

DELEGATED FILE NOTE

CASE OFFICER: ...Thomas Howe.....

APPLICATION REFERENCE	BRIEF DESCRIPTION OF DEVELOPMENT	APPLICATION SITE
25/02930/PNMA	Change of use of ground floor office use (Class E) to residential use (Class C3) to provide two self-contained one-bedroom flats.	Maintenance House 3 - 4 Portmill Lane Hitchin Hertfordshire SG5 1DJ

Submitted Plan Nos

3947 07 3947 05 3947 06 3947 11

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 25/02744/PNMA Change of use of the first floor office use (Class E) to residential use (Class C3) to provide three self-contained two-bedroom flats. – Pending

2.2 25/02745/PNMA - Change of use of the second floor from office use (Class E) to residential use (Class C3) to provide two self-contained two-bedroom flats. – Pending

2.3 Various other applications.

3.0 **Representations**

3.1 **Neighbours** – None received.

3.2 **Waste and Recycling** – None received.

3.3 **HCC Highways** – Does not wish to restrict grant of permission, subject to conditions and informatives.

3.4 **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 enhanced glazing is required for one of the bedrooms on the ground floor. Given this, I recommend that a condition requiring the development to be undertaken in accordance with the submitted details is required.

Additionally, I recommend the following informatives (although these measures could be included in any Construction Environmental Management plan should you consider that necessary – as recommended by Highways):

During the construction phase the guidance in BS5228-1:2009 (Code of Practice for noise Control on construction and open sites) should be adhered to.

During the construction phase no noisy activities should take place outside the following hours: Monday to Friday 08:00-18:00hrs; Saturdays 08:00-13:00hrs and Sundays and Bank Holidays: no noisy work at any time.

Land Contamination:

I have no objections in relation to land contamination.

Local Air Quality:

I have no objection in relation to local air quality.

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, triggering policies SP4 and ETC3. The site is outside of designated shopping frontages. At present, the site comprises a building, with a door off Portmill Lane, with parking behind. Although the property in question is not listed, the adjacent and opposite buildings on Portmill Lane is a Listed Building, and the site is in the Hitchin Conservation Area. The site is not one of the buildings identified within the Hitchin Town Centre Article 4 area.

4.1.2 The site is within Flood Zone 1 the lowest risk of flooding. It is in proximity to and partially within areas prone to surface water flooding.

4.2 Proposal

4.2.1 Prior Approval for Change of Use from Class E (Commercial, Business and Service) to 3 Dwellinghouses (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:
2 No. 1-bed flats at ground floor level.

4.2.3 The application is accompanied by the following documents:

- ☐ Noise Impact Assessment

- ☐ Supporting 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 subparagraph (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 3 November 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 3 November 2023.

The applicant form indicates that the building was used for a continuous period of at least 2 years prior to the date of this submission. 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. No on-site parking is proposed with this development.

The Council's parking standards are for two bed dwellings to have a minimum of 2 parking spaces. This would require 6 spaces. With an additional space for visitors.

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 lack of changes to existing access to the building.

The Highway Officer has not objected, and 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 site is close to and is within surface water flooding risk areas.

(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 the surrounding area, but none directly adjoining the site.

The application is supported by a planning statement. It concludes that the Prior Approval application proposes only internal modifications and therefore does not affect the defined character of the conservation area. The change of use from office to residential use, will not materially alter the character of the building 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;

The accompanying statement confirms that every room would be served by large existing windows providing good daylight and ventilation.

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.”.

4.4 Conclusion

4.4.1 The proposed ‘Conversion to 2 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 Class MA, Part 3, Schedule 2 of the General Permitted Development Order.

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 commencement of the development hereby permitted a plan of cycle parking should be submitted in accordance with (Cycle Infrastructure Design' DfT Local Transport Note 1/20 (July 2020) and approved in writing by the Local Planning Authority. Prior to first occupation the approved scheme 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)

4. No development shall commence until a Construction Management Statement has been submitted to and approved in writing by the Local Planning Authority, including elements of the CLOCS standards as set out in the Highway Authority's Construction Management template.

Thereafter the construction of the development shall only be carried out in accordance with the approved Plan: The Construction Management Statement shall include details of:

Access arrangements to the site.

Traffic management requirements.

Construction and storage compounds

Cleaning of site entrances, site tracks and the adjacent public highway.

Timing of construction activities (including delivery times and removal of waste) and to avoid school pick up/drop off times.

Post construction restoration/reinstatement of the working areas and temporary access to the public highway.

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 which must be kept within the site boundary, 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).

5. Acoustic glazing, as recommended by the Noise Impact Assessment dated November 2025 shall be implemented prior to first occupation of the flats, and shall be retained thereafter unless otherwise agreed in writing by the LPA.

Reason: In the interest of residential amenity, to comply with Policy D1 of the Local Plan 2011-2031.

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.

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.
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.

AN3) 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

AN4) Street works licence (New Roads and Street Works Act - Section 50): The applicant is advised that they are not authorised to carry out any work within the Public Highway and that to do so they will need to enter into a legal agreement with the Highway Authority (NRSW agreement). This consent is separate and additional to any planning permission that may be given. Before proceeding with the proposed development, the applicant shall obtain the requirements and permission for the associated placement of apparatus within the adjacent highway as part of the proposal via the County Council's website at: <https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/permit-scheme/east-of-england-permit-scheme.aspx> or by telephoning 0300 1234 40047.

This should be carried out prior to any new apparatus is placed within the highway.

2. During the construction phase the guidance in BS5228-1:2009 (Code of Practice for noise Control on construction and open sites) should be adhered to.

During the construction phase no noisy activities should take place outside the following hours: Monday to Friday 08:00-18:00hrs; Saturdays 08:00-13:00hrs and Sundays and Bank Holidays: no noisy work at any time.

Signed  Anne McDonald	Development Management North Hertfordshire District Council Council Offices Gernon Road Letchworth Herts SG6 3JF
Determining Officer Date: 6 January 2026	