

DELEGATED FILE NOTE

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

APPLICATION REFERENCE	BRIEF DESCRIPTION OF DEVELOPMENT	APPLICATION SITE
25/02941/FP	Change of use of first, second and third floors from residential (Use Class C3) to commercial (Use Class E).	7 Highbury Road Hitchin Hertfordshire SG4 9RW

Submitted Plan Nos

3963 01 3963 02 3963 03B 3963 04B 3963 05

1.0 Policies

D1 Sustainable design

D3	Protecting living conditions
HE1	Designated heritage assets
SECN12	Achieving well-designed places
SECN11	Making effective use of land
SECN16	Conserve + enhance historic environment
SECN6	Building strong, competitive economy

2.0 **Site History**

- 2.1 17/01162/1 Conversion of existing first, second and third floor accommodation into 2no two bedroom flats, with rear dormer window (as amended).
- 2.2 23/01133/NMA Insertion of rooflight to rear roofslope following removal of existing dormer window (as Non-Material Amendment to planning permission 17/01162/1 granted 07.07.2017)

3.0 **Representations**

- 3.1 **Site Notice and Neighbour Consultation** – None received.
- 3.2 **Highway Authority** – 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
- 3.3 **Environmental Health** - I have no objections to the application. However, it would be prudent to restrict the hours of use to those stated in the planning statement.

4.0 **Planning Considerations**

4.1 **Site and Surroundings**

- 4.1.1 This is a semi-detached property located within the Conservation Area and is part of a symmetrical pair and which lies adjacent the same design of semi-detached houses (nos. 9 and 10). The property adjoins No. 8 and lies adjacent No. 6 named Highbury Rise. The building currently comprises a dental surgery at ground floor flats at first and second floors.

4.2 **Proposal**

- 4.2.1 Permission is sought for the change of use of first, second and third floors from residential (Use Class C3) to commercial (Use Class E).
- 4.2.2 Currently have 3 dentists, 3 nurses and 1 receptionist. The proposed would be 6 dentists, 6 nurses and 2 receptionists.
- 4.2.3 A 50% increase in numbers of appointments is anticipated.
- 4.3.4 Opening hours of existing and proposed

*Existing opening hours: Mon-Fri 09:00-17:00

*Proposed: Monday-Friday 09:00-17:00 Saturday 09:00-18:00

4.3 **Key Issues**

- 4.3.1 The key issues in this case are the principle of development, the design of the development, the impact on heritage assets and impact on the reasonable living conditions of neighbours.

Principle

- 4.3.2 The first issue of principle in my opinion is the change of use aspect of 48 Upper King Street, from a residential property (Class C3) to a dental practise (Class E (e)). There are no Local Plan Policies that deal with a net loss of dwellings, which means that consideration of this application must be taken as a matter of fact and degree, with material considerations.
- 4.3.3 At the time of writing, the Council's five-year land supply is 3.3 years, which is a significant shortfall. For net increases in dwellings, this would normally engage the tilted balance which means that permission can only be refused if the harm of doing so would significantly or demonstrably outweigh the benefits. As this is a net loss of dwellings, the tilted balance is not engaged in this instance.
- 4.3.4 Whilst the loss of the two flats through this proposed change of use is not ideal, given our five-year land supply, the building would provide the applicants with the ability to expand their existing practise. This current use is considered to be an important and viable business in this sustainable location just outside the town centre, which is supported by National and Local Planning Policy. In light of this, I see no material or substantial reason to object to the principle of this change of use aspect.

Design and impact of Heritage Assets

- 4.3.5 The accompanied Planning Statement states that there will be no external changes to this building. The extent of development to convert this building into a dental practise is limited to internal stud walls, which do not require planning permission. Therefore, there are no issues with respect to design for this aspect of the proposal.
- 4.3.6 As such, the proposal is considered acceptable in design and heritage terms, in accordance with Section 12 and 16 of the NPPF and Policy D1 and HE1 of the Local Plan.

Impact on Neighbours

- 4.3.7 There are a number of different uses in this part Highbury Road, such as residential and commercial. In my view, the proposed change of use is unlikely to result in any adverse impacts upon the reasonable living conditions and well-being of neighbours in my view. This is deemed in accordance with Policy D3 of the Local Plan.

Parking

- 4.3.8 With regard to on-site parking provision, it is proposed that the three current spaces be retained for the dental surgery. The parking standards SPD states 3 spaces per consulting room plus 1 space per employee other than consulting dentists. Clearly this would not be possible for this site and to provide this level of parking for staff and customers of the dental surgery. I give great weight to the fact that this is a highly sustainable location being close to the town centre for employment, and all everyday amenities and is within close walking distance to the train station and to the bus network. Woodside Car park is also in close proximity for staff and customers to park. There is also parking restrictions for part of the day in Highbury Road. Therefore, I consider there would be little difference in the potential for staff and customers to park on the road and I consider the three spaces to be retained for the dental surgery use building to be acceptable in this location.

Other Matters

- 4.3.9 In regards to comments made by the Environmental Health Officer I can recommended a condition for the use class and opening hours to safeguard other uses within the area.

4.4 Conclusion

- 4.4.1 The proposed development is considered acceptable and compliant with Section 12 and 16 of the NPPF and Policies D1, D2, D3 and HE1 of the Local Plan.

4.5 Alternative Options

- 4.5.1 N/A.

4.6 Pre-Commencement Conditions

- 4.6.1 I can confirm the agent is in agreement with the proposed pre-commencement condition.

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. Hours of use of the Dental Surgery (Class E(e) Provision of medical or health services (except the use of premises attached to the residence of the consultant or practitioner) shall only be permitted between Monday-Friday 09:00-17:00 and Saturday 09:00-18:00

Reason: to protect the residential amenities of existing residents.

4. The premises hereby permitted shall be used for E(e) Provision of medical or health services (except the use of premises attached to the residence of the consultant or practitioner)

Reason: To ensure the development is carried out in accordance with details which form the basis of this grant of permission

5. Prior to the first commencement of the development hereby permitted, a plan for cycle storage is to be provided and be designed in line with design standards contained in Chapter 11 of the Cycle Infrastructure Design' DfT Local Transport Note 1/20 (July 2020). Prior to first occupation the approved design shall be fully implemented and thereafter retained for this purpose.

Reason: To ensure the provision of adequate cycle parking that meets the needs of occupiers of the proposed development and in the interests of encouraging the use of sustainable modes of transport in accordance with Policies 1, 5 and 8 of Hertfordshire's Local Transport Plan (adopted 2018)

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.

Informative/s:

1. AN1) 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.
2. AN2) 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.
3. AN3) 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.aspx>

Signed  Anne McDonald	Development Management North Hertfordshire District Council Council Offices Gernon Road Letchworth Herts SG6 3JF
Determining Officer Date: 29 January 2026	