

DELEGATED FILE NOTE

CASE OFFICER: ...Harriet Sanders.....

APPLICATION REFERENCE	BRIEF DESCRIPTION OF DEVELOPMENT	APPLICATION SITE
25/02937/FP	Change of use from hairdressers (Class E) to restaurant (Class Eb/sui generis - with takeaway service) including installation of internal kitchen extractor system and wood oven pizza and flue discharge ducts on external rear wall.	8 - 10 Churchgate Hitchin Hertfordshire SG5 1DN

Submitted Plan Nos

236-05/MT 236-01/MT 236-02/MT 236-03/MT 236-04-MT

1.0 Policies

SP1	Sustainable development in North Herts
SP6	Sustainable transport
SP9	Design and Sustainability
D1	Sustainable design
D3	Protecting living conditions
T2	Parking
HE1	Designated heritage assets

2.0 **Site History**

2.1 None.

3.0 **Representations**

3.1 Neighbour notification, site and press notices posted. No comments received.

3.2 Conservation officer – no comments received at the time of writing this report.

3.3 Environmental Health (noise and other nuisance) – the following comment is made:

“Further to the submitted information and our recent conversation, I have since visited the premises and vicinity. It would appear that the neighbouring properties at ground and first floor level are in commercial use. The Environmental Protection and Housing Team, therefore, have no objections to the proposals in relation to noise and other nuisances subject to a condition requiring the extraction system serving the premises to be installed in accordance with the submitted details.”

3.4 Environmental Health (air quality) – no comment.

3.5 Environmental Health (contaminated land) – no comment.

4.0 **Planning Considerations**

4.1 **Site and Surroundings**

4.1.2 The site is located on Churchgate, a pedestrianised parade of units in Hitchin town centre. It has been vacant since 31/05/2024 and was previously used as a hairdressers. The unit can be accessed from the rear via a service yard. There are examples of external ducting visible in the rear service yard.

4.1.3 The site is within the Conservation Area and subject to an Article 4 Direction.

4.2 **Proposal**

4.2.1 Consent is sought for:

“Change of use from hairdressers (Class E) to restaurant (Class Eb/sui generis - with takeaway service) including installation of internal kitchen extractor system and wood oven pizza and flue discharge ducts on external rear wall.”

4.2.2 Proposed employment 3 full time and 3 part time.

4.2.3 Opening hours proposed:

- Monday to Sunday 10.00 to 23.00.

4.3 **Key Issues**

4.3.1 The key issues for consideration are:

- The principle of the change of use from Class E to Class Eb/sui generis and any resultant impact on the town centre.
- The acceptability of the design of the proposed development and its impact on the character and appearance of the Conservation Area and streetscene.
- Potential impact on the living conditions of neighbouring occupiers.
- Potential impact on car parking provision in the area.
- Bins and refuse collection.
- Impact that the development would have on the environment.

Principle of Development

4.3.2 The site is located within primary frontage in Hitchin town centre where Policy ETC4 applies. It also falls within an area identified as mixed-use allocation where Policy ETC3 applies.

4.3.3 Policy ETC3 states that planning permission for new retail, leisure and other main town centre uses will be granted subject to various criteria including:

- d) The proposal is appropriate to the area in terms of use, size, scale, function, catchment area, historic and architectural character; and
- e) There would be no significant adverse impact upon living conditions.

4.3.4 Main town centre uses include restaurants.

4.3.5 Policy ETC 4 refers to Primary Shopping Frontages where planning permission will be granted at ground floor level for a) shops or b) other main town centre uses if it does not, individually or cumulatively, undermine the retail function of the centre in the daytime or detract from the centre's vitality and viability.

4.3.6 The proposal seeks a change of use from hairdressers (Class E) to restaurant (Class Eb/sui generis - with takeaway service). The Town and Country Planning (Use Classes) Order 1987 (as amended) permits changes of use within the same class. Therefore, the change of use from hairdresser to restaurant, both Class E uses, does not require planning permission. The proposal also seeks to include a small take away service. This is classed as a 'sui generis' use and needs planning permission.

4.3.7 The site is located within the primary shopping frontage where the principle of town centre uses such as restaurants is supported under Policies ETC3 and ETC4. The unit is currently vacant with an unattractive/inactive frontage onto Churchgate. Change of use to restaurant with takeaway service will bring the unit back into use, contributing to the town centre's vitality and viability throughout the day and evening.

4.3.8 The proposed restaurant with take away element is appropriate to the area as a town centre use and will not cause harm to the historic and architectural character of the area (discussed below) or have an adverse impact upon living conditions (discussed below).

4.3.9 The proposed change of use is therefore acceptable in principle and meets the requirements of Local Plan policies ETC3 and ETC4.

Impact on Conservation Area and Design and Appearance

4.3.10 Local Plan policy HE1 refers to designated heritage assets including Conservation Areas. Planning permission will be granted where less than substantial harm to the significance of the designated heritage asset is caused.

4.3.11 Policy D1 of the Local Plan states that development will be granted provided the design of the development appropriately and positively responds to the site's local context together with other criteria to encourage a positive and sustainable form of development.

4.3.12 Whilst Churchgate falls within the Conservation Area, it is not a high value area in terms of heritage significance. Bringing the shop frontage back into use will be a positive contribution to the public realm. No alterations to the shopfront are proposed other than cleaning and painting

the shopfront. The applicant should note that if illuminated or non-painted signage or advertisement is proposed, further consents may be required.

- 4.3.13 The proposed ducting at the rear will not be visible from ground level on the pedestrian street of Churchgate. The ducting will be substantial additions to the rear of the property and will be clearly visible from the service yard. However, the service yard is not visible from the wider public realm nor does it make a significant contribution to the Conservation Area. The siting and design of the ducting in this location is appropriate.
- 4.3.14 The proposed design and appearance is acceptable and will not cause unacceptable harm to the Conservation Area or streetscene. The proposed development therefore complies with Policies D1 and HE1 of the Local Plan and the core principles set out within Section 12 of the National Planning Policy Framework.

Impact on Neighbouring Properties

- 4.3.15 Policy D3 of the Local Plan permits development that does not result in unacceptable harm to the amenity of neighbouring occupiers and where necessary encourages the use of mitigation measures to reduce these impacts. This is generally reflected by the policies within the National Planning Policy Framework.
- 4.3.16 North Herts District Council Environmental Health Officer raised no objections to the proposal in terms of noise and other nuisance, air quality or land contamination. The officer noted that *"It would appear that the neighbouring properties at ground and first floor level are in commercial use. The Environmental Protection and Housing Team, therefore, have no objections to the proposals in relation to noise and other nuisances subject to a condition requiring the extraction system serving the premises to be installed in accordance with the submitted details."*
- 4.3.17 It is considered reasonable to attach a condition to the grant of permission in line with the recommendation above.
- 4.3.18 It is also considered reasonable to attach a condition restricting the opening hours to Monday to Sunday 10.00 to 23.00 to protect residential amenity in the town centre.
- 4.3.19 The proposed development will not have an unacceptable detrimental impact upon the living conditions of neighbouring occupiers and complies with Policy D3 of the Local Plan and the aims of the NPPF.

Parking

- 4.3.20 The application site does not have dedicated parking. However, there are public car parks within the town centre and as a town centre use, is accessible by foot and public transport. The proposed is acceptable in terms of parking.

Bins and refuse collection.

- 4.3.21 The existing use has allocated bin storage in rear service yard. This will be used for the proposed use and is acceptable.

Environmental Implications

- 4.3.22 The proposed development is limited in scale, is located within a sustainable location and will not have significant implications for the local environment in terms of carbon emissions. It therefore meets the requirements of Section 14 of the NPPF.

4.4 **Conclusion**

- 4.4.1 The proposed development is considered acceptable and to comply with Local Plan policies ETC3, ETC4, D1, D3, HE1 and T2 and the provisions of the National Planning Policy Framework.

4.5 **Alternative Options**

- 4.5.1 None applicable

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 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 premises shall not be open to the public outside the hours of 10.00 to 22.00 Monday to Sunday.

Reason: To protect the amenity of residential occupiers within the town centre and to comply with Policy D3 of the North Hertfordshire Local Plan 2011 to 2031.

4. The proposed extraction system serving the premises hereby approved shall be installed in accordance with the submitted details and maintained in accordance with those detailed for as long as the unit continues to operate as a restaurant/take away.

Reason: To protect the amenity of neighbouring occupiers and to comply with Policy D3 of the North Hertfordshire Local Plan 2011 to 2031

Biodiversity Net Gain

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	