

APPENDIX C1

Delegated Report

APPLICATION NO: 23/00124/LIC

DATE OF APPLICATION: 8 February 2023

STATUTORY START DATE: 8 February 2023

SITE LOCATION

Today Fish & Grill, 10 Middle Row, Stevenage.

DEVELOPMENT

Application for a 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

Objection to premises licence

APPLICATION SITE AND SURROUNDINGS

The application site is located on Middle Row, a pedestrianised lane between the High Street and Church Lane. The application site comprises a single storey brick building with a tiled pitched roof, which operates as 'Today Fish & Grill' a hot food takeaway granted planning permission under ref. 22/00309/FP on 29 July 2022.

PROPOSAL

The application seeks a premises licence for the provision of late-night refreshment for consumption on and off the premises Monday to Sunday between the hours of 23:00hrs and 03:00hrs. The proposed opening hours for the premises Monday to Sunday would be 11:00hrs until 00:00hrs. The premises would close to the general public at 00:00hrs Monday to Sunday and food would be provided by delivery only until 03:00hrs.

RELEVANT PLANNING HISTORY:

Reference number	Description	Date and outcome
21/00976/FP	Installation of ventilation canopy and extraction system	Granted 21.01.2022
21/00977/AD	1no. externally illuminated timber fascia sign	Granted 21.01.2022
22/00309/FP	Change of use from use Class E (Retail) to Class Sui Generis (Hot Food take away)	Granted 29.07.2022

CONSULTATION & RESPONSES

Notices

No Site Notice Required.

No Press Notice Required.

Summary of consultation responses

Consulted:

Consultee	Date Consulted
-----------	----------------

Responses:

Consultee	Comment
-----------	---------

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 considerations 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 licence application has been assessed in accordance with the issues listed above and objections are raised from officers with regards to the new licence. Planning condition 4 of planning permission 22/00309/FP restricts hours of operation:

Unless otherwise agreed in writing by the Local Planning Authority, the use of the premises for the purposes hereby permitted shall operate only between the hours of 11:00 and 00:00 Mondays to Sundays, including Public or Bank Holidays.

REASON:- To protect the amenity of the occupiers of adjoining properties.

The proposed trading hours under the premises licence would fall outside of the opening hours restricted by the planning condition attached to the use of the property as a hot food takeaway. 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 licence for the hours of operation as proposed 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 granting of a premises licence. It is considered that the extended hours of operation over and above those stated within the planning condition 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 8 February 2023)

Case Officer Details: Ailsa Davis