DELEGATED FILE NOTE

CASE OFFICER: ...Heather Lai.....

APPLICATION REFERENCE	BRIEF DESCRIPTION OF DEVELOPMENT	APPLICATION SITE
18/01409/FP	Change of Use from retail (class A1) to Cafe/restaurant (class A3) and associated external alterations. Installation of associated plant to roof/rear elevation at first floor level.	8 Market Place Hitchin Hertfordshire SG5 1DR

Submitted Plan Nos

001 010 011 012 013 060 061 062 021 Rev. A 022 Rev. A 023 064 063 21 01P01 30 01P01 92 01 P01 image received 18/7/18 marked up image received 18/7/18 Helios technical data received 18/7/18

1.0 Policies

1.1. **North Hertfordshire District Council Local Plan No. 2 with alterations**
Policy 42: Shopping
Policy 43: Shopping Areas in Town Centres

1.2. **National Planning Policy Framework (revised July 2018)**
Section 7: Ensuring the vitality of town centres
Section 12: Achieving well-designed places
Section 16: Conserving and enhancing the historic environment

1.3. **Emerging Local Plan 2011-2031 (Approved by Full Council 11th April 2017)**
SP3: Employment
SP4: Town and Local Centres
SP9: Design and Sustainability
SP13: Historic Environment
ETC1: Appropriate uses in employment areas
ETC3: New retail, leisure and other main town centre development
ETC4: Primary shopping frontage
D1: Sustainable design
D3: Protected living conditions
HE1: Designated heritage assets

2. Site History
No relevant site history. Associated listed building consent.

3. Representations
3.1. **Design and Conservation Officer:** No objection subject to appropriate conditions.

3.2. **Environmental Health (noise and odour):** No objection subject to appropriate conditions, raised concern over noise impacts to surrounding residential units.

3.3. **Historic England:** No response received at time of writing of this report.

4. Planning Considerations

4.1. **Site and Surroundings**
The application site is a two storey building in a town centre location which is classified as primary shopping frontage. The predominantly 2 storey buildings which surround the site are in mixed uses, including Class A1 shops; cafes, restaurants, and banks. The site is also opposite St Mary's Church and is in an historic area of Hitchin with limited vehicular access. Nos.8-12 Market Place are, together, grade II* listed and are located within the Hitchin Conservation Area. Both the area and the buildings are Designated Heritage Assets for the purpose of applying the aims of Section 16 of the NPPF. The list entry reads as follows:

C15. The West range of a building which surrounded all four sides of a courtyard; this range alone survives in its original form, although some necessary alterations were made to suit it to its present use as a shop. Part of the Eastern side, re-built In C17, survived also; but the rest has vanished. This range is of timber construction in 2 storeys, below steep tiled roofs with a central cross-gable over-hanging the original gateway (now glazed over as part of the shop) on broad beam ends. The skeleton timber construction has been carefully preserved through

most of the Interior, and can be well seen in the facade of the gateway with plaster in-filling. Ground floor is adapted as a shop-front without undue violation of the general appearance of the building; upper floor 7 windows of which the northern five are leaded casements, the southern 2 late C18 or early C19 sashes. 2 gabled dormers. Front recently curtailed on right, demolishing much of No 12. RCHM page 122; VCH page 4. All listed buildings in Market Place form a group.

4.2. **Proposal**
The application seeks planning permission for a change of Use from retail (class A1) to Cafe/restaurant (class A3) and associated external alterations. Also, installation of associated plant to roof/rear elevation at first floor level. An associated listed building consent (18/01410/LBC) has also been submitted.

4.3. **Key Issues**
Land use (principle of change of use):
Policies SP3 and SP4 of the Council's emerging Local Plan, seek to support new and existing businesses, and appropriate retail/business uses within town centres. Policy ETC4 of the emerging Local Plan states that in Town Centres, primary shopping frontage will be prioritised as Class A1 use. However it goes on to state that A3 can be allowed in exceptional circumstances if it is considered not to undermine the retail function, and will enhance the centre's vitality and viability.

It is considered the proposed A3 café use will retain an active frontage, will serve visiting members of the public and will not undermine the retail function of the Town Centre. While there are several other A3 units, including the adjoining one to no. 9-11 (Halsey's Deli), and Starbucks opposite at no. 6-7, there are a number of Class A1 retail units surrounding, including an Oxfam shop at no.8, Glenray Jewellers at no. 7a and adjoining no. 40 Churchyard Walk, which is occupied by Mill Fabrics.

While the proposal results in the loss of a Class A1 unit in a prime retail position (primary shopping frontage) within the Town Centre of Hitchin, it is considered the change of use to Class A3 is an appropriate alternative, and could be achieved under prior approval if the unit was not a listed building (the unit is 93m²; below the threshold of 150m² allowed under Schedule 2, Part 3, Class C of the GPDO 2015). In addition, the proposal relates to an existing local business, Chia Café which currently operates from another site, no. 25 Churchyard. As such, no objection is raised to the change in land use terms.

Design and conservation:
The associated listed building consent application considers the impact, in listed building terms of the internal and external changes. The external works, which are considered in the context of the Hitchin Conservation area include installation of A/C and odour extraction plant to the roof/rear elevation at first floor level.

The new extraction system would be installed to the rear of the property within an area utilised by other premises for similar systems and would not be visible from the street level from the Market Square or adjacent pedestrian areas. A new A/C cassette unit is proposed to the rear of the property and two potential locations have been specified for this. Preference is for Option 1 - wall mounted to the rear wall facing the yard and appropriate conditions have been recommended to address this.

No objection is raised to the proposed roof plant which will be mounted discreetly at the rear of the flat roof facing the courtyard area and the insertion of a tile vent as indicated in the photo provided with email dated 18 July 2018 is considered unobjectionable.

It is considered that the proposal will not harm the building's special character or harm the character or appearance of the Hitchin Conservation Area.

Amenity:
The application site is in a town centre location surrounded by mixed use sites, including Class A1 and A3 shops, cafes, restaurant; banks and several sites have residential to the upper floors. The site is also adjacent to St Mary's Church. It is considered there will not be a material amenity impact to residential neighbours in terms of loss of privacy or light, given the only external manifestations are to install plant to the roof/rear wall. However there are considerations in terms of noise and odour which are addressed below.

Noise:
The main concern with noise relates to the possible extension of operating hours in light of the additional A3 use. Noise from mechanical servicing plant is also a potential issue which could impact on residents in the locality. The application states that a new extract system and ventilation and cooling units will be installed. These two pieces of plant will create external noise so The Environmental Health Officer has recommended a noise survey be carried out prior to installation (to be dealt with via condition).

Odour:
If a kitchen extract ventilation system is to be installed then there may be odour implications which could impact upon residents above. The Environmental Health Officer has recommended a condition which requires details of this to be approved prior to installation to avoid any odours affecting residential amenity. If no such system is to be installed then the relevant conditions will not apply.

Other:
While not required, part of the proposed internal works include the installation of a part-accessible toilet at ground floor level. The agent has confirmed that this would be useable of 'ambulant disabled' (Section 15 of submitted D&A). While this will not provide full access/turning space to accord with current DDA standards, given it is not a requirement of the change of use application, and is an improvement on existing facilities it is a welcome change.

4.4. **Conclusion**
The proposal is considered acceptable in land use, design and conservation and amenity terms and is therefore recommended for approval.

5. 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. Notwithstanding the two options for the proposed kitchen extract and AC Cassette, the proposed kitchen extract (Helios VDW 355) and AC cassette (Option 1 on page 14 of the submitted Design and Access/Heritage Statement) and as shown on drawing no. 064 Rev A, shall be implemented unless otherwise agreed and approved in writing by the Local Planning Authority.

   Reason: To safeguard the special character of this grade II* listed and the appearance of the Hitchin Conservation Area.

4. Details of the kitchen extract ventilation system to be used as part of the development shall be submitted to the Local Planning Authority for approval. The extract ventilation system shall incorporate a three stage carbon filtration or similar system. Following approval and installation, the system shall thereafter be permanently maintained.

   Reason: to protect the residential amenities of existing residents.

5. Prior to the commencement of the development the developer shall carry out a noise survey following the guidelines set out by BS4142: 2014. This survey shall take into account all proposed plant as part of the development and shall include noise control measures which should be submitted for written approval by the Local Planning Authority (LPA). No plant shall be installed and operated at the site until the noise survey has been approved by the LPA. Noise mitigation measures shall be such as to achieve 5dB below existing background noise levels.

   Reason: to protect the residential amenities of existing residents.

6. Goods vehicle deliveries and refuse vehicles shall only be permitted between 07.00hrs and 20.00hrs Monday to Friday, 07.00hrs and 18.00hrs Saturdays and no deliveries on Sundays and Bank Holidays.

   Reason: to protect the residential amenities of existing and/or future residents.

7. Hours of opening of retail units shall only be permitted between 07.00hrs and 19.00hrs Monday to Saturday and 08.00hrs and 18.00hrs on Sundays and Bank holidays.

   Reason: to protect the residential amenities of future residents.

Informative

. During the change of use phase no activities should take place outside the following hours: Monday to Friday 08:00-18:00hrs; Saturdays 08:00-13:00hrs and Sundays and Bank Holidays: no work at any time.

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  Simon Ellis Determining Officer	Development Management North Hertfordshire District Council Council Offices Gernon Road Letchworth Herts SG6 3JF
Date: 2 August 2018	