



Application Ref: 3/23/2062/FUL

Mr Chris Benzing
CB Designs & Project Management Ltd
122 West Road
Sawbridgeworth
Hertfordshire
CM210BW

Town and Country Planning Act 1990 (as amended)

DECISION NOTICE

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. 28 Knight Street Sawbridgeworth Hertfordshire CM21 9AU

In pursuance of their powers under the above mentioned Act and the Orders and Regulations for the time being in force thereunder, the Council hereby

Grant Planning Permission subject to Conditions

For the development proposed in your application received 30th October 2023 and registered on 16th November 2023 and shown on the approved plans.

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 first use of the development hereby permitted, a Delivery and Servicing Plan shall be submitted to and approved in writing by the Local Planning Authority. This document shall:
 - (a) Identify where loading and unloading shall take place;
 - (b) Explain the delivery and servicing arrangements;
 - (c) Ensure that delivery activities do not hinder the flow of traffic on the public highway and are considerate of the hours of the neighbouring school 'Fawburt and Barnard's Infant School'.Thereafter, the development shall operate in line with the approved Delivery and Servicing Plan, unless otherwise agreed in writing by the Local Planning Authority.

Reason

In order to ensure that delivery and servicing arrangements do not interfere with the flow of traffic on the public highway and in the interests of highways safety, in accordance with Policy TRA2 of the East Herts District Plan 2018.
5. 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-00001-05 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.
6. 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.
7. 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.
8. 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.

9. The noise management measures outlined in AF Acoustics report ref. 2048-AF-00001-05 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.

10. 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.

11. 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.

12. 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.

Biodiversity Net Gain

PLEASE NOTE Paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990 (as amended) imposes a "biodiversity gain condition" on all planning permissions granted except those which are exempt or to which transitional arrangements apply. There are also requirements relating to Irreplaceable Habitats and arrangements for phased developments and applications made under s73 and s73a of the Town and Country Planning Act 1990 (as amended).

Please read the notes title "Biodiversity Net Gain" attached to this decision notice carefully and determine whether the biodiversity gain condition and the other requirements apply to your planning permission.

Informatives:

1. 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.
2. 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.
3. This permission does not convey consent which will be required under the Licensing Act 2003. A licence would be required for any regulated entertainment, sale of alcohol and late night refreshments carried out within the premises. This must be obtained from the Licensing Department of the Local Planning Authority prior to any of these activities commencing.
4. This permission does not convey any consent which may be required under the Town and Country Planning (Control of Advertisements) (England) Regulations 2007.

This Decision Relates to Plan Numbers:

Plan Ref	Version	Received
0263-001		16th November 2023
0263-002	Rev B	10th September 2024
0263-003	Rev A	30th January 2024
0263-004	Rev C	10th September 2024
0263-005		15th November 2024
0263-006		15th November 2024
0263-007	Rev A	1st February 2024
0263-008		15th November 2023
0263-009		15th November 2023
0263-010		15th November 2023
0263-011		15th November 2023
0263-013	Rev C	6th November 2024
1263-1000		1st July 2024
2048-AF-00001-05		1st July 2024

Notes:

1. Your proposed works may require building control approval. Please contact Hertfordshire Building Control Ltd who will help you through the process. Please contact them on 01438 879990 or email building.control@hertfordshirebc.co.uk.

Biodiversity Net Gain

The effect of paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990 is that planning permission granted for the development of land in England is deemed to have been granted subject to the condition “(the biodiversity gain condition)” that development may not begin unless:

- (a) a Biodiversity Gain Plan has been submitted to the planning authority, and
- (b) the planning authority has approved the plan.

The planning authority, for the purposes of determining whether to approve a Biodiversity Gain Plan if one is required in respect of this permission, would be East Herts District Council, or the Secretary of State (where they have determined under sections 62A, 76A or 77 of the Town and Country Planning Act 1990 (as amended) that such applications must be made to them) or the Planning Inspectorate or Secretary of state where they have so specified in determining an appeal under s 78 of the Town and Country Planning Act 1990 (as amended)

There are statutory exemptions and transitional arrangements which mean that the biodiversity gain condition does not always apply. These are listed below. It is the applicant or developers responsibility to make sure that they are complying with the requirements of this legislation. Please read the published officers report for the Council’s views on this matter and more information is available here: <https://www.eastherts.gov.uk/planning-and-building/planning-policy/mandatory-biodiversity-net-gain-bng>

Where this permission has the effect of requiring or permitting the development to proceed in phases, the modifications in respect of the biodiversity gain condition which are set out in Part 2 of the Biodiversity Gain (Town and Country Planning) (Modifications and Amendments) (England) Regulations 2024 apply.

In summary: Biodiversity gain plans are required to be submitted to, and approved by, the planning authority before development may be begun (the overall plan), and before each phase of development may be begun (phase plans).

Statutory exemptions and transitional arrangements in respect of the biodiversity gain condition.

1. The application for planning permission was made before 12 February 2024.
2. The planning permission relates to development to which section 73A of the Town and Country Planning Act 1990 (planning permission for development already carried out) applies.
3. The planning permission was granted on an application made under section 73 of the Town and Country Planning Act 1990 and
 - (i) the original planning permission to which the section 73 planning permission relates* was granted before 12 February 2024; or
 - (ii) the application for the original planning permission to which the section 73 planning permission relates* was made before 12 February 2024.
4. The permission which has been granted is for development which is exempt being:
 - 4.1 Development which is not ‘major development’ (within the meaning of [article 2\(1\) of the Town and Country Planning \(Development Management Procedure\) \(England\) Order 2015](#)) where:
 - i) the application for planning permission was made before 2 April 2024;

- ii) planning permission is granted which has effect before 2 April 2024; or
 - iii) planning permission is granted on an application made under section 73 of the Town and Country Planning Act 1990 where the original permission to which the section 73 permission relates* was exempt by virtue of (i) or (ii).
- 4.2 Development below the de minimis threshold, meaning development which:
- i) does not impact an onsite priority habitat (a habitat specified in a list published under section 41 of the Natural Environment and Rural Communities Act 2006); and
 - ii) impacts less than 25 square metres of onsite habitat that has biodiversity value greater than zero and less than 5 metres in length of onsite linear habitat (as defined in the statutory metric).
- 4.3 Development which is subject of a householder application within the meaning of article 2(1) of the Town and Country Planning (Development Management Procedure) (England) Order 2015. A “householder application” means an application for planning permission for development for an existing dwellinghouse, or development within the curtilage of such a dwellinghouse for any purpose incidental to the enjoyment of the dwellinghouse which is not an application for change of use or an application to change the number of dwellings in a building.
- 4.4 Development of a biodiversity gain site, meaning development which is undertaken solely or mainly for the purpose of fulfilling, in whole or in part, the Biodiversity Gain Planning condition which applies in relation to another development, (no account is to be taken of any facility for the public to access or to use the site for educational or recreational purposes, if that access or use is permitted without the payment of a fee).
- 4.5 Self and Custom Build Development, meaning development which:
- i) consists of no more than 9 dwellings;
 - ii) is carried out on a site which has an area no larger than 0.5 hectares; and
 - iii) consists exclusively of dwellings which are self-build or custom housebuilding (as defined in section 1(A1) of the Self-build and Custom Housebuilding Act 2015).
- 4.5 Development forming part of, or ancillary to, the high speed railway transport network (High Speed 2) comprising connections between all or any of the places or parts of the transport network specified in section 1(2) of the High Speed Rail (Preparation) Act 2013.

* “original planning permission to which the section 73 planning permission relates” means a planning permission which is the first in a sequence of two or more planning permissions, where the second and any subsequent planning permissions are section 73 planning permissions.

Irreplaceable habitat

If the onsite habitat includes irreplaceable habitat (within the meaning of the Biodiversity Gain Requirements (Irreplaceable Habitat) Regulations 2024) there are additional requirements for the content and approval of Biodiversity Gain Plans.

The Biodiversity Gain Plan must include, in addition to information about steps taken or to be taken to minimise any adverse effect of the development on the habitat, information on arrangements for compensation for any impact the development has on the biodiversity of the irreplaceable habitat. The planning authority can only approve a Biodiversity Gain Plan if satisfied that the adverse effect of the development on the biodiversity of the irreplaceable habitat is minimised and appropriate arrangements have been made for the purpose of compensating for any impact which do not include the use of biodiversity credits.

The effect of section 73D of the Town and Country Planning Act 1990

Development Management

- 01279 655261
- www.eastherts.gov.uk
- East Herts Council, Wallfields, Pegs Lane, Hertford, SG13 8EQ

- f EastHertsDC
- t EastHerts
- @ easthertscouncil



If planning permission is granted on an application made under section 73 of the Town and Country Planning Act 1990 (application to develop land without compliance with conditions previously attached) and a Biodiversity Gain Plan was approved in relation to the previous planning permission ("the earlier Biodiversity Gain Plan") there are circumstances when the earlier Biodiversity Gain Plan is regarded as approved for the purpose of discharging the biodiversity gain condition subject to which the section 73 planning permission is granted.

Those circumstances are that the conditions subject to which the section 73 permission is granted:

- do not affect the post-development value of the onsite habitat as specified in the earlier Biodiversity Gain Plan, and
- in the case of planning permission for a development where all or any part of the onsite habitat is irreplaceable habitat the conditions do not change the effect of the development on the biodiversity of that onsite habitat (including any arrangements made to compensate for any such effect) as specified in the earlier Biodiversity Gain Plan.

Dated: 11th December 2024

On Behalf Of Development Management

Signed:

A handwritten signature in black ink, consisting of a stylized, cursive 'S' shape.

Head of Planning and Building Control

SEE ATTACHED NOTES

TOWN AND COUNTRY PLANNING ACT 1990
PLANNING (LISTED BUILDINGS & CONSERVATION AREAS) ACT 1990

Appeals to the Secretary of State

- If you are aggrieved by the decision of your local planning authority to refuse permission for the proposed development or to grant it subject to conditions, then you can appeal to the Secretary of State under section 78 of the Town and Country Planning Act 1990.
- As this is a decision on a planning application relating to the same or substantially the same land and development as is already the subject of an enforcement notice [reference], if you want to appeal against your local planning authority's decision on your application, then you must do so within 28 days of the date of this notice.*
- If an enforcement notice is served relating to the same or substantially the same land and development as in your application and if you want to appeal against your local planning authority's decision on your application, then you must do so within:
28 days of the date of service of the enforcement notice, or within 6 months [12 weeks in the case of a householder appeal] of the date of this notice, whichever period expires earlier.*
- As this is a decision to refuse planning permission for a householder application, if you want to appeal against your local planning authority's decision then you must do so within 12 weeks of the date of this notice.*
- As this is a decision to refuse planning permission for a minor commercial application, if you want to appeal against your local planning authority's decision then you must do so within 12 weeks of the date of this notice.*
- As this is a decision to refuse express consent for the display of an advertisement, if you want to appeal against your local planning authority's decision then you must do so within 8 weeks of the date of receipt of this notice.*
- If you want to appeal against your local planning authority's decision then you must do so within 6 months of the date of this notice.*
- Appeals can be made online at: <https://www.gov.uk/appeal-planning-decision>
If you are unable to access the online appeal form, please contact the Planning Inspectorate to obtain a paper copy of the appeal form on tel: 0303 444 5000.
- The Secretary of State can allow a longer period for giving notice of an appeal but will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal.
- The Secretary of State need not consider an appeal if it seems to the Secretary of State that the local planning authority could not have granted planning permission for the proposed development or could not have granted it without the conditions they imposed, having regard to the statutory requirements, to the provisions of any development order and to any directions given under a development order.
- If you intend to submit an appeal that you would like examined by inquiry, then you must notify the Local Planning Authority and Planning Inspectorate (inquiryappeals@planninginspectorate.gov.uk) at least 10 days before submitting the appeal. [Further details are on GOV.UK.](#)

Appeals under the Control of Advertisement Regulations

The same provision relating to rights of appeal against the Local Planning Authority's decision applies to advertisements with the following differences:

- Notice of appeal must be given in writing to the Secretary of State within 8 weeks from the date of this notice.
- The notice of appeal must be accompanied by a copy of the following documents:
 - (a) The application forms
 - (b) All relevant plans and particulars
 - (c) This notice of decision
 - (d) All other relevant correspondence with the Authority




The Secretary of State may require a statement of additional matters from either the applicant or the Local Planning Authority and may with the agreement of both the applicant and the authority determine the appeal without affording an opportunity to appear before an Inspector.

Purchase Notices

- If either the Local Planning Authority or the First Secretary of State refuses permission to develop land or grants it subject to conditions, the owner may claim that he can neither put the land to a reasonably beneficial use in its

Development Management

- 01279 655261
- www.eastherts.gov.uk
- East Herts Council, Wallfields, Pegs Lane, Hertford, SG13 8EQ

-  EastHertsDC
-  EastHerts
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existing state nor render the land capable of a reasonably beneficial use by the carrying out of any development which has been or would be permitted.

- In these circumstances, the owner may serve a purchase notice on the Council in whose area the land is situated. This notice will require the Council to purchase his interest in the land in accordance with the provisions of Part VI of the Town and Country Planning Act 1990.

Compensation

- In certain circumstances compensation may be claimed from the Local Planning Authority if permission is refused or granted subject to conditions by the Secretary of State on appeal or on reference of the application to him.
- These circumstances are set out in Section 169 and related provisions of the Town and Country Planning Act 1971.

START NOTICE

IMPORTANT INFORMATION - KEEP THIS WITH YOUR DECISION NOTICE (If you are the agent, please pass on to the home owner)

Please read the decision notice carefully. It should be read together with the application and any approved drawings and documents, and you must ensure that you understand and comply with all the requirements of any conditions imposed on the permission before you start work. The development should then only be carried out only in accordance with the approved plans and conditions.

Failure to comply with the approved plans or with the conditions of a permission could mean that the work that you carry out is unauthorised and at risk of enforcement action, which could have serious consequences. If you do not understand any of the planning conditions please contact your agent or the planning case officer for your application.

Please ensure that you give yourself time to meet the requirements of any planning condition as the Council may need to consult on the detail of the submission and this can take some weeks, depending on the complexity of the requirements. Please also be aware that there is a charge to discharge conditions per request which means you can discharge conditions individually or group details together as a single request.

We strongly recommend that you complete the Start Notice below and return to us (by post or email: planning@eastherts.gov.uk) when you know when work will start.

START NOTICE

Our Reference Number from the Decision Notice: **3/23/2062/FUL**

Site Address:

Date when work is intended to start:

Name:

Address (if different from above):

Telephone:

Email:

Please return to the above address or email the form to, planning@eastherts.gov.uk