

DELEGATED FILE NOTE

CASE OFFICER: ...Henry Thomas.....

APPLICATION REFERENCE	BRIEF DESCRIPTION OF DEVELOPMENT	APPLICATION SITE
25/02435/FP	Extension of opening hours from current opening timings: Monday to Friday 7am to 10pm, Saturday and Sunday 7am to 10pm to Sunday To Thursday 11am to 00:00, Friday & Saturday 11:00 To 02:00 am. Bank Holidays: 11am to 00:00 notwithstanding New Year's Eve and Christmas Eve: 11am To 02:00 am.	3 Station Parade Letchworth Garden City Hertfordshire SG6 3AW

Submitted Plan Nos

Location Plan

1.0 Policies

D1	Sustainable design
D3	Protecting living conditions
SP1	Sustainable development in North Herts
SP9	Design and Sustainability
D4	Air quality
T1	Assessment of transport matters
SECN12	Achieving well-designed places

2.0 **Site History**

- 2.1 16/02395/1PN - Prior Approval Notification: Change of use of first and second floors from offices (Use Class B1) to residential (Use Class C3) to provide 18 x 1 bedroom apartments.

Prior Approval Given.

- 2.2 16/02600/1- Change of Use from A1 (shop) to A4 (coffee shop/drinking establishment) and insertion of new shopfront.

Conditional Permission.

- 2.3 17/02031/1 - Extension of opening hours from 07.00hrs to 18.00hrs Monday to Friday, 08.00hrs to 17.00hrs Saturday and 08.00hrs to 13.00hrs on Sundays to 07.00hrs to 22.00hrs Monday to Friday, 08.00hrs to 22.00hrs Saturday and 08.00hrs to 13.00hrs (no change) on Sundays (as variation of Condition 3 of Planning Permission reference no. 16/02600/1 granted on 12 December 2016. (Amended times agreed by email received 27/09/17).

Conditional Permission.

3.0 **Representations**

3.1 **Site Notice and Neighbour Consultation** – None received.

3.2 **Environmental Health (Noise):** No objection.

3.3 **Architectural Liaison Officer (Police)** – None received.

4.0 **Planning Considerations**

4.1 **Site and Surroundings**

4.1.1 The application 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 applications site is one of a row of ground floor business with a takeaway 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 3 of planning permission 16/02600/1 granted 12/12/2016. This condition relates to the opening hours of the premises and seeks an extension of opening hours from current opening timings.

4.2.2 I note that the applicant states that the current opening hours are Monday to Friday 7am to 10pm, Saturday and Sunday 7am to 10pm which is in breach of the hours of operations granted under 17/02031/1.

4.2.3 The proposed hours of operation are: (from) Monday to Friday 7am to 10pm, Saturday and Sunday 7am to 10pm; to Monday to Thursday 11am to 00:00, Friday & Saturday 11:00am to 02:00 am. Sundays and Bank Holidays: 11am to 00:00 am, Christmas and New Years Eve: 11:00am to 02:00am.

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 –

(1.) The noise associated with any ventilation, extraction and other equipment when in use and when the premises is open, and

(2.) 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 premises is currently operating as a fast food takeaway/delivery unit in accordance with the original planning decision (16/02600/1) and under the extended hours of the subsequent application (17/02031/1). The proposal seeks to extend the opening hours until 00:00 midnight on Sunday to Thursday, until 02:00 on Friday and Saturdays and 00:00 midnight on bank holidays excluding Christmas and New Years in which hours of operation would extend to 02:00. The proposal would therefore see the business operating between 2 – 4 hours beyond the existing hours.
- 4.3.5 It is accepted that, given the nature of this 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 may result in some impact on the amenities of neighbours.
- 4.3.6 However, following an initial formal response from the Council's Environmental Health Officer, the applicant has submitted a noise report which has considered the proposed impact of the extended opening hours on nearby receptors from the plant/extract equipment. The noise report concludes that the equipment that is installed and serves this unit will be well below the background sound level for the closest receptors and therefore, the EHO raises no objections to the proposed extension of hours of operation from the plant/extract equipment perspective.
- 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 result. The Council's EHO has considered this and has no material concerns in this respect. In my view, given that in many cases fast food is delivered to people homes rather than customers coming to the premises itself, additional footfall and associated impacts on amenity, especially during the later periods of the evening, will not be excessive. Whilst the noise report states that the takeaway vehicle deliveries and patron noise assessment would fall below the 'Lowest Observed Adverse Effect Level' and therefore would not impact neighbouring amenity. There are some concerns in planning terms over this potential impact, 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.
- 4.3.8 The submitted noise assessment states that further to this, it is also unclear whether there will be any impact from delivery drivers operating from the business.
- 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.

Biodiversity Net Gain

- 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.

Other Matters

- 4.3.11 It is acknowledged that the current hours of operation exceed those granted under 17/02031/1. The applicant has not provided any evidence to support these hours nor have they sought for a lawful development certificate. I therefore consider that at the end of the 12-month temporary permission, hours of operation should revert back to those granted under 17/02031/1.

4.4 **Conclusion**

- 4.4.1 The proposal is considered acceptable in planning terms and in accordance with Policies D1 and D3 of the Local Plan, as well as Section 12 of the NPPF.

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 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 17/02031/1.

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.

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. Goods vehicle deliveries and refuse vehicle collections shall only be permitted between 08.00hrs and 20.00hrs Monday to Friday, 08.00hrs and 18.00hrs Saturdays and no deliveries or collections on Sundays and Bank Holidays.

Reason: to protect the residential amenities of existing residents in accordance with Policy D3 of the North Hertfordshire Local Plan 2011-2031.

4. The use hereby permitted shall only take place between the following hours 11.00hrs to 00.00hrs on Sundays to Thursdays, 11.00hrs to 02.00hrs on Fridays and Saturdays and 11.00hrs to 00.00hrs on Bank Holidays excluding Christmas Eve and New Years Eve whereby the hours of 11.00hrs to 02.00hrs is permitted.

Reason: to protect the residential amenities of existing residents in accordance with Policy D3 of the North Hertfordshire 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.

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  Anne McDonald	Development Management North Hertfordshire District Council Council Offices Gernon Road Letchworth Herts SG6 3JF
Determining Officer Date: 20 January 2026	