenestration on front, side and rear elevations – Refused 09/01/24 for:
1. The proposed development by reason of its design, appearance, siting, and visual impacts, would result in harm to the character and appearance of the site and locality. Harm will also be caused to the setting and significance of the Hitchin Conservation Area as a designated heritage asset. The proposal would not comply with Policies SP9, SP13, D1 and HE1 of the Local Plan, and Sections 12 and 16 of the NPPF.
- 2.6 23/02630/PNMA - Conversion to 29 self-contained 1-bed residential units with associated cycle and refuse/recycling provisions – Prior Approval Refused 09/01/24 for:
1. The proposed development would not comply with the criterion set out in Class MA, Part 3, Schedule 2 of the 2015 General Permitted Development Order as amended. The proposal does not comply with Class MA, MA.1 (1) (a), MA.2 (2) (d), and MA.2 (2) (f) of Class MA, Part 3, Schedule 2 of the 2015 General Permitted Development Order as amended. The proposal does not comply with paragraph W (3) (a) and (b) of Part 3, Schedule 2 of the 2015 General Permitted Development Order as amended. The proposal is therefore not permitted development under Class MA of the Order. Prior Approval is therefore refused.
- 2.7 21/02573/FP - Conversion of existing ground floor gym into 10 residential dwellings (8 x 1-bed and 2 x 2-bed flats) with associated parking and infrastructure (as amended by plan received 08/10/21) – Pending.

- 2.8 19/02365/FP - Two storey roof extension to create 4 x 1-bed studio apartments and 6 x 2-bed apartments (third and fourth floors) with 10 allocated car parking spaces within existing car park area, cycle parking, bin storage facilities including a communal roof garden – Refused 10/01/20 for:

1. The proposed development, by reason of its siting, height and massing will result in a form of development that that is overdominant and out of scale with the surrounding pattern and scale of development. In addition the proposed design and materials are unsympathetic to the host building, refuse collection arrangements would not be satisfactory, and the development would have an adverse impact on the living conditions of existing residents. The proposal does not comply with Policy 57 of the 1996 Adopted Local Plan; Policies SP1, SP9, D1 of the Emerging Local Plan; and Section 12 of the National Planning Policy Framework.
2. The application fails to address how surface water drainage will be managed contrary to the provisions of the National Planning Policy Framework and National Planning Policy Guidance.

Appeal dismissed 03/12/20.

- 2.9 16/02291/1 - Two storey roof extension to create 4 x 1 bed and 10 x 2 bed self-contained apartments (third and fourth floors) with 12 allocated car parking spaces within the existing car park area, cycle parking and revised bin storage facilities. As amended by plan nos. 100C; 101C; 102C; 103D; 104C; 105C; 106 received 3/11/16 – Refused 15/12/16 for:

1. The proposed development, by reason of its siting, height and massing will result in a form of development that that is overdominant and out of scale with the surrounding pattern and scale of development. In addition the proposed design and materials are unsympathetic to the host building and the development would have an adverse impact on the living conditions of existing residents. The development would fail to enhance the character and quality of the area as required by Section 7 of the National Planning Policy Framework. The development would also be contrary to the provisions of Policy 57 of the North Hertfordshire District Local Plan.

2. The proposed development would result in an underprovision of on site parking and a loss of existing parking within the site that is likely to lead to congestion on the local road work network that would detract from the visual and residential amenities of the locality. The development would be contrary to the provisions of Policy 55 and 57 of the North Hertfordshire District Local Plan and Section 7 of the National Planning Policy Framework.

3. The submitted planning application has not been accompanied by a valid legal undertaking (in the form of a Section 106 Obligation) securing the provision of affordable housing or commuted sum in respect of affordable housing or other necessary obligations as set out in the Council's Planning Obligations Supplementary Planning Document (SPD) (adopted November 2006). The secure delivery of these obligations is required to mitigate the impact of the development in accordance with the adopted SPD, Policy 51 of the North Hertfordshire District Local Plan No. 2 - with Alterations (Saved Policies 2007) or emerging local plan Policy HS2 of the Council's Submission Local Plan October 2016.

4. The application fails to address how surface water drainage will be managed contrary to the provisions of the National Planning Policy Framework and National Planning Policy Guidance.

- 2.10 12/00075/1 - Install 2 ventilation louvres in two ground floor windows of north elevation of building – Approved 29/02/12.

- 2.11 08/02916/1 - Installation of 2 aluminium louvres on north elevation at ground floor level following removal of existing windows – Approved 21/01/09.
- 2.12 08/01543/1 - Installation of 4 ventilation louvres to existing window apertures at 2nd floor level of east elevation of building – Approved 28/08/08.
- 2.13 00/00983/1 - Conversion of part of three storey building to provide 10 two bedroom; 6 three bedroom; 8 one bedroom flats; leisure club; associated cycle and vehicle parking (as amended by plans received 23.10.00 and 23.10.01) – Approved 29/10/01.

3.0 **Representations**

3.1 **Neighbours** – Objections were received on the following grounds:

- ☐ Removal and reduction of cycle and bin storage from 24 flat scheme.
- ☐ No cycle parking shown, contradicting application documents.
- ☐ Contradicts other previously approved plans for the building.
- ☐ Do not object to change commercial to residential.
- ☐ Habitability of the units is questionable.
- ☐ Lack of parking.
- ☐ Increase parking demands.
- ☐ Loss of gym as a valuable community asset.
- ☐ Threatens vitality and vibrancy of Hitchin town centre from loss of gym.
- ☐ Not sustainable development.
- ☐ Fire safety implications.
- ☐ Overdevelopment.
- ☐ Impacts on existing residents.

3.2 **Hitchin Forum** - We have the following objections:-

☐ The 6 number Lower Ground Floor flats will have natural lighting only from high windows at pavement level, giving a claustrophobic situation for residents and no privacy from passing pedestrians. Note the existing window openings to these flats are not presently glazed, but have metal louvres and blanking plates.

☐ There is no allocated parking for any of the flats. Some residents will have cars and there will be cars and vans belonging to those visiting/delivering.

☐ The brickwork alterations involved in effecting changes to the fenestration will likely mar the appearance of the building. The new brickwork and pointing required will not match the existing. The existing window openings are neatly detailed being steel-framed in rebated stone surrounds and stone cills. Will the new surrounds have the same appearance?

We have previously objected to a very similar scheme, and the above objections have been made before. They still apply for this submission.

3.3 **Waste and Recycling** – Waste collection service provision is not outlined in this planning application. Without sufficient information I am not able to determine that the proposal can meet the requirements.

3.4 **HCC Highways** – Does not wish to restrict the grant of permission subject to conditions.

4.0 **Planning Considerations**

4.1 **Site & Surroundings**

4.1.1 The site comprises the lower ground floor of 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 Prior Approval is sought for the conversion of the lower ground floor Class E use into 6 x 1-bedroom dwellings (Class C3), under Class MA, Part 3 of Schedule 2 of the 2015 General Permitted Development Order as amended. Refuse and cycle storage is proposed to be within the lower ground floor lobby area and within the flats.

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 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.

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, Part 3 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 11th March 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 11th March 2023.

The applicant has stated that the building has been in one or more of the appropriate classes for the allotted period. Google Streetview photos from October 2021, and the planning history of the site, are considered to show that the building was primarily in use under Class E since 11th March 2023, which is a use included in sub-paragraph (2).

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.

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 9 parking spaces, although it is considered up to 11 spaces could be provided. Within the blue-edged area in the upper car park, 22 spaces are shown, however these are outside of the red-edged site boundary and are considered to serve existing residents of The Exchange, and will not be assessed as forming part of the proposed parking provision for the development.

The Council's parking standards are for one bedroom dwellings to have a minimum of 1 parking space. The proposed development would be car free, resulting in a shortfall of 6 car parking spaces for residents, and an additional shortfall of 5 visitor spaces (rounded up from 4.5 as calculated from the Council's parking standards in its Local Plan).

Overall there would be a shortfall of parking provision, although it is considered that occupants would not need to own a car due to the very sustainable location of the site; and 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. While it is likely the proposal would generate additional parking pressures in the locality, this would be at the smaller end of the scale

and is not considered harmful to transport overall. No objections have also been raised from the Highway Officer, which is given weight in this regard.

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

(b) contamination risks in relation to the building;

The building is currently in a leisure use and no major 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. Overall flooding risks would also be comparable to those of the proposal of recent application 23/02630/PNMA, which included new residential units on the lower ground floor and did not raise objections in relation to flooding. The proposal therefore is acceptable regarding flood risk.

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

A noise survey has been provided with this application.

The noise survey identified the only commercial premises generating noise as the pub The Bricklayers Arms to the south, with noise from that premises being talking from its pub garden. Such noise is not however considered unreasonable given the town centre location of the site, where residential uses are often near commercial uses that could generate similar amounts of noise, therefore noise from the pub is not considered unacceptable. The existing gym is proposed to be removed before the residential units are occupied, which would remove the nearest potential noise source.

No noise has been identified from the telephone exchange, which is considered to generate noise similar to that of an office use. The majority of noise in any case came from the nearby B656, which is not a commercial premises. It is not considered that the mitigation measures in the noise survey are required as noise impacts mainly come from the nearby road. The noise survey is the same as that submitted for 24/01306/PNMA, which did not raise any noise concerns.

It is considered that impacts of noise from commercial premises 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 is not located within a Conservation Area, therefore it is not required to assess the impacts on the nearest Conservation Area (Hitchin).

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

All habitable rooms are proposed to have adequate levels of natural light, utilising the window alterations approved under planning permission 24/02058/FP and referred to in the covering letter.

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*]

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

(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

A number of objections have been raised to the proposal. 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. A number of the objections are not therefore relevant to the application and can't be taken into consideration where they fall outside the criteria of Class MA, which in this case includes the location of the refuse and cycle storage areas (were this to be a full planning application, it is considered that the location of the refuse storage area would not be acceptable due to difficulties of accessibility, and potential for smells etc. adversely affecting residents). It's considered that this proposal could be implemented alongside 24/01306/PNMA.

4.4 **Conclusion**

- 4.4.1 The proposed 'Creation of 6 self-contained residential units' 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.

Signed  Shaun Greaves Determining Officer	Development Management North Hertfordshire District Council Council Offices Gernon Road Letchworth Herts SG6 3JF
Date: 29 April 2025	