

DEVELOPMENT MANAGEMENT COMMITTEE – 4 DECEMBER 2024

Application Number	3/23/2062/FUL
Proposal	Partial change of use from Class E use into Sui Generis to allow for Live entertainment with the sale of alcohol and Hot Food. Installation of air source heat pump, erection of rear canopy, screen fence, external flue, and external seating area.
Location	28 Knight Street, Sawbridgeworth, Hertfordshire, CM21 9AU
Parish	Sawbridgeworth Town Council
Ward	Sawbridgeworth

Date of Registration of Application	30 October 2023
Reason for Committee Report	Application has been called in by councillor Eric Buckmaster as the application has generated a huge interest in Sawbridgeworth. Residents are concerned as to the impact on their amenity, noise, congestion, and obstruction of pavements by vehicles.
Case Officer	Ellen Neumann

RECOMMENDATION

That planning permission be **GRANTED** subject to the conditions set out at the end of this report.

1.0 Summary of Proposal and Main Issues

- 1.1 The proposal seeks planning permission for the partial change of use from Class E into Sui Generis to allow for live entertainment, with the sale of alcohol and hot food. Permission is also sought for the installation of an air source heat pump, external flue, screen fence, erection of rear canopy and associated external seating area.
- 1.2 The application has been amended from that originally submitted. Various plans and supporting documents were amended/received during the determination period of the application. This has been done to address concerns raised by various consultees. Third parties have been re-consulted and comments are summarised later in this report.
- 1.3 This application is running concurrently with a listed building consent application under local planning authority reference 3/23/2185/LBC.

1.4 The main considerations for the proposal are:

- Principle of Development
- Design, Layout, and Impact on Heritage Assets
- Neighbour amenity including noise impacts
- Highways and Parking
- Waste Storage/Handling
- Archaeology
- Other matters

1.5 The main issue for consideration is whether the proposed development is appropriate at this site having regard to policies in the East Herts District Plan 2018 and the National Planning Policy Framework.

1.6 The application is supported by the following plans:

0263-001
0263-002 Rev B
0263-003 Rev A
0263-004 Rev C
0263-005
0263-006
0263-007 Rev A
0263-008
0263-009
0263-010
0263-011
0263-013 Rev C
1263-1000
2048-AF-00001-05 (Noise Impact Assessment)

1.7 All of the plans and documents submitted with the application have been considered in the preparation of this committee report.

2.0 Site Description

2.1 The application site is occupied by a Grade II Listed Building known as 28 Knight Street. The site is situated approx. 10 metres to the north of the Sawbridgeworth Town Centre Boundary. Knight Street features a mix of residential and commercial properties. Directly to the north of the site is the 'Queens Head' pub, while Fawburt & Barnard Infants' School is located across the street. Other nearby businesses include

'Peking Place', a Chinese restaurant, and 'Beau Bells', a hairdresser, both situated to the south-west along Knight Street. The site is within the Sawbridgeworth Conservation Area and is surrounded by other Listed Buildings, situated along the western side of Knight Street. The building, previously occupied by Barclays Bank, is currently unoccupied. The site is part of the designated Sawbridgeworth Neighbourhood Plan and lies within an Area of Archaeological Significance.

3.0 Planning History

3.1 The following planning history is of relevance to this proposal:

Application Number	Proposal	Decision	Date
3/99/0924/AD	FASCIA DISPLAY SIGN FOR ATM CASH DISPENSER	Approved subject to conditions	10.04.2000
3/99/0925/FP	REPLACEMENT OF 1 NO ATM CASH DISPENSER WITH A NEW MACHINE	Approved subject to conditions	10.04.2000
3/99/1072/LB	THE REPLACEMENT OF 1NO ATM CASH DISPENSER WITH A NEW MACHINE	Approved subject to conditions	10.04.2000
3/00/1331/AD	TO UPDATE AND REPLACE EXISTING EXTERNAL SIGNAGE WITH 400MM NON-ILLUMINATED INDIVIDUAL LETTERING.	Approved subject to conditions	12.01.2001
3/00/1332/LB	TO UPDATE AND REPLACE EXISTING EXTERNAL SIGNAGE WITH 400MM NON-ILLUMINATED INDIVIDUAL LETTERING	Approved subject to conditions	12.01.2001
3/00/2076/LB	INTERNAL ALTERATIONS TO BUILDING	Approved subject to conditions	14.06.2001
3/00/2077/FP	CREATE NEW	Application	27.06.2001

	ENTRANCEWAY- REMOVE WINDOW AND BRICKWORK AND CREATE NEW DOORWAY	withdrawn by Applicant/Agent	
3/01/0292/FP	CREATE NEW ENTRANCEWAY. REMOVE WINDOW & BRICKWORK, CREATE NEW DOORWAY.	Application withdrawn by Applicant/Agent	21.03.2001
3/01/0293/LB	DISABLED ACCESS, REMOVE WINDOW AND BREAK OUT BRICKWORK TO PROVIDE NEW ENTRANCE. NEW WINDOWS & NEW GLAZED SCREEN WITH POWER ASSISTED DOOR - TO FORM NEW ENTRANCE LOBBY (TO COMPLY WITH DDA REQUIREMENTS).	Application withdrawn by Applicant/Agent	27.06.2001
3/01/0888/LB	PROJECTING GLOBE SIGN	Approved subject to conditions	25.09.2001
3/03/1102/LB	REPLACEMENT OF ATM TO MEET DDA REQUIREMENTS.	Approved subject to conditions	30.07.2003
3/03/1464/AD	REPLACEMENT ATM MACHINE.	Approved subject to conditions	15.09.2003
3/05/0488/FP	Remove step at main entrance. Replace existing door with timber door. External push pad to front elevation. Relocate handrails	Approved subject to conditions	29.04.2005
3/05/0489/LB	Remove step at main entrance. Replace	Approved subject to	05.05.2005

	existing door with new timber door. Extend frame. Relocate existing handrails and make good areas affected. Lower lobby floor and install internal chair lift. External push pad adjacent to door.	conditions	
3/13/0990/AD	2no. non-illuminated fascia signs and 1no non illuminated projecting sign	Approved subject to conditions	05.08.2013
3/13/1128/LB	2no Non-illuminated fascia signs , 1no Non-illuminated Projecting Sign, 1no. ATM Surround ,1no Branch Nameplate. 2no replacement security fire exit doors. Dusted crystal vinyl to inner face of glazing to interview room. Replace 9no hammered glass panes to interview room window. Internal refurbishment.	Approved subject to conditions	20.08.2013
3/14/1850/LB	Replacement of external ATM	Approved subject to conditions	04.12.2014
3/18/1899/LBC	Removal of ATM and install new window. Removal of cameras and walls made good. Removal of signage and walls made good and the removal of night safe and installation of steel	Approved subject to conditions	22.10.2018

	plate. Internal alterations to include - Removal of counters and non-load bearing partitions		
3/24/0142/FUL	Repair works to the flat roof over First floor level and exposure of chimney at ground floor level only to north wall.	Approved subject to conditions	03.04.2024
3/24/0143/LBC	Repair works to the flat roof over First floor level and exposure of chimney at ground floor level only to north wall.	Approved subject to conditions	03.04.2024

4.0 **Main Policy Issues**

- 4.1 The following policies in the National Planning Policy Framework (NPPF) and the adopted East Herts District Plan 2018 (DP) are considered relevant.

Main Issue	NPPF	DP policy
Character and Appearance	Section 12	DES4
Neighbour amenity	Section 12	DES4
Noise Implications	Section 15	EQ2
Heritage Implications	Section 16	HA1 HA3 HA4 HA7
Highways Implications	Section 9	TRA2 TRA3

Other relevant issues are referred to in the 'Consideration of Issues' section below.

5.0 **Summary of Consultee Responses**

- 5.1 HCC Historic Environment Unit: were consulted and concluded the development would be unlikely to have a significant impact on heritage assets of archaeological or architectural interest.
- 5.2 EHDC Conservation and Urban Design: were consulted and previously objected to elements of the scheme, including concerns about the choice of materials for acoustic works and proposed partitions. Following receipt of amendments, the Conservation and Urban Design Officer is satisfied and raises no objections subject to conditions.
- 5.3 EHDC Environmental Health Officer: were consulted. The EHO previously objected to the submitted noise impact assessment, but following receipt of amendments, the EHO is satisfied and raises no objections subject to conditions.
- 5.4 HCC Highway Authority: were consulted and raised no objections.
- 5.5 (Note: EHDC, East Herts District Council; HCC, Hertfordshire County Council)

6.0 Sawbridgeworth Town Council Representations

- 6.1 Objection: Object to the proposed development. 28 Knight Street is outside of the Town Centre Boundary, and as such the proposal should be assessed against Policy RTC1 and RTC4. As it fails to comply with these policies, it should be refused. The site also lies within the Secondary Shop Frontages in Sawbridgeworth. The change of use would fall contrary to District Plan Policy DES4 (c), as it would result in detrimental impact to neighbouring properties. There are gaps and misgivings in the submitted noise assessments and a lack of details on opening hours. There is a lack of information how waste will be collected. There is a lack of parking.

7.0 Summary of Other Representations

- 7.1 The application has been advertised by neighbour consultation with letters sent to adjacent residents. A press notice and site notice were also issued.
- 7.2 There have been 99 representations received across both rounds of consultation – 80 in objection, 16 in support. The majority of objections are from adjacent neighbours whereas the supporters are from a wider

area. The main reasons for objections across all rounds of consultation are summarised below:

- Will cause additional problems with noise and disruption for neighbours
- Will encourage anti-social behaviour
- Lack of parking
- Out of character for the town
- Venue will compete with other nearby venues for food and entertainment
- Concerns about waste collection, delivery, and servicing
- Too close to a school
- Conversion would impact the integrity and character of the Grade II Listed Building
- Access into the car park and waste area is not suitable
- Another drinking facility is not needed
- Significant increase in traffic
- The applicant has failed to provide a noise and parking survey
- No opening hours have been proposed
- Signage is not in keeping with the building
- Kitchen extract is not clear how it will impact neighbours
- Noise impact assessment is fundamentally flawed
- Noise assessment does not assess the outdoor seating area
- Noise report does not consider all receptors or assess the proposed air source heat pump
- Opening until 1:00 hours is unacceptable
- Proposed mitigations in the noise report are unlikely to be practical
- Toilets will be a significant light source
- No compensation process for those who's properties will be reduced in value due to this change of use
- Application has been inadequately publicised
- 28 Knight Street has a restrictive covenant that restricts any act or thing that shall or become a nuisance
- The proposal fall contrary to District Plan Policy RTC1 and RTC4

7.3 The comments made in support of the proposed development can be summarised as follows:

- Great asset to Sawbridgeworth
- Will provide a social space for many members of the community
- Will provide job opportunities
- Will bring a decaying listed building back into use

All of the above representations have been taken into account and considered in the preparation of this report.

8.0 Consideration of Issues

Principle of Development

- 8.1 The application site lies within the built-up area of Sawbridgeworth and as such there is no objection in principle to development in the form of the change of use of existing buildings, providing it is in accordance with the relevant policies of the East Herts District Plan 2018.
- 8.2 The planning history indicates that the building's authorised use was previously classified as a bank under Use Class A2, which has now been reclassified as Use Class E under the amended Use Classes Order introduced in 2020. Although the proposed development would introduce a commercial use different from its former use as a bank, the site benefits from the broader scope of activities permitted under Class E (without requiring planning permission for these uses). These permitted uses include restaurant or café uses, which are broadly comparable in nature to the proposed use.
- 8.3 The proposed development seeks to expand on the typical functions allowed within Class E by incorporating a dining element, a bar, and an area for live music, effectively combining the characteristics of a restaurant, bar, and live music venue. This expanded use ensures the retention of a commercial premises within the town, contributing positively to the local economy while enhancing the variety of dining, cultural, and entertainment options available to residents.
- 8.4 Given the site's edge-of-town-centre location, the proposed use is considered suitable, provided it complies with the relevant policies set out in the East Herts District Plan.
- 8.5 It should also be noted that the application site is situated within Sawbridgeworth Conservation Area and as such there is a statutory duty under section 72(1) of the Planning (Listed Building and Conservation Areas) Act 1990 to ensure that development proposals preserve or enhance its character or appearance.

Design, Layout, and Impact on Heritage Assets

- 8.6 Sections 16 and 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 states that the local planning authority shall have "special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses." The specific historic environment policies within the NPPF are contained within paragraphs 195-214. Section 72 of the Planning (Listed Buildings as Conservation Areas) Act 1990 requires special attention to be paid to the desirability of preserving or enhancing the character or appearance of the Conservation Area.
- 8.7 Paragraph 205 of the Framework outlines that: "When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.
- 8.8 Paragraph 206 states that: "Any harm to, or loss of, the significance of a designated heritage asset (from its alterations or destruction, or from development within its setting, should require clear and convincing justification."
- 8.9 Where a proposed development will lead to substantial harm to (or total loss of significance of) a designated heritage asset, Paragraph 207 states that local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or total loss is necessary to achieve substantial public benefits that outweigh that harm or loss.
- 8.10 Paragraph 202 follow this and states that "Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal".
- 8.11 Policy HA1 of the East Herts District Plan states that development proposals should preserve and where appropriate enhance the historic environment. Furthermore, Policy HA7 of the District Plan states that proposals will only be permitted where they would (a) not have any adverse effect on the architectural and historic character or appearance of the interior or exterior of the building or its setting; and (b) respects the scale, design, materials and finishes of the existing building(s) and preserves its historic fabric. Conservation Area Policy HA4 of the District

Plan states that new development, extensions, and alterations to existing buildings in Conservation Areas will be permitted provided that they preserve or enhance the special interest, character and appearance of the area. Neighbour representations have raised concerns about the impact of the proposed conversion on the integrity and character of the listed building.

- 8.12 28 Knight Street holds architectural significance, particularly through its impressive street-facing façade that enhances the character and appearance of the Conservation Area.
- 8.13 The proposed works for the change of use include external alterations such as the installation of an air source heat pump, screen fence, external flue, and a rear canopy with an associated seating area. The internal alterations and works to the listed building are assessed with regards to their impact on the listed building, as part of the Listed Building Consent report. This report focuses on the development works listed in this paragraph.
- 8.14 The proposed canopy for the external seating area would be positioned along the building's north-facing flank wall, an elevation of lower architectural significance. Its location would reduce visibility from the surrounding Conservation Area, making its placement appropriate. Plans indicate that the canopy frame would be timber, though the specific covering material has yet to be confirmed. The Conservation Team has therefore recommended a condition to ensure appropriate materials, which is considered reasonable.
- 8.15 An external flue is also proposed on the rear elevation of the building. The flue would be implemented within the kitchen, extending out to the exterior of the building. Although the flue would lead to a visual interruption of the rear elevation, given this elevation contributes limited value to the overall significance of the Listed Building and is heavily screened from the surrounding Conservation Area, it is considered acceptable. Its addition would also result in a small loss of fabric; however, the Conservation Officer considers the impacts to be negligible, and outweighed by the facilitation of the long-term sustainable use of the building.
- 8.16 An air source heat pump (ASHP) is also proposed at the rear of the site, adjacent to the bin store, replacing the existing Heating, Ventilation and Air Conditioning unit (HVAC). The ASHP would be modest in size, with a neutral impact on both the Listed Building's setting and the

Conservation Area's character. Therefore, no objection is raised by the Conservation Officer to this element of the proposal.

- 8.17 A new external fence is proposed to screen the bin store and ASHP, consisting of brick and close board fencing up to 1.8 meters high. The new boundary would replicate the existing wall and fence. It is not anticipated that the new boundary would appear prominently in key views of the Listed Building. Officers find this component of the proposal acceptable, as it would have a neutral impact on the building's setting and the Conservation Area.
- 8.18 To facilitate the building's conversion, several internal alterations are proposed, such as inserting partition walls, flooring, kitchen/prep area, stage bar, and food storage area. Modifications to the first-floor WCs include removing a bath, relocating sinks, and adding toilets. Acoustic works, such as secondary glazing and noise absorption, are also proposed. Where applicable, the detailed works outlined in this application are subject to assessment under the Listed Building Consent officer report.
- 8.19 The Conservation Team has noted that extensive external modifications over time have altered the internal room proportions, reducing their original significance. This allows some flexibility for internal layout changes within reason.
- 8.20 Wherever possible, the proposed works aim to avoid impacting historic fabric, intending to reveal and repair features where feasible, which is welcomed by the Conservation Team. The bathroom modifications are acceptable, as this area has been heavily modernised, resulting in neutral impact on the building's significance. Alterations to partitions are also considered acceptable, primarily affecting modern materials. A new kitchen is planned where historic fabric remains, but the Conservation Team has recommended a condition to prevent cuts to historic timber frames, which is reasonable and will be attached onto the listed building consent should permission be forthcoming.
- 8.21 A small section of historic fabric on the ground floor front of the building is proposed for removal to enhance symmetry and cohesion. The Conservation Team supports this change, finding the heritage benefits, repairs, and sustainable use for the Listed Building to outweigh the impact. For acoustic works, secondary glazing is proposed on ground floor windows at the front and south-facing flank, with no objections, as this approach respects the Listed Building's character.

However, details of the secondary glazing will be required by condition prior to the commencement of any works to ensure that the details of the secondary glazing ensure they will not be visible externally and will respect the significance of the listed building. These will be attached onto the listed building consent, should permission be forthcoming. Additionally, hemp fibreboard and Thermafleece Cosywool insulation, chosen for breathability, would be used on ground floor internal walls, which is considered suitable by the Conservation Team.

- 8.22 Considering the above, the external alterations which form a part of the proposed development would have a neutral impact on the Sawbridgeworth Conservation Area and setting of nearby listed buildings and would therefore not cause any harm to these heritage assets. The proposed development would result in less than substantial harm to the listed building as a result of the small loss of original fabric and the minor works. However, it is considered that the significant public benefit of bringing a listed building back into a commercial use which will be visited by the public will support the long-term preservation of the heritage asset. Therefore, this would outweigh the identified harm to the significance of the heritage asset. As such, it is considered the proposed development would comply with District Plan Policies HA1, HA4, HA7 and DES4 and the NPPF.
- 8.23 This report demonstrates how the Local Planning Authority has exercised the statutory duty to give special regard to the desirability of preserving the listed building or its setting or any features of special architectural or historic interest which it possesses in accord with Sections 16 and 66 of the Listed Buildings and Conservation Areas Act; in addition to paying special attention to the desirability of preserving or enhancing the character or appearance of the Conservation Area in accord with the Planning (Listed Buildings as Conservation Areas) Act 1990, Section 72.

Neighbour amenity including noise impacts

- 8.24 Policy DES4 of the District Plan seeks that proposals do not result in detrimental impacts to the amenity of future occupiers or neighbouring residents. Policy EQ2 of the District Plan also states that development should be designed and operated in a way that minimises the direct and cumulative impact of noise on the surrounding environment and that particular consideration should be given to the proximity of noise sensitive uses, and in particular, the potential impact of development on human health. As noted above, representations have been received

from occupiers in neighbouring properties which raise concerns with the impact of the proposed development on their living conditions. Those representations have been considered carefully.

- 8.25 As highlighted earlier in the report, the application site is located along a mixed-use street on the edge of the town centre. Consequently, it is in close proximity to several residential properties, including Knights Court, an elderly persons' residential complex situated to the northwest of the site. The proposed development does not seek to increase the size of the building or create any new window openings. While Officers note the scheme proposes to erect a canopy and screen fence, due the scale and location of these works in relation to neighbouring properties, it is not considered these elements would give rise to material adverse impact on the occupiers of adjoining properties by reason of loss of light, overshadowing, overlooking or overbearing impacts.
- 8.26 The main consideration regarding neighbour amenity is the potential impact of noise and odour from the proposed development. Noise could be generated as a result of the external ductwork/ASHP, people coming and going from the premises throughout the day and noise from amplified sound. As the proposal includes live entertainment (such as live music performances), assessing noise impacts is necessary in order to determine whether the impacts can be appropriately mitigated in order to minimise potential for disturbances. A noise impact assessment, prepared by AF Acoustics Ltd, was submitted during the application's review period and was revised multiple times to address concerns from the Environmental Health Officer. The most recent noise assessment (received on 1st July 2024), details various acoustic measures and includes a Noise and Vibration Management Plan. As previously mentioned, secondary glazing is proposed for ground-floor windows on the front and south-facing elevations, and hemp fibreboard and Thermafleece CosyWool insulation will be added to internal walls on the ground floor to improve sound insulation. The Noise and Vibration Management Plan also specifies several steps to control noise levels. The Environmental Health Officer reviewed the amended report and had no objections, provided all noise mitigation measures outlined in the report are implemented before the site is first used for live or recorded music. A condition outlining the noise management measures contained within the report shall be followed at all times has also been requested by the EHO. These conditions are deemed reasonable, enforceable, and necessary.

- 8.27 Neighbours have expressed concerns that the noise impact assessment has not accounted for the location of the proposed ASHP and flue. The applicant provided some details of an ASHP; however, no specification was selected. As such, the Council's Environmental Health Officer has recommended a condition requiring a noise impact assessment for all external fixed plant machinery and equipment to be submitted before it becomes operational. This condition is considered a necessary, enforceable, reasonable and practical measure to protect local amenity.
- 8.28 Officers acknowledge that the proposed external seating area located at the rear of the site has the potential to generate additional noise, particularly from customers gathering and socialising. While this is noted, the size of the external seating area is limited, which effectively restricts the number of customers who can occupy the space at any given time. This smaller scale helps mitigate the potential for excessive noise disruption. Furthermore, the seating area is situated between the flank wall of the building and the northern boundary wall, creating a degree of separation and providing a suitable distance from the neighbouring properties to the south, west, and north-west. This positioning helps to ensure that the external seating area is not in direct proximity to residential areas or more sensitive land uses.
- 8.29 In addition to these spatial considerations, Officers have taken into account the mixed-use nature of the surrounding area, which includes both commercial and residential properties and is within walking distance of the main commercial uses within the town centre. Notably, the neighbouring building, occupied by the public house "Queens Head," also has a small external amenity area where customers congregate.
- 8.30 While Officers recognise that the proposed external seating area could potentially increase the overall noise levels in the area, especially during busier times, the application site benefits from Class E use (which permits a range of commercial, town centre and employment based public uses) and is located just outside of the town centre. These are important factors in the assessment as it is the officers view that the proposed use is compatible and consistent with the mixed character of the area. Given the above, it is not considered that the noise generated by the external seating area would result in significant or detrimental harm to the amenity of neighbouring properties. Notwithstanding this, Officers consider it reasonable to impose a condition limiting the hours of use for the external seating area, ensuring all customers vacate the outdoor area within specified hours

to minimise noise disturbances to occupiers within neighbouring properties.

- 8.31 With regard to the opening hours, Officers note that the submitted application form did not specify any proposed hours of operation. As a result, Officers requested that the applicant provide the proposed opening hours. After further discussions between the Officers and the applicant, it was agreed that the proposed opening hours shall be from 08:00hrs to 23:00hrs Sunday to Thursday and Bank Holidays, and from 08:00hrs to 00:00hrs on Fridays and Saturdays. While Officers acknowledge that these proposed opening hours would be earlier than those of the neighbouring establishment, 'The Queen's Head,' the closing time of 00:00hrs on Fridays and Saturdays are consistent with the closing time of this neighbouring venue. Therefore, Officers consider that the proposed hours of operation are reasonable and acceptable in this context.
- 8.32 In considering the potential disturbance from the operation of the use, particularly due to live entertainment and the associated comings and goings of customers, it is important to consider that the site is located close to the town centre, on a street that already features a mix of commercial and residential uses. As such, a certain level of activity and disturbance is to be expected in this area. Given these factors, along with the proposed operating hours and other specified controls secured by conditions, it is unlikely that the change of use would result in a significant or unreasonable impact on the amenity of nearby properties. The town-centre setting naturally accommodates higher levels of activity, and the proposed hours align with those typically found in similar locations. Therefore, it is not anticipated that the proposal would cause undue harm to the residential amenity of neighbouring properties.
- 8.33 That being said, in order to mitigate any potential adverse effects and safeguard the amenity of nearby residents, Officers consider it reasonable to impose a condition that limits the hours of operation to would ensure that any potential noise and disturbance generated by the venue remains within acceptable levels.
- 8.34 Regarding the potential odour impacts associated with the proposed development, it is noted that a flue will be installed within the kitchen area, extending to the building's exterior. The Council's Environmental Health Team has been consulted on the proposal. Following their review, they have raised no objections to the installation of the flue,

provided a condition is imposed to require detailed specifications on the installation, operation, and ongoing maintenance of the odour abatement equipment and extract system. This condition will help ensure that the equipment operates effectively over time, maintaining odour control standards and reducing the likelihood of odour-related issues affecting nearby residents or businesses. This approach is viewed as a reasonable and practical measure to safeguard the local amenity.

- 8.35 Neighbour representations have also expressed concerns about the toilets being a significant source of light pollution. While Officers acknowledge the lighting from the toilets may cause some light spill visible from neighbouring properties to the south of the application site, such as The Old Malt House, Wheelgate and 30 Knight Street, it is not considered that the level of light within the premises generated would be substantial enough to justify refusal of the application.
- 8.36 The Council's Environmental Health Officer has recommended a number of other conditions which relate to construction hours, dust emissions, waste management, and notification to neighbours of building works. However, these conditions are not considered reasonable on a development of this scale and can be controlled through the relevant Environmental Health and Building Regulation legislation.

Summary of neighbouring amenity

- 8.37 Overall, for the reasons outlined above, the proposed development is not considered to cause any significant unacceptable impact to the amenity of neighbouring occupiers within nearby properties. Officers consider that the proposed development would not conflict with Policies DES4 and EQ2 of the East Herts District Plan 2018.

Impact on Highways and Parking

- 8.38 Policy TRA2 of the District Plan outlines that proposals should ensure that safe and suitable access can be achieved for all users. In addition, Policy TRA3 of the District Plan state that vehicle parking provision associated with development proposals *will be assessed on a site-specific basis* and *should take into account* the provisions of the District Council's currently adopted Supplementary Planning Document (SPD) 'Vehicle Parking Provision at New Development'. Neighbour letters have expressed concerns about the lack of on-site parking and the potential for significant increase in traffic associated with the change of use.

Additional concerns include the absence of a parking survey submitted with the application and the suitability of the access to the car park and servicing.

- 8.39 The site includes a car park located at the rear of the building, accessible from an existing access off Knight Street via Rowan Walk, which runs alongside the building's southern elevation. The Highway Authority were consulted the scheme and did not object to the use of the existing access and servicing setup. Although they noted that specific servicing details have not been provided, they indicated that a Goods Vehicle loading bay in front of 24 Knight Street could be used to service the site.
- 8.40 With regard to parking, there are no standards that are specific to the proposed land use as it is for a sui generis use. The proposed use comprises elements of Class E (restaurant/café), sui generis (bar and music venue). Officers consider the proposed uses most relevant standards for this proposal to be D2 (a) "*places of entertainment/leisure parks, when individual land uses are known*" and D2(b) for "*places of entertainment/leisure parks, when individual land uses are not known,*" or Class A3 (a) "*restaurants/cafes*" and/or (b) "*Public Houses and Bars*". Standard D2(b) stipulates a requirement of one parking space per 15 sqm of gross floor area, while Standards D2(a) allows parking provision to be determine on a case-by-case basis when the specific land use components are known. Standard A3(a) specifies one parking space per 5 sqm of dining floor area, in addition to three spaces per four employees. Similarly, standards A3(b) requires one parking space per 3 sqm of bar floor area, plus three spaces per four employees.
- 8.41 Based on the building's gross floor area, by applying guidance standard D2(b) as outlined in the SPD, the proposals would require approximately 16 spaces (for staff and visitors). The Standard for an A3 (a) Restaurant and Café use would suggest a total of 36 parking spaces would be required to accommodate both staff and visitors. In addition, Standard A3(b) (for a Public House & Bar) would require a total of 10 parking spaces. The existing rear car park accommodates six spaces, which comprises an under-provision of up-to 30 spaces (depending on the standard(s) applied).
- 8.42 Shortly after submitting the application, the applicant responded to concerns from neighbours regarding parking by proposing that the six available spaces would be reserved for staff, with customers directed to

park at the Bell Street Car Park, located approximately 230 metres southwest of the site. The applicant further proposed a ticketed shuttle service using a "Tut Tut" vehicle to transport customers from Bell Street Car Park and Sawbridgeworth train station to the venue. While Officers acknowledge the applicant's efforts to mitigate on-street parking impact, it would not be able to monitor, control, or enforce the proposed shuttle service through a condition. Consequently, Officers requested that the applicant conducted a parking survey to provide objective data supporting the proposal and further justify the parking shortfall against Standards set out in A3(a), A3(b) and/or D2(b).

- 8.43 Although the applicant did not provide a parking survey, they indicated that double yellow lines may soon be introduced along Knight Street, potentially limiting parking options and reducing overspill issues. Additionally, the applicant suggested offering a refund on any Bell Street Car Park fees if customers provided a valid ticket. While Officers appreciate these considerations, they cannot rely on the installation of double yellow lines, as this may not occur. Moreover, Officers would not be able to enforce the applicant's proposal to refund parking tickets as an incentive. Therefore, Officers must consider the potential impact of parking overflow into nearby streets and the potential this may have on highways conditions within the area.
- 8.44 Officers consider that the proposed change of use could increase on-street parking demand in the area, particularly as certain sections of Knight Street and surrounding roads lack parking restrictions. This increase in on-street parking may decrease the availability of spaces in the area. However, Officers also recognise that public parking options are available nearby. The Bell Street Car Park, located approximately 230 meters from the site, could serve customers which is considered to be sufficiently close to the site to provide a viable parking option for visitors. The proximity of the site to Sawbridgeworth town centre location provides easy access by public transport, with many residents able to walk to the premises. A site visit has been conducted, during which officers observed the general availability of parking in the area. It is concluded that adequate parking spaces are likely to remain available, particularly as the venue is unlikely to operate at full capacity throughout the day. The anticipated traffic volume generated by the proposal is not considered significant enough to cause parking stress in the area.
- 8.45 Therefore, given these factors, including the site's proximity to a public car park and its accessible location (in regards to the proximity to the

town centre), officers consider that the level of parking is acceptable and any shortfall against the standards would comprise an insufficient ground for refusal in this case, noting the standards for entertainment uses where the land use components are known can be set on a case-by-case basis.

- 8.46 Additionally, it should be noted that the Highway Authority at Hertfordshire has raised no objections to the traffic associated with the change of use, outlining they do not anticipate a significant increase in traffic compared to the building's former use as a bank. Therefore, it is considered that the proposed development would not have a negative impact on highway conditions.
- 8.47 Notwithstanding the above, the current authorised land use falls within Class E which would permit a restaurant/café use without planning permission. This use is likely to generate a level of car parking comparable with what is proposed as part of this application. Therefore, officers consider the site benefits from a realistic fall-back provision (given Class E permits restaurant use) which parking effects are anticipated to be similar to that of the proposed use.
- 8.48 In light of the Highway Authority's lack of objections and the factors outlined above, it is considered that the provision of 6 x off-street parking spaces is justified. In coming to a view officers note the adopted parking standards in the SPD allow for car parking for entertainment venues to be determined on a case-by-case basis where the uses are known. In addition, the applicant could reasonably benefit from a fall-back position (under permitted development) given the wider Class E Use facilitates restaurant use which would generate a similar demand for car parking as the proposed use. It would therefore be unreasonable to refuse planning permission on the basis of any shortfall against the parking standards. The proposal is therefore in accordance with Policies TRA2 and TRA3 of the East Herts District Plan 2018.

Impacts of Waste (Storage and Handling)

- 8.49 Policy DES4 of the District Plan outlines that proposals will be expected to make provision for the storage of bins. Neighbour letters have raised concerns over the waste collection for the proposed use.
- 8.50 The submitted plans indicate that bin storage will remain in the same location as it was for the building's previous use, situated at the rear of

the site and screened by a proposed fence. Officers have found no evidence suggesting that this arrangement would be insufficient or cause issues in its current form. As a result, the continued use of this designated area for waste storage is considered appropriate and acceptable for the proposed development.

Impact on Heritage Assets of Archaeological Interest

- 8.51 Policy HA3 of the District Plan outlines where development is permitted on site containing archaeological remains, planning permission will be subject to conditions requiring appropriate excavation and recording in advance of development and the subsequent storage and display of material.
- 8.52 As noted earlier in this report, the application site lies an Area of Archaeological Significance. The Historic Environment Unit at Hertfordshire County Council were consulted on the matter and confirmed that the development is unlikely to have had a significant impact on heritage assets of archaeological interest. As a result, the proposal complies with District Plan Policy HA3.

Other Matters

- 8.53 Sawbridgeworth Town Council and neighbouring residents have raised concerns that the proposed development may conflict with District Plan Policy RTC1 and RTC4. While Officers acknowledge these comments, Policy RTC1 applies only to developments exceeding 500 sq.m Since the proposed change of use totals approximately 247 sq.m, Policy RTC1 does not apply to this development. In addition, Policy RTC4 is not relevant to this scheme, as the site is not a Secondary Shopping Frontage.
- 8.54 Concern has also been raised within neighbour letters about a restrictive covenant on 28 Knight Street and the impact of the proposed change of use on nearby house prices. While these are noted, these are not material planning considerations and have therefore not formed part of the above assessment.
- 8.55 Further concern was raised from neighbouring properties about the nature of the use and the proximity of the site in relation to similar uses. While this is noted, as highlighted above, the location of the use is considered acceptable and compliant with policy, and the use is

capable of operating in accordance with the recommended planning conditions which seek to regulate the environmental impacts.

- 8.56 Concern has also been raised within neighbour letters over the proposed signage, outlining it is not in keeping with the listed building. It should be noted that this has not been assessed under this application, as any signage would require a separate application for advertisement consent. An informative will be attached onto the decision notice informing the applicant of this should planning permission be forthcoming.
- 8.57 Neighbour representations and Sawbridgeworth Town Council have expressed concerns, arguing that the noise impact assessment submitted with the application is fundamentally flawed. While these concerns have been carefully considered, the Council's Environmental Health Officer was consulted as part of the application process. After reviewing the noise report, the Environmental Health Officer has concluded that the submitted assessment is acceptable and does not raise any significant issues regarding noise impact. The Officer's expert opinion supports the conclusion that the report is adequately addressed for the purposes of this application. Therefore, despite the concerns raised, the Environmental Health Officer's review provides assurance that the noise impact is sufficient and does not warrant further revision.

9.0 Planning Balance and Conclusion

- 9.1 The site is within a built-up mixed-use area, close to the town centre of Sawbridgeworth and in principle, is an acceptable form of development.
- 9.2 The proposed development would result in less than substantial harm to the listed building, however, it is considered that the significant public benefit of bringing a listed building back into use, supporting the long-term preservation of the heritage asset and economic benefits to arise out of the commercial use and the positive impact on supporting a vibrant and mixed-use area would outweigh any harm to significance of the heritage asset. The proposed development would have a neutral impact on the Sawbridgeworth Conservation Area and nearby listed buildings and would therefore not cause any harm to these heritage assets. This is attributed to the proposal's suitable location, design, and scale.
- 9.3 There are not considered to be any significant unacceptable impacts on neighbouring amenity from overbearing impacts, loss of outlook,

overshadowing, or loss of privacy. Furthermore, the proposal is not considered to result in significant unacceptable concerns with regards to the noise or odour impact of the development, subject to conditions.

- 9.4 It is considered that any shortfall in parking would not be substantial enough to justify refusal of the application given there is a nearby public car park, and the site is within an accessible location. Furthermore, the current use enables a fall-back position to exist (under permitted development) if the site is used as a restaurant (which would not require planning permission) and this would be likely to create similar demand for car parking as the proposed uses.
- 9.5 Accordingly, it is considered that the proposal accords with the relevant policies and sections of the East Herts District Plan 2018 (as noted in this report) and the NPPF. No material planning considerations are presented which indicate that planning permission should be refused, and it is therefore recommended that conditional planning permission be granted.

RECOMMENDATION

That planning permission be **GRANTED subject** to the conditions set out below.

Conditions

1. The development to which this permission relates shall be begun within a period of three years commencing on the date of this notice.

Reason: To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 (As Amended).

2. The development hereby approved shall be carried out in accordance with the approved plans listed at the end of this Decision Notice.

Reason: To ensure the development is carried out in accordance with the approved plans, drawings and specifications.

3. Prior to any above ground construction works being commenced, the external materials of construction for the development hereby permitted shall be submitted to and approved in writing by the Local Planning Authority, and thereafter the development shall be implemented in accordance with the approved details.

Reason: In the interests of good design and ensure the historic and architectural character of the building is properly maintained, in accordance with Policy DES4 and HA7 of the East Herts District Plan 2018.

4. Prior to the first use of the site for the provision of live or recorded music, all noise mitigation measures as shown in drawing no. 0263-004 Rev C and prescribed in AF Acoustics report ref. 2048-AF-00002-01 dated 12 June 2024 shall be implemented and thereafter be permanently retained.

Reason: In order to ensure an adequate level of amenity for occupiers in the vicinity of the proposed development in accordance with Policy EQ2 Noise Pollution of the adopted East Herts District Plan 2018.

5. Prior to first use of the kitchen for hot food preparation at the development hereby approved, details shall be submitted to and approved in writing by the Local Planning Authority of the installation, operation, and maintenance of the odour abatement equipment and extract system, including the height of the extract duct and vertical discharge outlet, in accordance with the EMAQ+ document 'Control of Odour and Noise from Commercial Kitchen Exhaust Systems'. Approved details shall be implemented prior to the use of the development and thereafter be permanently retained.

Reason: In order to ensure an adequate level of amenity for occupiers in the vicinity of the proposed development in accordance with Policy EQ4 Air Quality of the adopted East Herts District Plan 2018.

6. Prior to operation of external plant at the development hereby approved, a noise impact assessment shall be submitted to and approved in writing by the Local Planning Authority demonstrating that the rating level of noise emitted from all external fixed plant and equipment at the development hereby approved shall not exceed 5dB below the background noise level when measured or calculated at 1 metre from the façade of the nearest noise sensitive property. The measurements and assessment shall be made according to BS 4142:2014+A1:2019 'Methods for rating and assessing industrial and commercial sound' at the nearest and / or most affected noise sensitive premises, with all plant / equipment operating together at maximum capacity and inclusive of any penalty for tonal, impulsive or other distinctive acoustic characteristics.

Reason: In order to ensure an adequate level of amenity for occupiers in the vicinity of the proposed development in accordance with Policy EQ2 Noise Pollution of the adopted East Herts District Plan 2018.

7. Prior to the first use of the development hereby approved, details of all boundary walls, fences or other means of enclosure to be erected shall be submitted to and approved in writing by the Local Planning Authority, and thereafter the development shall be implemented in accordance with the approved details.

Reason: In the interests of amenity and good design, in accordance with Policy DES4 of the East Herts District Plan 2018.

8. The noise management measures outlined in AF Acoustics report ref. 2048-AF-00002-01 dated 12 June 2024 shall be followed at all times.

Reason: In order to ensure an adequate level of amenity for the residential and commercial occupiers of surrounding properties / units of the proposed development in accordance with Policy EQ2 Noise Pollution and DES4 Design of Development of the adopted East Herts District Plan 2018.

9. The use of the premises hereby approved shall be restricted to the hours 8:00 to 23:00 Sunday to Thursday including Bank and Public Holidays, and 8:00 to 00:00 on Friday and Saturdays, except for the rear seating area which shall cease to be used after 23:00 on any day.

Reason: In the interests of the amenities of the occupants of nearby properties and in accordance with Policies DES4 and EQ2 of the East Herts District Plan 2018.

10. In connection with all site preparation, demolition, construction, conversion and ancillary activities, working hours shall be restricted to 08:00 – 18:00 hours on Monday to Friday, 08:00 – 13:00 hours on Saturdays, and not at all on Sundays or Bank / Public Holidays. Vehicles arriving at and leaving the site must do so within these working hours.

Reason: In order to ensure an adequate level of amenity for nearby residents in accordance with Policy EQ2 Noise Pollution of the adopted East Herts District Plan 2018.

11. Any external artificial lighting at the development hereby approved shall not exceed lux levels of vertical illumination at neighbouring premises that are recommended by the Institution of Lighting Professionals Guidance Note 01/20 'Guidance notes for the reduction of obtrusive light'. Lighting should be minimized and glare and sky glow should be prevented by correctly using, locating, aiming and shielding luminaires, in accordance with the Guidance Note.

Reason: In order to ensure an adequate level of amenity for the occupants of nearby properties in accordance with Policy EQ3 Light Pollution and DES4 Design of Development of the adopted East Herts District Plan 2018.

Informatives

1. East Herts Council has considered the applicant's proposal in a positive and proactive manner with regard to the policies of the Development Plan and any relevant material considerations. The balance of the considerations is that permission should be granted.
2. This permission does not convey any consent which may be required under any legislation other than the Town and Country Planning Acts. Any permission required under the Building Regulations or under any other Act, must be obtained from the relevant authority or body e.g. Fire Officer, Health and Safety Executive, Environment Agency (Water Interest) etc. Neither does this permission negate or override any private covenants which may affect the land.
3. This permission does not convey any consent which may be required under the Town and Country Planning (Control of Advertisements) (England) Regulations 2007.

Plans for approval

Plan Ref	Version	Received
0263-001		16 th November 2023
0263-002	Rev B	10 th September 2024
0263-003	Rev A	30 th January 2024
0263-004	Rev C	10 th September 2024

0263-005		15 th November 2023
0263-006		15 th November 2023
0263-007	Rev A	1 st February 2024
0263-008		15 th November 2023
0263-009		15 th November 2023
0263-010		15 th November 2023
0263-011		15 th November 2023
0263-013	Rev C	6 th November 2024
1263-1000		1 st July 2024
2048-AF-00001-05		1 st July 2024