DELEGATED FILE NOTE

CASE OFFICER: ...Tom Donovan.....

APPLICATION REFERENCE	BRIEF DESCRIPTION OF DEVELOPMENT	APPLICATION SITE
18/00931/FP	Change of use from Use Class A1 (Retail) to Use Class A3 (Cafe/Restaurant). Installation of extraction system and shopfront alterations.	21 Brand Street Hitchin Hertfordshire SG5 1JE

Submitted Plan Nos

Loc plan LNG3859.01H RP66455 RP66456

1.0 Policies

1.1 **North Hertfordshire District Local Plan No.2 with Alterations**

Policy 8 – Development in Towns
Policy 43 - Shopping Areas in Town Centres
Policy 45 - Shopfronts
Policy 55 – Car Parking Standards

1.2 **National Planning Policy Framework**

Section 7 - Requiring good design
Section 8 – Promoting healthy communities
Section 11 – Conserving and enhancing the natural environment
Section 12 – Conserving and enhancing the historic environment

1.3 **Emerging Local Plan 2011-2031 (Approved by Full Council 11th April 2017)**

Strategic Policies
SP1: Sustainable Development in North Herts
SP2: Settlement Hierarchy
SP3: Employment
SP9: Design and sustainability
SP10: Healthy Communities.
SP13: Historic Environment

Development Management Policies
ETC5: Secondary Shopping Frontages
D1: Sustainable Design;
D3:Protecting living conditions;
T2: Parking
HE1: Designated Heritage Assets

1.4 **Supplementary Planning Document**

Vehicle Parking at New Development September 2011

2.0 **Site History**

2.1 None relevant.

3.0 **Representations**

3.1 **Local residents/public notice**
None received.

3.2 **Highways**
No objection.

3.3 **Environmental Health**
No objection subject to recommended conditions.

4.0 **Planning Considerations**

4.1 **Site and Surroundings**

4.1.1 21 Brand Street is a retail unit which is currently vacant. It is located on the north-side of the road and is designated in the Emerging Local Plan as Secondary Shopping Frontage. The site is in the Hitchin Conservation Area.

4.2 **Proposal**

4.2.1 Change of use from Use Class A1 (retail) to Use Class A3 (café/restaurant). Installation of extraction system and alterations to shopfront.

4.3 **Key Issues**

4.3.1 The key issues for consideration are as follows:
--The principle of the proposed use.
--The effect on the living conditions of neighbouring properties.
--The effect on the character and appearance of the area and whether the proposal would preserve or enhance the character and appearance of the Hitchin Conservation Area.
--The impact that the proposed development would have on the safe operation of the highway and car parking provision in the area.

4.3.2 Principle
Given the location of the site outside of the 'shopping frontages' zone the principle of the change of use to A3 is compliant with both the Saved and Emerging Local Plan.

4.3.3 Impact on neighbouring properties
I do not consider that an A3 use would have a particularly significant impact on local residents subject to hours of operation being restricted to suitable times. This is recommended as a condition. In terms of noise it is considered that the extraction system has a specification which would not cause harm by way of noise or vibration.

4.3.4 Design and appearance/ Impact on the conservation area
In my view, the proposed alterations to the shopfront would be an improvement on the existing. Moreover, the installation of the extraction flue would be to the rear and would not be significantly publicly visible. As such it is my view that the proposal would have an acceptable visual impact and at least preserve the character and appearance of the Hitchin Conservation Area.

4.3.5 Highway safety
Highway safety would not be compromised as a result of the proposal.

4.3.6 Car parking
The proposal would not involve any change to the current car parking situation.

4.4 **Conclusion**

4.4.1 Planning permission should be granted for the proposed development

4.5 **Alternative options**

4.5.1 None applicable.

5.0 **Recommendation**

5.1 I recommend that planning permission is **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. The kitchen extract ventilation system shall be installed in accordance with the approved plans and supporting documents which includes carbon filters and silencers. Following installation, the system shall thereafter be permanently maintained.

   Reason: To protect the residential amenities of existing residents.

4. Hours of use of the A3 unit shall only be permitted between 08.00hrs to 23.30hrs Sunday to Wednesday, 08.00hrs to 00.30hrs Thursday to Saturday and 08.00hrs to 01.30hrs New Year's Eve.

   Reason: To protect the residential amenities of existing residents.

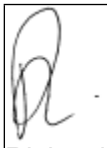
5. Goods vehicle deliveries and refuse vehicles shall only be permitted between 08.00hrs to 22.00hrs Monday to Saturday and 10.00hrs and 20.00hrs on Sundays.

   Reason: To protect the residential amenities of existing residents.

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 (paragraphs 186 and 187) and in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2015.

Signed	Development Management

 Richard Tiffin Determining Officer	North Hertfordshire District Council Council Offices Gernon Road Letchworth Herts SG6 3JF
Date: 6 June 2018	