

Appendix C  
Representations Responsible Authorities



## **Delegated Report**

**APPLICATION NO:** 23/00769/LIC

**DATE OF APPLICATION:** 18 October 2023

**STATUTORY START DATE:** 18 October 2023

## **SITE LOCATION**

The Taste of India, 48A High Street, Stevenage, SG1 3EF

## **DEVELOPMENT**

Application for variation of the premises license.

## **AGENT**

No Agent

## **APPLICANT**

Mr S Rahman  
166 Ferrier Road  
Stevenage  
Herts  
SG2 0PD

**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 a three-storey terraced property located on the western side of High Street, a well-established commercial area. The property is also located within the Stevenage Old Town Conservation Area. The property was previously used as a restaurant at ground floor level with associated facilities and residential space on the upper floors.

Planning permission was granted in 2015 to change the use of the first and second floors from residential to restaurant (ref. 15/00665/FP). The planning department are currently investigating the unauthorised change of use of the premises from restaurant (Class E) to hot food takeaway (Sui Generis) and ancillary operations. It is understood the restaurant is now closed and the business is operating a delivery and takeaway service only. At the time of writing, no planning application has been received to regularise the breach in planning control.

## **PROPOSAL**

The application seeks a Variation of premises licence for the following:

- To amend the current licence so that Late Night refreshment can be provided outside of the premises in addition to inside (For delivery)
- To extend the hours for late night refreshment from 23.00hrs until 23.30hrs Fri-Sat to 23.00hrs until 00.00hrs Fri-Sat

- To add the provision of late-night refreshment on a Sunday, 23.00hrs until 23.30hrs
- To add conditions to the licence to support the above and to promote the licensing objective 'Prevention of Public Nuisance'

#### RELEVANT PLANNING HISTORY:

Reference number	Description	Date and outcome
01/00621/AD	Externally illuminated fascia sign	18.03.2002 PER
15/00665/FP	First floor rear extension, change of use from residential (C3) to restaurant (A3) on first and second floor and external alterations.	15.12.2015 PER
22/00017/FP	Erection of external plant, machinery and ducting.	08.03.2022 PER

#### 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 September 2023. 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**

The premises are currently operating as a hot food takeaway with delivery (planning use class *sui generis*) without planning permission and are therefore in breach of the planning regulations. Planning therefore wish to raise an objection to the variation of the premises license as proposed.

### **Conclusion**

In summary, the proposed variation of the premises license is not in accordance with the current lawful use of the property as a restaurant (planning use class E) and is therefore considered unacceptable from a planning perspective. Moreover, as the use is unauthorised, the planning department has not assessed its suitability with respect to its impact on nearby residential properties from a public nuisance perspective.

### **RECOMMENDATION**

Raise objection.

### **INFORMATIVES**

1. This determination refers to the following plans:
  - Application form(Received by the Council on 18 October 2023)

Case Officer Details: Ailsa Davis





Licensing Act 2003

**REPRESENTATION FORM FROM RESPONSIBLE AUTHORITIES**  
**Stevenage Borough Council LICENSING AUTHORITY**

**Responsible Authority: Environmental Health**

<b>Your Name</b>	Mrs Sue Bedford	
<b>Job Title</b>	Environmental Health Officer	
<b>Postal address</b>	Stevenage Borough Council Daneshill House Danestrete Stevenage Herts, SG1 1HN	
<b>Email Address</b>	Sue.bedford@stevenage.gov.uk	
<b>Contact telephone number</b>	01438 242237	
<b>Name of the premises you are making a representation about</b>	Taste of India	
<b>Address of the premises you are making a representation about</b>	48A High Street	
<b>Is this the first objection in respect of these premises</b>	Yes	<u>Brief details / cross reference</u>

Environmental Health, being a nominated Responsible Authority under the Licensing Act 2003, wish to make representation to this application.

Our representation(s) are made in consideration to the below licensing objectives, as we believe the operating schedule does not adequately demonstrate how you, the applicant will best support this.

**Licensing Objections**

<b>Which of the four licensing Objectives does your representation relate to?</b>	<b>Yes Or No</b>	<b>Evidence supporting representation or reason for representation. Please use continuation sheet as required</b>
<b>To prevent crime and disorder</b>		
<b>Public safety</b>		
<b>To prevent public nuisance</b>		Environmental Health have received complaints (SR:23/00689/smell and 23/021491/other) regarding the operations of Taste of India adversely affecting an adjacent resident. The premises no longer operates as a restaurant only as a takeaway with all the access to the premises by the delivery staff from the rear of the premises. The delivery drivers park on the privately allocated spaces to the rear of the resident's home under his openable windows, with the engines running. The regular opening & closing of the metal gate caused continual disturbance. The Food Business Operator has now secured the gate open whilst trading, however this still clanks when it is closed at the end of the night. The refuse bin is also placed outside the residents openable window, prior to collection.
<b>To protect children from harm</b>		

The below additions to the Schedule as provided at Part 4 of the application, identifies those matters that we believe are necessary, to promote the licensing objectives.

<p><b>Suggested conditions that could be added to the licence to remedy your representation or other suggestions you would like the Licensing Sub Committee to take into account. Please use separate sheets where necessary and refer to checklist.</b></p>	<p><b>All delivery drivers to park in the public car park to the rear of the premises in Primett Road, to collect the takeaway meals.</b></p>
	<p><b>All deliveries to be taken from the front entrance to the premises ie 48A High Street.</b></p>
	<p><b>Sound deadening material to be added to metal gate to deaden the sound generated on closure of the gates.</b></p>
	<p><b>The refuse bin to be stored away from the resident's openable window when left out for collection. These arrangements to be confirmed with the trade refuse collection team.</b></p>



Should you require clarification on any matter being made, please contact the named officer to discuss further.

Signed  .....

Date: ..... 13 November 2023 .....

**Note for Officers:**

Please submit this form along with any additional sheets to: Licensing at Stevenage Borough Council or email to [licensing@stevenage.gov.uk](mailto:licensing@stevenage.gov.uk)

**This form must be returned within the Statutory Period.**



## Appendix C

### Representations – Other Interested Parties



**Julie Dwan**

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**From:** Julie Dwan  
**Sent:** 28 November 2023 09:37  
**To:** Julie Dwan  
**Subject:** FW: LICENCE REPRESENTATION/OBJECTION 48A HIGH STREET STEVENAGE  
**Attachments:** 44a HIGH STREET LICENCE REPRESENTATION 10.11.23.docx

**From:**  
**Sent:** 15 November 2023 10:57  
**To:** Licensing <Licensing@stevenage.gov.uk>  
**Cc:** Julie Dwan <Julie.Dwan@stevenage.gov.uk>; Sue Bedford <Sue.Bedford@stevenage.gov.uk>;  
**Subject:** [External] LICENCE REPRESENTATION/OBJECTION 48A HIGH STREET STEVENAGE

Good morning

Please see the attached letter from my husband Ejaz Chughtai and myself giving factual reasons against request for extended hours made by the Taste of India High Street Stevenage.

Kind regards  
Sarwat Jahan



that you have some concerns relating to the application from the taste of India to extend their hours for late night refreshment which is serving of hot food and drink

If you have concerns and wish to put forward objections or representations to the application you can do so in writing (letter or email)

**RE: LICENCE REPRESENTATION 48A HIGH STREET STEVENAGE SG1 3BE (15.11.23)**

The prevention of crime and disorder

-The prevention of public nuisance

-The promotion of public safety

-The protection of children from harm

Dear Sir/Madam

I refer to the above licence application submitted by The Taste of India to extend their hours for late night refreshment. Needless to say we have grave concerns about this and wish to put forward objections to the application. To put our concerns in perspective, we would like to start by giving some historical background.

We purchased this property in 2015

We have had a change of four tenants since.

The present tenant is the only one who has two young children under the age of five.

We have had issues about the way the proprietors and staff have conducted their business.

Every single tenant we have had has complained about the loud noise from the gates when shutting and the way they dispose of their garbage with the waste bins left open against the side wall of the property and smells permeating from the rotting food.

This is particularly horrendous during the summer months as it also encourages maggots crawling and making their way through the open windows into the property.

Lately there has been further increase of noise from delivery personnel who leave vehicle engines raving while waiting to collect their orders despite the fact, that there is a notice stating they should not do so.

Customer and staff alike park right next to the wall of the property in order to ensure that their cars are not on the double yellow lines. Again despite the fact that there is free parking not very far from them which they can use and is easily accessible.

We have tried to resolve these issues several times in the past by speaking to the owner as well as the staff. We have found the owner to be extremely rude, abrupt, uncooperative and quite frankly intimidating whenever these interactions have taken place. In his absence when the staff have been approached they would simply shrug their shoulders or claim they are unable to speak English.

We have in the past complained to Environmental Health Personnel (EHP) who have visited the property with us and actually seen the overflowing bins accompanied by photographic evidence.

We have tried to involve the local councillor, Thomas Frankland who also has visited our property and has verbally agreed that our complaints are well founded. He assured us that he would be taking this up with EHP.

Previously all our tenants with exception of the present one, have been childless couples. They would complain to us, we would then take the next steps and based on the outcome ask the tenants

to monitor the situation/speak to the owner/report to EPH/record incidents. However as most were working full time and the fact that there were no children involved, the matter would eventually be placed on the back burner.

Our present tenant, quite rightly, is deeply affected by the current situation compared to previous ones. He worries about his young children

- are being obliged to breathe noxious fumes from the raving vehicles
- are young and vulnerable and being exposed to harmful microorganisms breeding in the open bins
- are having interrupted sleep during the nights because of the added traffic activity. This will no doubt become a bigger problem once they start nursery/school.

He too has tried to resolve the concerns with the owner of the Star of India. He too like us found him to be rude and aggressive.

We have looked at the four licensing objectives and have no doubt each of these apply to our representation. That Your representation must be relevant and refer to the application and what has been applied for, it must also relate and refer to one or more of the four licensing objectives which are as follows:

1. The prevention of crime and disorder:

The owner to all intents and purposes seems to be only concerned about his business interests. To date we have not seen any evidence that he is actually interested in what goes on outside the four walls of his premises. Increasing the business hours will increase incidents of social misconduct. Broken bottle pieces are frequently found as a result of customers who have flung these against the walls of the property or smashed them outside the paving slabs at the front.

2. The prevention of public nuisance

This is twofold: the first is related to point number one with inebriated customers leaving the premises late night and misbehaving on their way home. Secondly, the late hour will mean there are no patrolling traffic wardens encouraging more drivers to park wherever and however they like, ignore the signage of 'private parking' and park anywhere they please. In this case as close to the property as possible as it makes for the shortest distance they would need to walk.

3. The promotion of public safety:

Cars and mopeds are a source of hazard for the general public at the best of times; more so when the drivers are not entirely sober. A lot of residents mostly elderly use the through walkway to get to the High Street and an out of control or speeding vehicle would be a sure cause of concerns for public safety.

4. The protection of children from harm

In the case of the present tenant the harm is not just physically caused by exhaust fumes, being exposed to harmful microorganisms, threat of being knocked down by vehicles but mental as well whereby the youngsters are undergoing sleep deprivation on a regular basis.

Referring to the undertakings being proposed by the owners of The Star of India (TSOI) who have said that:

1. Delivery drivers shall switch off their engines whilst stationary and collecting orders for delivery. Complaints have been made about this and a notice gone up. The drivers comply for a few days and then revert back to their old ways. How will TSOI enforce this? What will be the consequences for the drivers who do not comply?



2. Delivery vehicle horns shall not be used at any time except in accordance with the Highway Code.
3. Notices shall be prominently displayed at the rear of the premises requesting staff to respect the needs of local residents and use the area quietly:  
There is already a notice on one of the lamp post at the rear. No idea how further notices are going to improve or alter the situation. Again the same query: How will TSOI enforce this? What will be the consequences for the drivers who do not comply? We hope they are not intending of putting a large luminous notice board on our rear wall in a similar fashion to the hinges of their gate that they have drilled illegally on our property wall.
4. We are also concerned that nowhere have they mentioned about the increased refuse the extended hours will create and how do they propose to dispose this. The present at the moment is bad enough and should their application be approved the situation will become unbearable. EPH have not to date resolved this neither has this been put forward as a pre-requisite as far as we are concerned. When there is an establishment which clearly seems to be wholly impervious to concerns and complaints, allowing them to extend their hours is simply giving them carte blanche.
5. For almost eight years we have been trying to get some resolution. This hasn't happened. Instead we are now facing a proposal which, if approved, will place us in a very difficult position and through no fault of ours is going to make our present situation a lot worse



## Julie Dwan

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**From:** Julie Dwan  
**Sent:** 22 November 2023 11:41  
**To:** Julie Dwan  
**Subject:** FW: [External] Objection to The Taste of India application for change of license

**From:** Ivan Mavrodiev  
**Sent:** 14 November 2023 21:52  
**To:** <[REDACTED]> <[Sue.Bedford@stevenage.gov.uk](mailto:Sue.Bedford@stevenage.gov.uk)>; Licensing <[Licensing@stevenage.gov.uk](mailto:Licensing@stevenage.gov.uk)>;  
**Subject:** [External] Objection to The Taste of India application for change of license

Good evening Julie,

My name is Ivan Mavrodiev and I'm the current occupant of 44A High Street, Stevenage, SG1 3EF along with my family including two young children. Previously I expressed my concerns in relation to "prevention of public nuisance" with your colleague Sue Bedford. As I stated before the issues that I experience are caused by the vehicles which are serving the business of the restaurant named "The Taste of India", neighbouring our property on High Street. Issues are as follows:

- Vehicles parking underneath my window with constant coming and going process which causes Noise from opening and closing the doors, Vehicles left with engines running while waiting orders which causes fumes going into the property and leaving me and my family unable to open the windows and have ventilation in the property. Just for the protocol I've got young family which makes the things even worse for us
- Also persistent problems are using the back access for their premises by metal gate which I believe is illegally attached to our property. Gate is left open and from the wind slams and causes a lot of noise
- Leaving the rubbish bins right next to my window which also prevents it from opening otherwise the smell goes into the premises
- Using a "side door" which apparently the restaurant owner calls "fire exit". This is nothing more than wooden door that gets slammed and causing noise and is being used as entrance/exit by them

And to finish I want to express my strong objection based on the reasons stated above and considering the fact that no one goes in the restaurant at the front but restaurant activities are happening from the back where my living room and bedroom are located. I don't think the restaurant is licensed for this anyway. Please clarify for us... P.S to become more transparent the full extent of their activities please visit on a busy days like Friday or Saturday after 8pm to gather the whole picture

Kind Regards, Ivan Mavrodiev



## Julie Dwan

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**From:** Julie Dwan  
**Sent:** 28 November 2023 09:54  
**To:** Julie Dwan  
**Subject:** FW: [External] Additional proof  
**Attachments:** EEE71B72-B4E2-471E-B42A-7BCCE0C15B1D4.mov

 [01438 242242](tel:01438242242) [www.stevenage.gov.uk](http://www.stevenage.gov.uk) [env.health@stevenage.gov.uk](mailto:env.health@stevenage.gov.uk) | **From:** Ivan Mavrodiev <[Ivan.Mavrodiev@stevenage.gov.uk](mailto:Ivan.Mavrodiev@stevenage.gov.uk)>  
**Sent:** 14 November 2023 22:02  
**To:** <[Sue.Bedford@stevenage.gov.uk](mailto:Sue.Bedford@stevenage.gov.uk)>; Licensing <[Licensing@stevenage.gov.uk](mailto:Licensing@stevenage.gov.uk)>;  
**Subject:** [External] Additional proof

Here I will attach some evidence, following my previous email. Please bear in mind the picture with the bins was taken early in the morning around 5.40am on my way to work. The video was taken yesterday evening time. And as suggested by me I am inviting you to arrange with me if you want to see the full extent of their operations to visit any Friday or Saturday after 8pm. Many thanks





