

DELEGATED FILE NOTE

CASE OFFICER: ...Alex Howard.....

APPLICATION REFERENCE	BRIEF DESCRIPTION OF DEVELOPMENT	APPLICATION SITE
26/00160/S73	Variation of Condition 5 (To extend opening hours) of planning permission reference 19/01577/FP granted on 18.11.2019, and variation of Condition 5 (Opening hours) of Section 73 application reference 22/01991/S73 granted on 27.11.2023.	4 Station Parade Letchworth Garden City Hertfordshire SG6 3AW

Submitted Plan Nos

26.01-D1

1.0 Policies

D3 Protecting living conditions

SECN12 Achieving well-designed places

2.0 Site History

2.1 **19/01577/FP** - Change of Use from A2 (Estate Agent) to A5 use class (pizza takeaway) including replacement shop front and installation of duct on rear elevation.

Conditional Permission

- 2.2 **22/01991/S73** - Variation of condition 2 of planning permission 19/01577/FP granted on 19/11/2019 - extraction system as shown on the submitted drawings (as amended by plans received 21st November 2023).

Conditional Permission

3.0 Representations

- 3.1 **Site Notice and Neighbour Consultation** – One comment received from No.3 Station Parade, objecting to the proposal (summary):

- The public notice is located in a misleading position and not on the shop front.
- This shop has been operating without valid planning permission operating until 2am for the last few years.
- The public notice does not reflect the proposed plan and is unclear. This should not have been validated.
- Has recently gone through this process and requests

- 3.2 **Letchworth Heritage Foundation** – None received.

- 3.3 **Hertfordshire Highways** – No comment.

- 3.4 **Environmental Health** – *“Environmental Health have received no unresolved complaints in relation to noise or odour from this premises in the recent past. Given that the premises has been operating to these hours for some time, I have no objections to the application”.*

- 3.5 **Waste and Recycling** – None received.

4.0 Planning Considerations

4.1 **Site and Surroundings**

- 4.1.1 The site comprises a three-storey building currently used as a hot food takeaway on the ground floor with residential units above. It is situated on the north-east side of Station Parade. The application site is one of a row of ground floor business with a takeaway, estate agents and general store lying adjacent. Letchworth Train Station lies due north of the site. The site is within the Letchworth Town Centre and Conservation Area

4.2 **Proposal**

- 4.2.1 Planning permission is sought for the variation of Condition 5 (To extend opening hours) of planning permission reference 19/01577/FP granted on 18.11.2019, and variation of Condition 5 (Opening hours) of Section 73 application reference 22/01991/S73 granted on 27.11.2023.
- 4.2.2 The original application for this site under ref: 19/01577/FP and the subsequent application under ref: 22/01991/S73 both included an hour of operation condition 5, which states:

“The use hereby approved shall not trade after midnight on any day.

Reasons: To safeguard the reasonable living conditions of neighbouring residential properties”.

- 4.2.3 The supporting covering letter states that the site in question has been operating outside of these permitted opening hours for 5 years, which is in accordance with their Premises License. Licensing and Planning Control are separate entities such that this application has been invited in an attempt to regularise the extended opening hours. The proposed variation to Condition 5 is as follows:

“The use hereby approved shall not trade after midnight Sundays to Thursdays and after 02:00 the next day on Fridays and Saturdays.

Reason: To safeguard the reasonable living conditions of neighbouring residential properties”.

4.3 **Key Issues**

- 4.3.1 The primary consideration for this application is the impact of extended hours upon the amenities of neighbouring occupiers.
- 4.3.2 There are two material matters for consideration of this application, with these being:
- The noise associated with any ventilation, extraction and other equipment when in use and when the premises is open, and
 - The general noise generated by the operation of the business due to the comings and goings of visitors to the site and the operation of a delivery driver service from the premises.

Impact on Neighbours

- 4.3.3 Policy D3 of the Local Plan states that planning permission will be granted for development proposals which do not cause unacceptable harm to conditions.
- 4.3.4 The site is currently operating as a fast food takeaway/delivery unit in accordance with the original planning permission (ref: 19/01577/FP), where hours of operation were limited by condition until midnight on any day. This hours of operation condition was then enforced on the subsequent application for the amended extraction system (ref: 22/01991/S73). The proposal seeks to vary the hours of operation to 00:00 midnight on Sunday to Thursday and 02:00 on Friday and Saturdays. There is no distinction in the supporting details regarding bank holidays including Christmas and New Years.
- 4.3.5 Officers acknowledge that given the nature of this fast food takeaway/delivery use, which utilises equipment such as plants and extractors and a degree of footfall during the evenings and on weekends, coupled with the location of this ground floor unit below two floors of residential properties, the proposed extension to the hours of operation to 02:00 on Friday and Saturdays may result in some impact on the amenities of neighbours.
- 4.3.6 Following consultation with the Council’s Environmental Health Officer, the response has confirmed that no complaints have been received in relation to noise or odour from this premises. The officer confirms that, given this has been operating with these opening hours for some time, there are no objections to the application and no requirements for further information, such as a noise report, to be submitted. The plant

and ventilation equipment is therefore considered suitable in this location and for these extended hours.

- 4.3.7 It is acknowledged that the site is in proximity to the Letchworth Train Station and therefore, some footfall from these proposed extended hours may occur. The Council's EHO and Officers has considered this and has no material concerns in this respect. It is considered that in many cases, fast food is delivered to people homes rather than customers coming to the premises itself, such that additional footfall and associated impacts on amenity, especially during the later periods of the evening, will not be excessive.
- 4.3.8 However, there are some concerns in planning terms over this potential impact on nearby neighbouring occupiers. Therefore, in line with what has been enforced at the neighbouring commercial unit at No.3 Station Parade and other fast food businesses in the district, it is considered reasonable to enforce a temporary permission of 12 months to enable an assessment of the impact of this premises opening late at night and if no issues or complaints arise, then the applicant can then apply for a permanent permission for the hours of operation sought.
- 4.3.9 As such, it is anticipated that the proposal will not cause unacceptable harm to living conditions, in line with Policy D3 of the Local Plan and is therefore being recommended for a temporary period of 12 months.

Biodiversity Net Gain (BNG)/Ecology

- 4.3.10 This development is considered exempt from BNG Legislation, defined under article 2(1) of the Town and Country Planning (Development Management Procedure) (England) Order 2015.
- 4.3.11 It is considered that the treatment of this application and this site/business is consistent with the recent application for the site next door at No.3 Station Parade, as considered under ref: 25/02435/FP.

Other Matters

- 4.3.12 In terms of the response from No.3 Station Parade, Officers consider that the application is clear in its purpose, as it correctly identifies in the supporting Cover Letter the existing operating hours as per Condition 5 of the original permission, and the proposed operating hours. The public notice only has to state what the development is for, with the supporting details on the website portal providing further clarity. As such, it is considered that the application has sufficient detail to be valid and there is nothing misleading in this instance.
- 4.3.13 Given that there is no requirement to enforce a time limit condition on this application, as the hours of operation have been used for some time and this merely seeks to formalise this, the condition numbers will shift down by one on this decision notice.

4.4 Conclusion

- 4.4.1 The proposed development is considered acceptable in planning terms.

4.5 Alternative Options

- 4.5.1 N/A

4.6 **Pre-Commencement Conditions**

4.6.1 N/A

5.0 **Recommendation**

5.1 That planning permission be **GRANTED** subject to the following conditions:

1. 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.

2. The use hereby permitted shall be for a limited period of 12 months from the date of this decision. The use hereby permitted with extended hours of operation shall be discontinued and may revert to those restricted hours of operation under permission reference 22/01991/S73.

Reason: Permission has been granted for a temporary period solely to monitor the use and the appropriateness of the extended opening hours in regards to amenity of neighbouring properties, in line with Policy D3 of the North Herts Local Plan.

3. The noise mitigation measures detailed in "Noise Impact Assessment - Kitchen Extraction System, 4 Station Parade" Report reference 4 Station Road NIA Revision 1.1 Dated 7 November 2019 by Sound Licensing Limited shall be implemented and be retained in accordance with those details thereafter.

Reason: To protect the residential amenity of nearby residents

4. The use hereby approved shall not trade after midnight Sundays to Thursdays and after 02:00 the next day on Fridays and Saturdays.

Reason: To safeguard the reasonable living conditions of neighbouring residential properties

5. The external ducting hereby permitted shall extend at least 1.0m above the highest window of the nearest residential facade.

Reason: to protect the residential amenity of neighbouring properties, in line with Policy D3 of the Local Plan.

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  Shaun Greaves Determining Officer	Development Management North Hertfordshire District Council Council Offices Gernon Road Letchworth Herts SG6 3JF
Date: 3 March 2026	