

<u>Location:</u>	103 Bancroft Hitchin Hertfordshire SG5 1NB
<u>Applicant:</u>	Mr Rowan Patel
<u>Proposal:</u>	Internal and external alterations (as amended by plan 2202-5-LMH-Proposed received on 15/02/2021)
<u>Ref. No:</u>	20/03039/LBC
<u>Officer:</u>	Thomas Howe

Date of expiry of statutory period:

15/02/2021

Submitted Plan Nos.:

2202-5-LMH-Proposed Floor Plan amended received 15 February 2021
Location plan
092 020
092 022 Elevations as proposed (rear) amended received 25 February 2021
2202-3-LMH
2021-3-LMH

Extension of statutory period:

15 April 2021 – agreed by agent on 05/03/2021.

Reason for referral to Committee:

This application, together with 20/03039/LBC are to be determined by Planning Control Committee by reason of a call-in request by Councillor Ian Albert if the recommendation was to grant. The reasons given for the call-in are:

I am objecting to the change of use, in what is already an overcrowded takeaway area in Bancroft, with considerable noise, smell and parking issues.

Clearly, if you are minded to refuse the application, then it would not need to go to Committee.

I do wish to provisionally call in the flue application as well. Recent history shows that external extraction flues in this area have been inadequate to cope with the level of trade and insufficiently tall to remove the smells from neighbours.

1.0 **Site History**

- 1.1 20/03038/FP - Change of use of ground floor from financial and professional services (formerly Use Class A2, now Use Class E) to a mixed use of cafe/restaurant (Use Class E) and hot food takeaway (Sui Generis). Internal alterations. (As amended by details of recirculation unit and plan 2202-5-LMH-Proposed received on 15/02/2021) – Concurrent Application
- 1.2 20/02797/AD - Replacement externally illuminated fascia sign – Conditional Consent
- 1.3 20/02792/LBC - Replacement externally illuminated fascia sign – Conditional Consent
- 1.4 08/00417/1EUD - Lawful Development Certificate (Existing): Continued use of ground floor of premises as hot food take-away outlet (Class A5) – Granted
- 1.5 97/01269/1 - Retention of ventilation duct to side Roof slope – Consent
- 1.6 97/01057/1LB - Retention of ventilation duct to side roof slope – Consent
- 1.7 88/00049/1 - Change of use from shop to Estate Agents. – Conditional Permission

2.0 **Policies**

2.1 **National Planning Policy Framework**

Chapter 16 – Conserving and enhancing the historic environment

2.3 **North Hertfordshire Draft Local Plan 2011-2031 - (Approved by Full Council April 2017)**

HE1 – Designated heritage assets

3.0 **Representations**

3.1 **Site Notice:**

Start Date: 29/12/2020 Expiry Date: 21/01/2021

3.2 **Press Notice:**

Start Date: 07/01/2021 Expiry Date: 30/01/2021

3.3 **Neighbour Consultation:**

3.4 **Statutory Consultees:**

- 3.4.1 Conservation Officer – Received 17/02/2021 based on amended scheme (received 15/02/2021) removing external flue originally proposed:

*"It is considered that the proposal will not harm i) this grade II listed building's special character or ii) the setting of other listed buildings nearby or iii) the character or appearance of the Hitchin Conservation Area. I, therefore raise **NO OBJECTION** on the basis that the proposal will satisfy the provisions of Sections 16(1) and 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 and would also satisfy the aims of Section 16 of the NPPF and Policy HE1 of the North Hertfordshire Local Plan 2011 - 2031 (Proposed Submission, October 2016)."*

Also queried plan details for elevations. This was amended to satisfy this point raised.

4.0 **Planning Considerations**

4.1 **Site and Surroundings**

- 4.1.1 103 Bancroft is a single storey ground floor retail unit situated on the eastern side of Bancroft. The property is Grade II Listed and is situated within the Hitchin Conservation Area. The list entry for the application site reads as follows:

"C16 or C17 altered C19. Stucco front, Welsh slated roof with gable on right, 2 storeys, modillion cornice. C19 shop windows, 3 first floor sash windows."

4.2 **Proposal**

- 4.2.1 Listed Building Consent is sought for internal and external alterations (as amended by plan 2202-5-LMH-Proposed received on 15/02/2021).

4.3 **Key Issues**

- 4.3.1 The key material considerations are whether the proposal is acceptable on heritage grounds regarding its impacts on the significance of the listed building as a heritage asset.
- 4.3.2 Following consultation with the Conservation Officer, the proposals are considered to be of an acceptable design which would not harm the significance of the listed building as a designated heritage asset. No significant historic fabric would be affected.
- 4.3.3 There have not therefore been any objections raised by the Council's Conservation Officer, which is given significant weight. The impacts of the proposal on the character and appearance of the building and its significance as a designated heritage asset are considered acceptable.

4.4 **Conclusion**

- 4.4.1 The proposed development is considered acceptable and is considered to comply with the necessary provisions of both the existing and emerging Local Plan policies and the National Planning Policy Framework. **GRANT** Conditional Consent.

4.5 **Alternative Options**

- 4.5.1 None applicable.

4.6 **Pre-Commencement Conditions**

- 4.6.1 No pre-commencement conditions are recommended.

5.0 **Legal Implications**

- 5.1 In making decisions on applications submitted under the Town and Country Planning legislation, the Council is required to have regard to the provisions of the development plan and to any other material considerations. The decision must be in accordance with the plan unless the material considerations indicate otherwise. Where the decision is to refuse or restrictive conditions are attached, the applicant has a right of appeal against the decision.

6.0 **Recommendation**

- 6.1 That Conditional Consent be **GRANTED** subject to the following conditions:

1. The work to which this consent relates shall be begun by not later than the expiration of the period of 3 years from the date of this notice.

Reason: To comply with the provisions of Section 18 of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

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.