

ITEM NO:	<u>Location:</u>	1A Church View, Portmill Lane, Hitchin, SG5 1EU
12	<u>Applicant:</u>	Mr Pinchin
	<u>Proposal:</u>	Installation of 3no. retractable awnings (as amended by drawing 015A).
	<u>Ref. No:</u>	17/02297/ 1
	<u>Officer:</u>	Tom Rea

Date of expiry of statutory period: 03 November 2017

Reason for Delay

N/A

Reason for Referral to Committee

Councillor Clark has requested that this application be considered by Committee in the wider public interest, if issues remain unresolved between the applicants and residents of Church View.

1.0 Relevant History

- 1.1 13/02151/1:
Demolition of all existing structures at the Former Royal Mail Delivery Office and Post Office site and redevelopment of the site to provide: 20 x 2 bedroom flats; 4 x 1 bedroom flats; flexible permission for 390 sqm of Class A1/A2/A3 use along the Hermitage Road frontage; flexible permission for Class A1/A3 (cafe only) use at the corner of Portmill Lane and River Hiz Walkway; 2295 sqm for Class C1 use comprising a 60-bedroom hotel incorporating a restaurant; two vehicular entrances to the site and a new loading bay along the Portmill Lane frontage; with enhancement of the River Hiz and the adjacent River Hiz Walkway (as amended by site plan no. 3001 39 Revision A received 10th October 2013)

Granted planning permission 30th January 2014. The development was completed by October 2016.

2.0 Policies

- 2.1 **North Hertfordshire District Local Plan No.2 with Alterations (Saved Policies)**
Policy 43 - Shopping Areas in Town Centres
Policy 57 - Residential Guidelines and Standards.

Supplementary Planning Documents.

Design SPD
Vehicle Parking Provision at New Development SPD.

- 2.2 **National Planning Policy Framework**
Section 1 - Building a strong, competitive economy.
Section 7 - Requiring good design.
Section 12 - Conserving and enhancing the historic environment

2.3 **North Hertfordshire District Local Plan 2011-2031 Proposed Submission**

Policy SP1 'Sustainable Development in North Hertfordshire'

Policy SP3 'Employment'

Policy SP4 'Town and Local Centres'

Policy SP9 'Design and Sustainability'

Policy D1 'Sustainable Design'

Policy D3 'Protecting Living Conditions'

The Examination in Public (EiP) in connection with the Submission Local Plan commenced on 13th November 2017.

2.4 **National Planning Practice Guidance**

Provides a range of guidance on planning matters including flood risk, viability, design and planning obligations.

3.0 Representations

3.1 **Hertfordshire Highways:**

The highway authority raise no objections. Recommends a condition if permission is granted.

3.2 **Site Notice / Adjoining residents:**

Several letters have been received from the occupiers of flats within Church View and the following concerns are raised :

- Awnings not included in the Retail Unit Lease
- Colour of awnings will be an eyesore / will clash with the decor of the main building
- Limited space beneath existing balcony to fit awnings
- Obstruction to the view and light at present enjoyed by flat 6
- Unsightly / detrimental impact on the entire building
- Will dominate the conservation area

4.0 Planning Considerations

4.1 **Site & Surroundings**

- 4.1.1 No. 1A Church View is a ground floor unit within the Church View development located on the north side of Portmill Lane. The unit was granted permission for an A1 (retail) or A3 (Cafe only) use as part of a larger mixed use development for residential apartments, a hotel, an enhanced riverside walkway and retail units approved by the Local Planning Authority in January 2014. The development was fully completed by October 2016.

No. 1A has an L-shaped floor plan comprising approximately 170 sqm and has a frontage onto both Portmill Lane and the riverside walk. It is currently vacant and yet to be fitted out.

The site is within the Hitchin Conservation Area.

4.2 **Proposal**

- 4.2.1 The proposal, as amended, is for the erection of three retractable awnings to the ground floor shop/ cafe unit at No. 1A.

Two awnings are proposed along the east elevation at 4.3 metres and 5.4 metres wide respectively, each projecting 2.5 metres from the main wall of the building. A third awning would be located along the Portmill Lane (south) elevation and would be 7.0 metres wide projecting 2.0 metres from the main wall. The submitted drawings state that the awnings would be of a 'superior quality Recasens Vermillion Red 100% acrylic fabric'. The awnings would retract into a 200mm aluminium cover hood.

4.3 **Key Issues**

- 4.3.1 The key issues are design and impact on the character and appearance of the area and the impact on the residential amenity of the adjacent residential occupiers.

4.3.2 **Design and character and appearance**

The provision of awnings to shopfronts in this town centre location is not unusual and there are several examples nearby e.g. in Hermitage Road. In this case the awnings are of a traditional design and located at a low level with a very shallow profile thus limiting their impact in the street scene (as noted from the south and east elevations on drawing 015 A).

The Vermillion Red colour of the awnings contrasts with the white and grey finish to the main building however there is some co-ordination with the red brick finish to the central staircase on the Portmill Lane frontage as well as with the red brick elevations of the adjacent hotel and listed buildings at Nos 7 - 9 Portmill Lane.

I consider that the low level, simple design and contrasting colour scheme for the awnings is appropriate for this modern building and active frontage along Portmill Lane and the riverside walkway. The scale of the surrounding buildings and variety of external materials and finishes in the locality are such that I do not consider that the proposed awnings are out of keeping, proportion or scale with the host building nor will they detract from the historic setting of the Conservation area in my view. I therefore conclude that the proposed development would not be harmful to the character and appearance of the area.

4.3.3 **Impact on residential amenity**

It is acknowledged that residents within Church View have raised concerns with regard to the size and colour of the awnings. For the reasons set out above I consider that the colour of the awnings is not objectionable. However the applicant has agreed to reduce the projection of the main awning along Portmill Lane to 2 metres to reduce its impact. Taking into account that the adjacent flats on this part of the building are above the awnings and have their own projecting balconies I do not consider that there will be any significant and demonstrably adverse impact on the residential amenities of the occupiers of the flats.

4.4 **Conclusion**

- 4.4.1 It is considered that the proposed development is acceptable in planning and highway terms.

5.0 Legal Implications

- 5.1 In making decisions on applications submitted under the Town and Country Planning legislation, the Council is required to have regard to the provisions of the development plan and to any other material considerations. The decision must be in accordance with the plan unless the material considerations indicate otherwise. Where the decision is to refuse or restrictive conditions are attached, the applicant has a right of appeal against the decision.

6.0 Recommendation

- 6.1 That planning permission be **GRANTED** subject to the following conditions:

1. The development hereby permitted shall be begun before the expiration of 3 years from the date of this permission.

Reason: To comply with the provisions of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. The development hereby permitted shall be carried out wholly in accordance with the details specified in the application and supporting approved documents and plans listed above.

Reason: To ensure the development is carried out in accordance with details which form the basis of this grant of permission.

3. All parts of the awning overhanging the adjacent public footway along Portmill Lane must be at a height of, or greater than 2.6 m vertically above the footpath and no less than 500mm horizontally from the edge of the adjacent carriageway.

Reason: To ensure the safety of highway users and indemnify the County Council against any claims arising from the awning over the public highway.

Proactive Statement

Planning permission has been granted for this proposal. The Council acted proactively through positive engagement with the applicant during the determination process which led to improvements to the scheme. The Council has therefore acted proactively in line with the requirements of the Framework (paragraphs 186 and 187) and in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2015.