

DELEGATED FILE NOTE

CASE OFFICER: ...Melissa Tyler.....

APPLICATION REFERENCE	BRIEF DESCRIPTION OF DEVELOPMENT	APPLICATION SITE
24/01639/FP	Change of use to restaurant and hot food takeaway. Installation of ventilation system on the rear roof and enlarge existing roof light/roof hatch. (Development has commenced).	32 Sun Street Hitchin Hertfordshire SG5 1AH

Submitted Plan Nos

Location Plan Location Plan 2 002 003 004 005 006 007 020 021 022 023 Proposed Ventilation Drawings

1.0 Policies

D1	Sustainable design
D3	Protecting living conditions

ETC3 New retail, leisure, other main TC devel

ETC4 Primary Shopping Frontages

ETC5 Secondary Shopping Frontages

HE1 Designated heritage assets

2.0 Site History

2.1 See file

3.0 Representations

3.1 **NHDC Conservation** - no objection subject to conditions. Conservation officer concludes although the Heritage Statement says that the character of this backland area *"is one of functional servicing rather than heritage display"*, the installed extraction system nonetheless occasions a low level of less than substantial harm to no.32 Sun Street, the setting of nearby assets and to the appearance of the Hitchin CA. However, a convincing justification has been made in the submitted Heritage Statement. I conclude that whilst the implemented scheme falls short of satisfying Sections 16(2) (LBC only), 66(1) (FP only) and 72(1) (both), I note that the extraction system is purportedly the minimum size necessary to comply with Environmental Health requirements and enables a sustainable continued use of this heritage asset as a restaurant, thus, facilitating an optimum viable use. I, therefore, raise **NO OBJECTION** on the basis that the proposal will satisfies the aims of Section 16 of the NPPF and Policy HE1 of North Hertfordshire Local Plan 2011-2031.

3.2 **Environmental Health** – No objection

3.3 The application has been advertised with press and site notices.

31A Sun Street –

1) The noise, which can be heard in my salon, particularly if the windows are open. This is not the ambience I desire for my salon and customers. 2)How can it be acceptable for such a big vent to exhaust stale and potentially smelly air so close to our windows? It just seems very wrong to me, surely that doesn't meet planning regulations (see image 2) 3) Im assuming the

short stumpy vertical vent (see image 3) is for the grill. On a still day, or if the wind is blowing in the direction of our windows then all the smoke and smells can enter my salon. This is not acceptable. Note: I see the next property along from The Shack at 31 Sun Street(?) had to install a vent that went right up to the roof line to avoid problems with smell - I assume (image 4). Surely the same thing should be done with venting from The Shack!!

4.0 **Planning Considerations**

4.1 **Site and Surroundings**

- 4.1.1 The application site No. 31 and 32 Sun Street are jointly a Grade II listed eighteenth building with later alterations. The building is three storeys tall with a modern shop front and timber framing that is visible in the interior. It has historic significance as a historic building in the town centre and historic and architectural interest due to its historic fabric. The site is located within the historic core of Hitchin Conservation Area, and a large number of nearby buildings along Sun Street, Bucklersbury and nearby Marketplace are nationally listed.

4.2 **Proposal**

- 4.2.1 Planning permission is sought for: *Change of use to restaurant and hot food takeaway. Installation of ventilation system on the rear roof and enlarge existing roof light/roof hatch.*

4.3 **Key Issues**

- 4.3.1 The key issues for consideration are:

- ☐ The principle of proposed change of use and development.
- ☐ The impact of the proposal on the character and appearance of the Conservation Area and Listed building.
- ☐ Impact on amenity.
- ☐ Highways and Parking.
- ☐ The impact of the proposed development on the environment.

Principle of Proposed Change of Use and Development

- 4.3.2 The proposed change of use would not result in the loss of a retail unit in the town centre location. The proposal would keep the unit in food provision use, adding in the element of hot food take away.
- 4.3.3 Local Plan policies SP3 and SP4 support new and existing businesses in the town centre. Policy SP4 states that the Council is committed to protecting the vitality and viability of all centres and supports a range of uses in town centre locations including takeaways.
- 4.3.4 The proposed change of use is not a significant change from the existing use and is an appropriate use for a town centre location. The principle of the proposed change of use is

acceptable and complies with Local Plan policies SP3 and SP4 and the provisions of the NPPF for protecting the vitality and viability of town centres.

The Impact of the Proposal on the Character and Appearance of the Conservation Area and Listed building

4.3.5 Consideration needs to be given to the impact of the proposed change of use and works to the heritage asset that is the Conservation Area.

4.3.6 National policy as set out in the NPPF provides clear guidance on assessing the impact of proposals on heritage assets. This is reflected in Local Plan Policy HE1. The proposed change of use is not a significant change from the existing situation and will not cause unacceptable harm to the character and appearance of the Conservation Area. Following consultation with Conservation officer it was concluded after further support documents were submitted that the proposed scheme

“although the Heritage Statement says that the character of this backland area *“is one of functional servicing rather than heritage display”*, the installed extraction system nonetheless occasions a low level of less than substantial harm to no.32 Sun Street, the setting of nearby assets and to the appearance of the Hitchin CA. However, a convincing justification has been made in the submitted Heritage Statement. I conclude that whilst the implemented scheme falls short of satisfying Sections 16(2) (LBC only), 66(1) (FP only) and 72(1) (both), I note that the extraction system is purportedly the minimum size necessary to comply with Environmental Health requirements and enables a sustainable continued use of this heritage asset as a restaurant, thus, facilitating an optimum viable use. I, therefore, raise **NO OBJECTION** on the basis that the proposal will satisfies the aims of Section 16 of the NPPF and Policy HE1 of North Hertfordshire Local Plan 2011-2031”.

4.3.7 I agree with this view, and consider that this scheme would overall preserve the setting and fabric of the grade II listed building by bringing it back into a viable use and ensuring that it is maintained in the long term. This is in accordance with the aims of LP Policy HE1 and paragraphs 203 and 205 of the NPPF.

Impact on Amenity

4.3.8 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 NPPF.

4.3.9 Following submission of further information by the applicant relevant to a noise Report, The Environmental Health Officer made the following comments when consulted on the proposal:

“Further to the submitted noise report, I can advise that I have no objections to the proposals.

The application is a retrospective one and has been operating for around 2 years now. Given the content of the report, the existence of another, seemingly louder extract system on the roof space and the daytime only use, I have no objections in this regard .”

- 4.3.10 Any increase in noise or odour at the premises arising from the proposed change of use can be appropriately mitigated against by the installation of the proposed ventilation system which is supported by the Environmental Health Officer. The proposed use is suitable in a town centre location with a mix of uses.
- 4.3.11 It is reasonable to control the hours of opening by condition to the times stated in the application form.
- 4.3.12 Given the above, it is considered that the proposed change of use will not result in any unacceptable harm to neighbouring occupiers and therefore complies with Policy D3 of the Local Plan and the aims of the NPPF.

Highways and Parking

- 4.3.13 The application site is in a town centre location with good access to public transport. As a town centre location, there is no requirement for customer parking.

Environmental Implications

- 4.3.15 The proposed development is relatively small in scale and would have no significant implications for the local environment in terms of carbon emissions and therefore would be generally in compliance with Section 14 of the NPPF.

Biodiversity Net Gain

- 4.3.16 This development is not subject to the statutory Biodiversity Gain Plan condition because it falls below the threshold and is therefore exempt in respect of the biodiversity gain condition, under the statutory exemptions (<https://www.gov.uk/guidance/biodiversity-net-gain-exemptdevelopments>).

4.4 Conclusion

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

4.5 Alternative Options

- 4.5.1 None applicable.

4.6 Pre-Commencement Conditions

- 4.6.1 None applicable.

5.0 Recommendation

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

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 use hereby approved shall only take place between the hours of 11.30am and 10.00pm on Mondays to Saturdays, 11.00am and 8.30pm on on Sundays and public holidays.

Reason: The use is located in close proximity to residential properties and 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.

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. The Council acted proactively through positive engagement with the applicant during the determination process which led to improvements to the scheme. 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	Development Management North Hertfordshire District Council Council Offices Gernon Road Letchworth Herts SG6 3JF
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 Shaun Greaves Determining Officer	
Date: 17 July 2026	