

<b>ITEM NO:</b>	<u>Location:</u>	<b>71-81 Hermitage Road, Hitchin</b>
	<u>Applicant:</u>	Mr Basra Stonewater Capital Ltd
	<u>Proposal:</u>	<b>Addition of two storeys to existing building to provide 7 x 2-bed flats (floors 3 and 4); change of use of ground floor of No. 80 to A1 shop unit and entrance hallway, change of use of first floor of No. 80 Hermitage Road from A3 to C3 to provide 1 x studio flat; existing second floor flat of No. 74 Hermitage Road converted to 1 x studio flat and 1 x 1-bed flat; re-clad external elevations of existing building; provision of new stair and lift tower and associated refuse and recycling store. (As amended by plan nos. 3183 01B, 10H, 12D, 15 F, 22)</b>
	<u>Ref. No:</u>	<b>17/00348/ 1</b>
	<u>Officer:</u>	<b>Tom Rea</b>

**Date of expiry of statutory period:** 23 May 2017

**Reason for Delay**

Negotiations and submission of viability document.

**Reason for Referral to Committee**

The application has been called in by Councillor Clarke in the wider public interest.

**1.0 Relevant History**

1.1 None relevant

**2.0 Policies**

**2.1 North Hertfordshire District Local Plan No.2 with Alterations (Saved Policies)**

Policy 26 - Housing proposals.

Policy 43 - Shopping Areas in Town Centres

Policy 55 - Car Parking Standards.

Policy 57 - Residential Guidelines and Standards.

**Supplementary Planning Documents.**

Design SPD

Planning Obligations SPD

Vehicle Parking Provision at New Development SPD.

**2.2 National Planning Policy Framework**

Section 1 - Building a strong, competitive economy.

Section 4 - Promoting sustainable transport.

Section 6 - Delivering a wide choice of high quality homes.

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 SP8 'Housing'  
Policy SP9 'Design and Sustainability'  
Policy T1 'Assessment of transport matters'  
Policy T2 'Parking'  
Policy D1 'Sustainable Design'  
Policy D3 'Protecting Living Conditions'  
Policy ETC5 'Secondary Shopping Frontages'

The Council submitted its Submission Local Plan to the Secretary of State for Examination in Public (EiP) on 9th June 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 **Highway Authority** - Does not wish to restrict the grant of permission. Recommends informatives.

3.2 **NHDC Environmental protection officer** – Advises that there is no requirement for further information with regard to contamination or air quality.

3.3 **Environmental Health (Noise)** - No objections - recommends a condition and informatives.

3.4 **NHDC Waste Manager** – Requests a condition regarding full details of on-site waste and recycling storage.

3.5 **Historic England:** Do not wish to offer any comments - suggest seek specialist conservation and archaeological advice.

3.6 **Lead Local Flood Authority:** No objection in principle - recommends conditions.

3.7 **NHDC Conservation officer:** Raises an objection. Unduly dominant within the street scene. Would fail to improve the area and would harm the character and appearance of the Hitchin Conservation Area.

3.8 **Anglian Water:** Recommends an informative.

### 3.9 **Responses to Site Notice / neighbour consultation:**

At the time of writing this report 105 responses from local residents have been received with 101 against and 3 in favour.

#### Summary of responses against the proposals

- Loss of A3 restaurant and loss of jobs
- Out of scale with surrounding buildings
- Out of keeping in the Conservation Area / historic character of Hitchin
- Great impact on skyline
- Loss of privacy and loss of light
- Too many flats
- Noise and disturbance during construction
- Existing building has poor soundproofing
- Obstruction to access to existing properties

#### Summary of responses in favour of proposals

- Will achieve a modern improvement to the building
- More footfall from flats will ensure vibrancy of the town centre
- Better appearance, improves the quality of the building and will achieve regeneration

3.10 **Hitchin Society:** Considers the top floor too high. Too prominent. Query appropriateness of materials. Welcomes improvements to the Riverside walkway.

3.11 **Hitchin Forum:** Object and comment that the proposals are too dominant, not compatible and overbearing. Considers the cladding and shop front materials to result in a rejuvenation but question the colours.

### **4.0 Planning Considerations**

#### **4.1 Site & Surroundings**

4.1.2 The application site consists of a block located on the south side of Hermitage Road comprising ground floor shops and a restaurant with two floors above containing storage space and flats. At the rear of the block is a service road with parking area. The building has a flat roof with a maximum height above pavement level of 9.3m. Hermitage Road is a shopping frontage in the current local plan.

The site is within the Hitchin Conservation Area.

#### **4.2. Proposal**

4.2.1 The proposal is to provide one full additional third floor and a part additional fourth floor to the building with additional staircases and a single lift shaft. At ground floor level the existing restaurant will be replaced with a smaller retail unit and an entrance lobby. At first floor level a new studio flat is created from the kitchen to the restaurant and at second floor an existing flat sub-divided into two flats. The new third floor would contain 4 new flats and the top floor 3 new flats.

The remaining 5 ground floor retail units would be retained - no change of use is proposed for these units.

The new accommodation would include 9 new flats as follows:

2 x studio flats  
1 x 1 bedroom flat  
7 x 2 bedroom flats

Externally the building would be clad in fibre reinforced cement boards with the main facade in a grey panel with contrasting sahara red panel. The top floor would be clad in a dark grey panel. The ground shop facias will be raised and the units separated with a stone or rainscreen cladding. The side elevation to the access road will be part existing brickwork and cladding. At the rear of the block facing the back of the hotel and Church View residential block the existing brickwork will be retained with contrasting cladding for the lift shaft / staircase and upper floors.

The vehicular and pedestrian access to the side of the block will be re-surfaced with Marshall Conservation Paving to match the adjacent public realm alongside the Church View flats and will become a shared surface. Additional bin storage is provided in a dedicated and screened refuse store to the rear of the existing block.

4.2.2 The application is supported by a Visual Impact Assessment drawing (Rev A) and a Viability Report.

### 4.3 Key Issues

4.3.1 The key issues are the principle of the development, impact on the character and appearance of the area, living conditions, environmental issues and parking and access.

#### 4.3.2 Principle of the development

In recent years the area around Hermitage Road and Portmill Lane has seen some extensive regeneration proposals completed. In Portmill Lane the old Post Office Sorting office site has been cleared of unsightly and functional buildings with three and four storey buildings of commercial and residential use with a mixture of traditional and contemporary architecture.

In Hermitage Road the old Post office was demolished and replaced with a four storey block of shops and flats and the former Townsend House office building at No 91 - 96 Hermitage Road has been converted to 24 flats and the front elevation rendered and partly clad in ceramic panels. In addition the former Hermitage nightclub has been converted to a cafe and restaurant. There have been several other changes of use in Hermitage Road and conversion of first floor office space to residential. Vacancy rates for the retail premises along Hermitage Road have seen a marked reduction and the emergence of more active frontages with outdoor seating areas to cafes and shops has revitalised the area.

The provision of a widened riverside walkway part way between Portmill Lane and Hermitage Road has also improved pedestrian access in the area and the environment generally along the River Hiz.

4.3.3 The proposals for Nos. 71 - 81 Hermitage Road would in my opinion continue this revitalisation and regeneration of the area. The existing building is of poor quality and appearance and is reflective of the designation of this part of Hermitage Road in the 2011 Hitchin Conservation Area Review as 'an improvement opportunity area' (see Map 6, Character Area 3).

4.3.4 The provision of additional height to the existing building could not be objectionable in principle given the height of surrounding buildings and the use of cladding material and other finishes is prevalent on this side of Hermitage Road.

4.3.5 The loss of the ground floor restaurant is acknowledged however it is to be replaced by a retail unit which would be entirely appropriate in this shopping frontage. The small loss of ground floor frontage to provide access for a first floor flat (2 metres or 5% of the block) would not materially impact on the retail viability or vitality of the frontage.

4.3.6 In view of the above factors, including the conservation area designation, I consider that the development is acceptable in principle in this town centre location.

#### 4.3.7 Impact on character and appearance

4.3.8 The majority of buildings in Hermitage Road are 3 or four storey. Approximately two thirds of the south side are of modern appearance with the remainder of buildings of local interest. There are no listed buildings. The late 19th Century architecture dominates the north side and the south eastern end and is characterised by steep pitched roofs. The buildings are of significant scale and mass and the street is of an almost continuous built up frontage.

4.3.9 The surrounding buildings are taller than Nos. 71 - 81 and as is evident from the street scene drawing the top part of the proposed fourth floor is of the same ridge height as the steep pitched roof of the immediately adjoining block at 58 - 74 and other blocks in Hermitage Road. The only element of the proposed building that breaches this ridgeline is the roof of the proposed lift shaft and staircase which is a smaller section of the overall roof and significantly set back from the Hermitage

frontage such that it would not be visible from street level.

- 4.3.10 The former Townsend office block is of similar scale to that proposed as is its cladding and colour scheme.
- 4.3.11 The provision of the part fourth storey is the most controversial element of the proposals in that it sets a precedent for a building with 5 floors in Hermitage Road however this should not in itself be a reason to oppose the scheme. The fourth floor is set in from the front parapet wall by 1.7 metres and set in from the eastern flank wall by 9 metres and this stepping in of the fourth floor reduces its consequent impact. The harm on the character and appearance of the area by reason of its height and massing is therefore minimised in my view.
- 4.3.12 The building is within the Conservation Area and new development should sustain the significance of the heritage asset and make a positive contribution to local character and distinctiveness. That said the site is identified as an improvement opportunity and I consider that the proposed development would do this in two ways - it would improve the appearance of the building with modern materials that are similar to those used nearby and it would enhance the appearance of the riverside walkway.
- 4.3.13 Given the surrounding four storey buildings there could be no justifiable objection to the proposed third floor. As such the focus of any potential harm must be on the part fourth floor. The illustrative 3 dimensional images show that this top floor would be visible from views long Hermitage Road and from further afield - such as Windmill Hill. However, as shown on the images these views would be partial because of the set back from the main elevations. The fourth floor is also partially screened by existing buildings in Hermitage Road and the degree of view is dependent on where one stands in the road looking at this proposed building.
- 4.3.14 In view of all of the above, including and the context of the development site and its surroundings I am of the opinion that the development would not be demonstrably harmful to the character and appearance of the area.
- 4.3.15 Living conditions**
- 4.3.16 The proposed flats generally exceed the minimum gross internal floor areas and storage requirements as set out in the Department for Communities and Local Government technical housing standards document (March 2015). The provision of balconies for the majority of the flats provides some outdoor space which when taken with the nearby Windmill Hill public open space provides a reasonable standard of amenity. Dedicated refuse storage space is indicated at the rear of the building and lift access is provided to the upper floors. The cladding is made of a non-combustible material (as certified by the British Board of Agreement).
- 4.3.17 Concern has been raised with regard to loss of privacy to existing occupiers. The section drawing no. 21 shows a window to window distance with the Church View apartments as 29.7m which is considered acceptable particularly in a town centre location. The issues raised with regard to obstruction and the right to build over the existing flats is a civil matter. Some disturbance during construction is inevitable however the Environmental Health legislation can control excessive noise and disturbance. The proposed third floor would cantilever over the existing second floor flats at the rear elevation by approximately 600mm however this is a south facing aspect and I do not consider that excessive shading would occur. The rear service yard and parking are would remain largely unaffected.
- 4.3.18 Given the above assessment I consider that the living conditions of existing and proposed residents would be satisfactory.

#### 4.3.19 **Environmental issues**

4.3.20 The site is within Flood Zones 2 & 3 of the Environment Agency Flood Map however the development is largely within the footprint of the existing building and the Lead Local Flood Authority is satisfied with the submitted surface water drainage strategy subject to conditions.

4.3.21 The Environmental Health officer recommends informatives to control construction activities including hours of construction.

#### 4.3.22 **Parking and access**

Pedestrian access to the new flats will be from the footpath at the front of the building and from the service road at the rear.

4.3.23 No parking is proposed for the new flats. The Council's Supplementary Document 'Vehicle Parking at New Development' (2011) (paragraph 4.10) refers to situations where car free developments may be acceptable (i.e. on small scale sites in town centres). In addition Appendix 4 of the emerging local plan document (Proposed Submission Local Plan 2011 – 2031) recognises that there may be cases where reductions in car parking standards are appropriate. Because of the accessible location of this site and the flexibility allowed for in the Council's parking standards a car free development is acceptable in this case. In any event controlled parking restrictions exists in the vicinity of the site and therefore measures are already in place to control street parking and congestion. Furthermore there are several public car parks nearby and Queen Street and Hermitage Road accommodate several bus stops. Finally it is noted that the Highway Authority do not raise any objections to this development.

#### 4.3.24 **Other matters**

##### Viability

A viability report has been submitted with this application which indicates that without the top floor flats the proposed scheme would not be viable. The NPPF requires local planning authorities to take into account viability in order to allow a competitive return for a landowner and developer and to enable development to be deliverable. Generally the NPPF encourages LPA's to promote the development of brownfield sites and apply the presumption in favour of sustainable. The National Planning Policy Guidance advises that a number of factors need to be taken into account when assessment of viability is required for decision taking on planning applications including costs and profit. This guidance therefore needs to be given due weight in determining this application.

##### Section 106

Following the Court of Appeal decision in May 2016 the National Planning Policy Guidance makes it clear that affordable housing and tariff -style Section 106 contributions should not be sought from developments of 10 dwellings or less. Therefore no affordable housing or financial contributions towards local services can be secured from this development.

#### 4.3.25 **The Planning Balance**

The benefits of the scheme can be summarised as follows:

- a comprehensive scheme that improves the appearance of the whole building and consequently has a positive impact on local character
- the completion of the riverside walkway between Portmill Lane and Hermitage Road
- the delivery of 9 new homes to assist the supply of housing in the district

4.3.26 The dis-benefits of the scheme can be summarised as follows:

- the height, scale and dominance of the building is not sympathetic to and has a detrimental impact on the character and appearance of the conservation area

4.3.27 The benefits of the scheme outlined above are significant public benefits and are acknowledged. The development is also in accordance with the development plan in so far as it maintains the shopping frontage and achieves an 'improvement opportunity' as identified in the Hitchin Conservation Area Review. The development is also in a sustainable location and promotes the development of a brownfield site - both key aspects of the Framework. The dis-benefits of the scheme are also acknowledged however the actual level of harm is not considered so significant to outweigh the public benefits of the scheme in my opinion.

4.3.28 The proposed development represents sustainable development with the public benefits outweighing the dis-benefits.

#### 4.4 **Conclusion**

4.4.1 The proposals are considered acceptable in planning, environmental 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. **Details and/or samples of materials to be used on all external elevations including the roof of the development, windows and balconies in addition to the hardsurfacing of the walkway hereby permitted shall be submitted to and approved in writing by the Local Planning Authority before the development is commenced and the approved details shall be implemented on site.**

**Reason: To ensure that the development will have an acceptable appearance which does not detract from the appearance and character of the surrounding area.**

4. The development permitted by this planning permission shall be carried out in accordance with the approved Drainage Strategy and Water Quality Management Report - Rev. P01 and with the Flood Risk Assessment - Rev. P01, Job No. H169054, dated of April 2017, produced by AKSWard Construction Consultants. The development shall include the following:

1. Implementing appropriate drainage strategy based on attenuation and restricted outfall to ensure no increase in surface water run-off volumes for all rainfall events up to and including the 1 in 100 year event.
2. Undertaking the drainage to include permeable paving to store 16m<sup>3</sup>, cellular attenuation tank of 13.3 m<sup>3</sup> and hydrobrake to restrict the discharge flow to 5.0 L/s as indicated on drawing No. 92001 – Rev. P01 - Drainage Layout, dated of 05.04.17, prepared by AKSWard.

Reason: To prevent flooding by ensuring the satisfactory storage of and disposal of surface water from the site.

5. **No development shall take place until the final design of the drainage scheme is completed and sent to the Local Planning Authority for approval along with the evidence of the discharge feasibility.**

**The design of the drainage scheme shall also include:**

1. **Detailed engineering details of the design of all the proposed SuDS components in line with The SuDS Manual (CIRIA C-753).**

**Reason: To prevent the increased risk of flooding, both on and off site.**

6. **Prior to the commencement of the development the developer shall carry out a noise assessment in accordance with relevant guidance and standards and a scheme for sound insulation and noise control measures shall be submitted for the Council's written approval. The approved scheme shall be implemented in accordance with the approved details in order to achieve the following internal noise targets: Bedrooms (23.00 to 07.00hrs) 30 dB LAeq (8hour) and 45 dB LAmax(f) Living rooms (07.00 to 23.00hrs) 35 dB LAeq (16hour) Dining room / area (07.00 to 23.00hrs) 40 dB LAeq (16 hours). In respect of lift plant, noise mitigation measures shall be such as to achieve 5 dB below existing background noise levels. Once implemented, the scheme of measures shall be maintained in accordance with the approved details.**

**Reason: to protect the residential amenities of future residents.**

7. Prior to occupation of the development, full details of the on-site storage facilities for waste including waste for recycling shall be submitted to and approved in writing by the local planning authority. Such details shall identify the specific positions of where wheeled bins will be stationed and the specific arrangements to enable collection from within 10m of the kerbside of the adopted highway/ refuse collection vehicle access point. The approved facilities shall be provided prior to the commencement of the use hereby permitted and shall be retained thereafter unless alternative arrangements are agreed in writing by the local planning authority.

Reason: To protect the amenities of nearby residents/occupiers and in the interests of visual amenity.

8. Prior to the commencement of the relevant part of the works hereby permitted full details of the shop fronts construction including fascia detail shall be submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that the development will have an acceptable appearance which does not detract from the appearance and character of the surrounding area.

### **Proactive Statement**

Planning permission has been granted for this proposal. The Council acted proactively through positive engagement with the applicant at the pre-application stage and 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.

### **Informatives:**

#### **Environmental Health informatives**

During the demolition and construction phase the guidance in BS5228-1:2009 (Code of Practice for noise Control on construction and open sites) should be adhered to.

During the demolition and construction no activities should take place outside the following hours: Monday to Friday 08:00-18:00hrs; Saturdays 08:00-13:00 hours and Sundays and Bank Holidays: no work at any time.

Prior to the commencement of demolition of the existing buildings, a survey should be undertaken in order to identify the presence of asbestos containing materials. Any asbestos containing materials should be handled and disposed of appropriately. Where necessary this should include the use of licensed contractors and waste disposal sites licensed to receive asbestos.

#### **Anglian Water informative**

Anglian Water has assets close to or crossing this site or there are assets subject to an adoption agreement. Therefore the site layout should take this into account and accommodate those assets within either prospectively adoptable highways or public open space. If this is not practicable then the sewers will need to be diverted at the developers cost under Section 185 of the Water Industry Act 1991. or, in the case of apparatus under an adoption agreement, liaise with the owners of the apparatus. It should be noted that the diversion works should normally be completed before development can commence.