

DELEGATED FILE NOTE

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

APPLICATION REFERENCE

BRIEF DESCRIPTION OF DEVELOPMENT

APPLICATION SITE

26/01050/FP

Change of use to E1 (b) - Restaurant with take away service including outdoor seating area. Alterations to fenestration and external painting

14 Bucklersbury
Hitchin
Hertfordshire
SG5 1BB

Submitted Plan Nos

PO1 PO2 PO3

1.0 Policies

D1	Sustainable design
D3	Protecting living conditions
HE1	Designated heritage assets
T2	Parking

ETC5 Secondary Shopping Frontages

SECN12 Achieving well-designed places

2.0 **Site History**

2.1 26/01051/AD - Installation of non-illuminated fascia signage - Concurrent

3.0 **Representations**

3.1 **Neighbour Consultation –**

1x Support:

- Supports that existing building would be largely unaltered.
- Seeks reassurance that noise levels will be reasonable owing to residential uses in proximity.

1x Neutral:

- Positive change from existing motorcycle garage.
- Objects to outdoor seating area. Opposite to house and associated noise generation may be harmful to enjoyment of dwelling, ability to sleep and ability to work.
- Inability to provide double glazed windows stops noise mitigation measures.
- Notes neighbouring units noise generation (No. 26)
- Loss of privacy. No details of screening proposed.
- Appearance of seating and signage would be inappropriate to Conservation Area and listed buildings.
- Seeks preservation of existing signage.

3.2 **Environmental Health -**

Noise: Notes nature of operation. Prospective noise from music and patrons may be considerable at peak times. The structure of the building and the lack of noise mitigation properties associated with it would require the submission of a noise assessment to inform where insulation is required. Recommends conditions.

Contamination: Recommends conditions. Considers opening hours proposed from 11am to 11pm would be acceptable.

3.3 **Conservation Officer:**

- No Objection. No conditions recommended.

- Development would not harm the character and appearance of the Conservation Area.
- Existing building does not make a positive contribution to the surrounding area.
- External changes would have a neutral impact on the character and appearance of the conservation area.

4.0 **Planning Considerations**

4.1 **Site and Surroundings**

- 4.1.1 No. 14 comprises a single storey unit on Bucklersbury, within Hitchin Town Centre and the secondary shopping frontage designated within the North Herts Local Plan 2011-2031.

4.2 **Proposal**

- 4.2.1 Change of use to E1 (b) - Restaurant with take away service including outdoor seating area. Alterations to fenestration and external painting

4.3 **Key Issues**

- 4.3.1 The key issues for consideration are as follows:

- The principle of the development.
- The acceptability of the design of the proposed development and its resultant impact on the character and appearance of the area.
- The standard of amenity afforded to future occupiers.
- The impact that the proposed development would have on the living conditions of neighbouring properties.
- The impact that the proposed development would have on car parking provision in the area.
- The impact that the proposed development would have on the environment.

Principle of Development:

- 4.3.2 The site is within the settlement boundary of Hitchin. Policy SP2 advises that 'general development' will be permitted where they are sited within the defined settlement boundary of Hitchin. Given that the site is within the settlement boundary, the proposed development would comply with Policy SP2.
- 4.3.4 This part of Hitchin is covered by the Secondary Shopping Frontage designation, therefore triggering Policy ETC4 of the Local Plan 2011-2031. The policy wording is set out below:

In the Secondary Shopping Frontages of Hitchin, Letchworth Garden City, Baldock and Royston, as shown on the Policies Map, planning permission will be granted at ground-floor level:

- a) For shops, financial and professional services, restaurants and cafes, pubs or drinking establishments and takeaways; or
- b) For other main town centre uses if it does not individually or cumulatively, undermine the retail function of the centre or detract from the centre's vitality and viability.

- 4.3.5 The unit is within the ground floor, and proposed a restaurant/takeaway. Therefore, the proposed change of use would be acceptable in principle, subject to other material planning considerations.

Design and Appearance and Impact to Heritage Assets:

- 4.3.6 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. Policy HE1 emphasises how permission will be refused where proposals would cause substantial harm or a loss of significance to a Heritage Asset, in this case, the Conservation Area and nearby Listed Buildings, and permission should be refused unless it can be demonstrated that the proposal is necessary to deliver considerable public benefits to outweigh this harm or loss. Policy SP13 emphasises how great weight will be given to the potential harms to the significance of heritage assets, seeking their conservation and management of their setting. This policy is broadly consistent with Section 16 of the National Planning Policy Framework. Section 72 of the Planning (Listed Building and Conservation Areas) act 1990 emphasises that development should seek to the preservation or enhancement of the Conservation Area.
- 4.3.7 The Conservation Officer has not objected to the proposed development, concluding that the proposed change of use and associated frontage works would occasion a neutral impact upon the street scene and wider conservation area. Broadly, the change of use would alter the appearance of the building from what is presently a motorbike garage into a restaurant and eatery, removing advertising signage, the garage style doors and introducing larger, glazed doors in all openings. The building and windows/doors would be painted to reflect the branding of the business seeking to use the premises. The wider street scene incorporates a variety of retail and restaurant uses with varying materials and colour pallets to their frontages. It is considered that the proposed change of use and frontage works would not harm the appearance of the building, the street scene or the wider conservation area.
- 4.3.8 The proposed development is therefore considered to be in compliance with Policy D1 of the Local Plan and the core principles set out within Section 12 of the National Planning Policy Framework. The potential impacts to the surrounding Conservation Area and Listed Buildings are considered to be acceptable, and the significance of this heritage asset will not be unacceptably harmed. Policies HE1 and SP13 of the Local Plan 2011-2031 and Section 16 of the NPPF are considered to be complied with. The development is considered to comply with Section 72 of the Planning (Listed Building and Conservation Areas) act 1990. The design and appearance are therefore acceptable.

Impact on Neighbouring Properties:

- 4.3.9 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 provisions within the National Planning Policy Framework.
- 4.3.10 The proposed development would not significantly enlarge the building, and is therefore unlikely to occasion harm in the form of dominance or losses of light and privacy to neighbouring occupiers. Following consultation with Environmental Health, and subject to their agreement to the submitted details relating to the noise condition, the use is not considered to result in unacceptable noise generation when operating.

The suitable restriction of operating hours is also considered to mitigate neighbour impacts. The seating area given its modest size and subject to a limit on its hours of use is considered acceptable, and would not generate unacceptable noise or overlooking for neighbouring properties. Limiting the hours of use and the limit of furniture to this area is considered to be reasonable and prudent to limit noise generation.

- 4.3.11 Given the above, it is considered that the proposed development would not result in unacceptable detrimental impact upon neighbouring occupiers and is therefore compliant with Policy D3 of the local plan and the aims of the National Planning Policy Framework.

Impact on Highway Network and Parking Levels:

- 4.3.12 The site is in proximity to on-street parking and car parks. Public transport provides access into the wider town centre area. There are also residential uses in proximity. Therefore, I do not consider that the development is likely to result in harm to local parking levels and would be unlikely to impact upon the safe operation of the highway locally. The provision of seating is not considered to harm the safe operation of the highway. The development would therefore comply with Policies T1 and T2 of the Local Plan 2011-2031.

4.4 Conclusion and Planning Balance

- 4.4.1 The proposed development is considered acceptable and is considered to comply with the necessary provisions of the Local Plan policies and the National Planning Policy Framework. Grant conditional permission.

4.5 Alternative Options

- 4.5.1 None applicable.

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. No development approved by this permission shall take place until the following has been submitted to and approved in writing by the Local Planning Authority:
- o A Preliminary Risk Assessment report documenting the ground conditions of the site with regard to potential contamination;
 - o A Generic Quantitative Risk Assessment (where shown to be necessary by the Preliminary Risk Assessment);
 - o A Detailed Quantitative Risk Assessment (where shown to be necessary by the General Quantitative Risk Assessment)
 - o A Remedial Options Appraisal and Remediation Strategy (where shown to be necessary by the Detailed Quantitative Risk Assessment).

All such work shall be undertaken in accordance with Land Contamination Risk Management (Environment Agency, 2023) or other appropriate guidance issued by the regulatory authorities. The work shall be sufficient to ensure that measures will be taken to mitigate any risks to human health and the wider environment.

Reason: To prevent unacceptable risk to Human Health and Controlled Waters and to prevent pollution of the Environment in accordance with the aims and Paragraphs 187(f), 196 and 197 of the National Planning Policy Framework (December 2024).

4. Prior to the premises being occupied a validation report shall be submitted and approved in writing by the Local Planning Authority to demonstrate the effectiveness of any agreed Remediation Strategy. Any such validation shall include responses to any unexpected contamination discovered during works.

Reason: To prevent unacceptable risk to Human Health and Controlled Waters and to prevent pollution of the Environment in accordance with the aims and Paragraphs 187(f), 196 and 197 of the National Planning Policy Framework (December 2024).

5. Prior to the commencement of the development a suitable Noise Assessment shall be undertaken, submitted to and approved in writing by the Local Planning Authority. The Noise Assessment shall identify all potential sources of noise likely to impact on the any nearby residential receptors and assess them in accordance with relevant procedures and standards. The results will be reported in writing to the Local Planning Authority, and the report shall identify suitable measures to control noise impacts on neighbouring occupiers of the development. The development shall be carried out in accordance with the approved noise mitigation details prior to the first use of the premises.

Reason: In the interest of preserving the amenities of nearby occupants, to comply with Policy D3 of the North Herts Local Plan 2011-2031.

6. The use hereby permitted (and any other use) shall only take place between the hours of 11.00am and 11.00pm on any given day.

Reason: The use is located in a town centre location with residential properties in proximity, and therefore the restriction of activity is necessary to ensure that the residents of those properties can continue to expect to enjoy times of reasonable peace and quiet and to comply with Policy D3 of the North Hertfordshire Local Plan 2011 to 2031.

7. The external seating shall not be used except between the hours of 11.00am to 21.00pm Monday to Saturday and 1100 to 2000 hours on Sundays and Bank Holidays. No patio heaters shall be located within the external heating area unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interest of preserving neighbour amenity, to comply with Policy D3 of the North Herts 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  Shaun Greaves Determining Officer	Development Management North Hertfordshire District Council Council Offices Gernon Road Letchworth Herts SG6 3JF
Date: 17 July 2026	