

Delegated Report

APPLICATION NO: 22/00971/LIC

DATE OF APPLICATION: 4 November 2022

STATUTORY START DATE: 4 November 2022

SITE LOCATION

Chickaros Chicken And Grill, 59 High Street, Stevenage.

DEVELOPMENT

Application for a variation of the premises license.

AGENT

No Agent

APPLICANT

The Licensing Officer
Stevenage Borough Council
Daneshill House
Danestrete
Stevenage
Herts
SG1 1HN

WARD: Old Town

GREEN BELT: No

CONSERVATION AREA: Yes

LISTED BUILDING: No

TREE PRES. ORDER: No

SUMMARY OF RECOMMENDATION

Raise objection

APPLICATION SITE AND SURROUNDINGS

The application site is located on the eastern side of the High Street which forms part of the Old Town Conservation Area. The application site comprises a two-storey, Victorian building, with a shopping parade at ground floor level with premises above. The building in which the application property forms of, is constructed from red brick with the roof clad in slate tiles. At ground floor level is a timber framed glazed shop front with a metal advertisement sign for "Chickaros Chicken and Grill" with an external trough light.

The immediate area is characterised by a variety of important cluster buildings such as the row of Victorian buildings along 79 - 117 High Street and the group of buildings along Middle Row / Baker Street. The buildings are constructed from a variety of materials such as red and yellow brick, clay or slate roof tiles and timber sash windows.

PROPOSAL

The application seeks to amend the premises licence, specifically the timings for Late night Refreshment for takeaway and delivery to 23.00hrs til 02.00hrs Sunday to Wednesday, 23.00hrs til 03.30hrs Thursday to Saturday. To amend the times of which the premises is open to 07.00hrs til 02.00hrs Sunday to Wednesday, 07.00hrs til 03.30hrs Thursday to Saturday.

To amend Annex 2 condition 4 to read “*There shall be no consumption of food and drink on the premises after 00.00hrs, the premises shall remain open for takeaways between 00.00hrs and 02.00hrs Sunday to Wednesday and 00.00hrs and 03.30hrs Thursday-Sunday*”. Instead of: “*There shall be no consumption of food or drink on the premises after 00.00hrs. The premises shall remain open for takeaway between 00.00hrs and 01.00hrs Thursday-Saturday*”.

RELEVANT PLANNING HISTORY:

Reference number	Description	Date and outcome
16/00141/LB	Listed building consent for erection of a canopy	Application not proceeded with - 15.04.2016
16/00148/FP	Installation of a canopy to the front of the shop	Application not proceeded with - 15.04.2016
16/00254/CPA	Prior approval for change of use from Coffee Shop (Use Class A1) to Restaurant (Use Class A3)	Prior Approval Not Require – 06.06.2016

CONSULTATION & RESPONSES

Notices

No Site Notice Required.

No Press Notice Required.

Summary of consultation responses

Consulted:

Consultee	Date Consulted
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Responses:

Consultee	Comment
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Neighbour responses

In Support	Against	Comments	Neighbours Notified	Contributors Received
0	0	0	0	0

PLANNING POLICY CONTEXT

A revised National Planning Policy Framework (NPPF) was published in July 2021. This largely reordered the policy substance of the earlier 2012 version of the NPPF albeit with some revisions to policy. The Council are content that the policies in the Local Plan are in conformity with the revised NPPF and that the Local Plan should be considered up to date for the purpose of determining planning applications. The NPPF provides that proposals which accord with an up to date development plan should be approved without delay (para.11) and that where a planning application conflicts with an up to date development plan, permission should not usually be granted (para.12).

Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that planning applications must be determined in accordance with the development plan unless material considerations indicate otherwise.

The development plan for Stevenage Borough Council comprises the following documents:

- The Stevenage Borough Council Local Plan 2011-2031 (adopted 2019)
- Hertfordshire Waste Development Framework 2012 and Hertfordshire Waste Site Allocations Development Plan Document (adopted 2012 and 2014); and
- Hertfordshire Minerals Local Plan 2002 – 2016 (adopted 2007).

Other Policies

Public Sector Equality Duty (PSED)

ASSESSMENT AND REASONED JUSTIFICATION

Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that 'If regard is to be had to the development plan for the purposes of any determination to be made under the Planning Acts, the determination must be made in accordance with the development plan unless material consideration indicate otherwise'.

The proposal raises the following key issues:

- The prevention of Crime and Disorder
- Public Safety
- Prevention of Public Nuisance
- Protection of Children from Harm

Comments

Policy FP7: Pollution of the Stevenage Borough Local Plan 2011-2031 (adopted May 2019) states that all development proposals should minimise, and where possible, reduce air, water, light and noise pollution.

The proposed license application has been assessed in accordance with the issues listed above and objections are raised from officers with regards to the new licence.

The main issue with the proposed extension to the hours of operation to the early hours of the morning is public nuisance. The applicant has provided no detailed measures on how they would intend to manage and mitigate public nuisance, especially with respect to noise from customers. As a consequence, the proposed variation of the licence to extend the hours of operation will likely have a detrimental impact on the amenities of nearby noise sensitive receptors i.e. residential properties, along the High Street as well to the rear of the premises on Middle Row and Church Lane.

Conclusion

Objections are raised from planning officers with regards to the variation of the premises licence. It is considered that the extended hours of operation could cause a public nuisance to the nearest residential properties.

RECOMMENDATION

Raise objection

INFORMATIVES

1. This determination refers to the following plans:
 - Application form
(Received by the Council's Planning Department on 4th November 2022)

Case Officer Details: James Chettleburgh