

DELEGATED FILE NOTE

CASE OFFICER: ...Tom Rea.....

APPLICATION REFERENCE	BRIEF DESCRIPTION OF DEVELOPMENT	APPLICATION SITE
24/01886/FP	Use of existing rear hardstanding to outdoor seating area; installation of a metal awning box and retractable fabric awning and repainting of shopfront	16 Bancroft Hitchin Hertfordshire SG5 1JQ

Submitted Plan Nos

LocationPlan Sht-001 Sht-010B Sht-003

1.0 Policies

D1 Sustainable design

D3 Protecting living conditions

HE1 Designated heritage assets

2.0 **Site History**

- 83/00015/1 – Extension to existing shop to convert into 3 retail units, vehicular access to service area and 20 parking spaces. Approved 31.01.83.
- 83/00016/1LB – Alterations and extension involving partial demolition of existing shop to convert into 3 retail units and demolition of dwelling house. Approved 19.05.83.
- 83/01425/1 – Alterations and extensions to existing retail store to provide 4 units (shops), car park and service area and access from Grammer School. Approved 20.10.83.
- 83/01427/1 – Demolition of part of existing building at rear and of outbuildings, erection of replacement single storey extension and refurbishment of existing shop to enable its conversion into four retail units. Approved 24.11.83.
- 84/00264/1LB – Erection of external staircase and replace part of main roof with asbestos cement slate tiles. Approved 17.05.84.
- 85/00508/1LB – Unit 3, 15/17 - Installation of new shop front. Approved 24.05.85.
- 92/01125/1A – Continued display of fascia sign indirectly illuminated by 4 spotlights. Approved 30.11.92.
- 93/00524/1LB – Internal alterations. Approved 02.06.93.
- 11/00274/1LB – Alterations to existing shopfront including painting of timber and surround and fixings to allow erection of projecting sign. Internal alterations to ground and first floor layouts including reconfiguration of internal stud partitions to form new fitting rooms, staff and stock areas. Approved 04.04.11.
- 11/00281/1AD – Replacement internally illuminated fascia sign; erection of externally illuminated projecting sign. Approved 04.04.11.
- 17/01839/1AD – Installation of one internally illuminated fascia sign and one externally illuminated hanging sign. Approved 08.09.17.
- 17/01905/1LB – Installation of one internally illuminated fascia and one externally illuminated hanging sign to front elevation of store. Approved 08.09.17.

3.0 **Representations**

- 3.1 NHDC Conservation officer : No response
- 3.2 Site Notice / Adjacent occupiers: No comments received
- 3.3 Licensing: No specific comments other than to confirm that there are no licensing restrictions on No. 17's outdoor seating area.
- 3.4 NHDC Environmental Health: 'No objections'

4.0 **Planning Considerations**

4.1 **Site and Surroundings**

The application site consists of ground floor commercial floorspace situated within the three-storey building located at 16 Bancroft, Hitchin, constructed c. early 19th century. The front elevation facing Bancroft comprises a grey brick façade with sash windows at first and second floor level. The shopfront is a modern installation, however contains traditional features including a timber fascia board, pilasters, capitals and consoles, with contemporary glazing typical of this primary retail location.

At the rear of the site there is a large tarmacked car parking and loading area accessed from Grammar School Walk. Immediately next door at No. 17 which shares this space is an enclosed outdoor seating area currently used by the current operators of the restaurant at No. 17 (Craft & Cleaver).

4.2 **Proposal**

4.2.1 The proposals include the following works:

- Use of hardstanding area immediately to the rear of no. 16 Bancroft for outdoor seating;
- Installation of new mosaic tiles to shopfront entrance floor;
- Installation of a metal awning box and retractable fabric awning with lettering to valance;
- Repainting of shopfront;

4.3 **Key Issues**

4.3.1 The key issues are the principle of the outdoor seating area, design and appearance, impact on heritage assets and neighbouring property and access.

Principle of the outdoor seating

The submitted DAS explains the proposed outdoor seating proposal and provides a justification for the use as follows:

Gail's seek to utilise the area of hardstanding immediately to the rear of no. 16 Bancroft for an area of outdoor seating, to be used by customers looking to consume food and drink purchased from the premises. This area of hardstanding is not currently in commercial use, and its use will result in no loss of parking serving no. 16 or the neighbouring premises, nor result in loss of residential parking space or amenity. Access to residential properties at upper floor level will not be restricted as part of these proposals. Indeed, the rear hardstanding area of no. 17 Bancroft is also currently in use for outdoor seating by Craft & Cleaver, and previously by Prezzo, meaning that these proposals will not result in the addition of a feature not already present within the area. The proposed area will not result in any alterations to the building and will not result in any harm to either the appearance of the building, nor the character of the Hitchin Conservation Area. Indeed, the utilisation of underused hardstanding will improve the function and vitality of a currently vacant commercial unit, supportive of the principles of North Hertfordshire Local Plan Policy SP4 which encourages the protection and enhancement of shops, cafes and restaurants within town centres.

I would not disagree with the applicants statement in respect of the outdoor seating area. The adjoining unit at No. 17 has a very similar facility that does not detract from the visual amenities of the area which functions largely as a service area to the shops and flats which front Bancroft. There are limited public views into this area. Subject to the other issues identified below there can be no objection in principle to the outdoor seating area in my view.

Design and appearance

The outdoor seating area is indicated to be enclosed by fencing in the same way as that which has taken place at the rear of No. 17 Bancroft. It will include a refuse storage area facing the car park. The works are reversible and will not cause harm to the setting of the listed building or character of the Conservation Area.

There are no details of the fencing / means of enclosure (e.g. height / materials). There is no permitted development rights for fencing under Part 2 of Schedule 2 of the GPDO as the development adjoins the listed building. A condition is recommended requiring details of the fencing / enclosure prior to its erection.

The impact on the historic character and fabric of the Grade II listed building.

The application is supported by a Heritage statement which summaries the scope of the works and the expected impact on the impact of the works on the listed building.

the HS states:

External Alterations and Advertisements

The proposals for the shopfront are minor in nature and will not give rise to harm to the architectural features of the wider building, nor result in any significant alteration to the buildings overall appearance or presence within the Conservation Area.

Consent is sought for the installation of an awning box and retractable fabric awning, to sit at the bottom of the fascia. The proposed installation will result in no harm or significant alteration to the structure or finish of the existing fascia, and will not

result in the hiding of any attractive shopfront elements, nor result in the additional of a feature that can be considered overbearing. The awning will be traditional in respect of its design, mechanism and material, and to this end will relate to the building as an entity and as part of the Hitchin Conservation Area.

I would agree that the proposals for the shopfront are limited (for example the main entrance doors and full height glazing is retained, the pilasters are retained and repaired and the depth and width of fascia retained / renewed). The proposed housing for the awning is to be recessed into the fascia board and the awning is to be fully retractable. The proposed letting is limited and internally illuminated. Oyster white paint and red for the awning and lettering are acceptable RAL colours in this location where there are a variety of shopfront colours. No objections are raised to the change of tiling within the front entrance doorway. I conclude that the works would have an acceptable impact on the designated heritage assets in compliance with Policy HE1 of the Local Plan .

Impact on neighbouring property

The use of the outdoor seating area has potential to generate some noise which might be heard from flats above the shops and the nearby property 'Netherwood' to the north west. The application form states that hours of opening is not relevant to this application although I do not entirely agree. Noise is unlikely to be an issue given that the normal opening hours of a Gail's Bakery is from 7.30am until 5.30pm. That said the use of the premises and seating area could be extended into the evening by another operator under this Class E use. I therefore consider it necessary to control the hours of use of the external seating area late into the evening when noise is more likely to travel across to neighbouring property. It is recommended that the use of the outdoor seating area is limited to no later than 10.00pm (22.00 hours) in the interests of protecting the amenity of nearby occupiers.

Access and parking

The outdoor seating area will still leave room for the servicing of the premises and for deliveries. Any loss of parking facilities will be limited when compared to the large area for parking that would remain in the service yard area.

BNG

This development is considered de-minimis for BNG purposes and therefore exempt from any requirement to enhance BNG under the relevant legislation .

4.4 Conclusion

- 4.4.1 It is considered that the external alterations are limited in scope and would in any case preserve and enhance the character and appearance of this listed building and would be generally sympathetic to the setting of the adjoining listed buildings and wider appearance of the Hitchin Conservation Area. The proposals would be consistent with the relevant policies for protecting heritage assets as set out in the North Herts Local Plan and NPPF 2023.

Details of external materials to be used are clear and precise and there is no need for additional conditions (other than the restriction on use of the outdoor seating area and details of fencing).

4.5 **Alternative Options**

4.5.1 None applicable

5.0 **Recommendation**

5.1 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. Prior to its installation details of any boundary fencing or other means of enclosure to the rear outdoor seating area shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason: In the interests of visual amenity and to comply with Policy D1 of the Local Plan.

4. The outdoor seating area hereby granted planning permission shall not be used after 10.00pm (22.00 hours) on any evening.

Reason: To protect neighbouring properties from any potential noise nuisance during unsocial hours. To comply with Policy D3 of the North Herts Local Plan

Biodiversity Net Gain

1. This development is not subject to the statutory Biodiversity Gain Plan condition because it is considered exempt under the statutory exemptions (<https://www.gov.uk/guidance/biodiversity-net-gain-exempt-developments>) or transitional arrangements in respect of the biodiversity gain condition.

Proactive Statement:

Planning permission has been granted for this proposal. Discussion with the applicant to seek an acceptable solution was not necessary in this instance. The Council has therefore acted proactively in line with the requirements of the Framework (paragraph 38) and in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2015.

Signed  Anne McDonald	Development Management North Hertfordshire District Council Council Offices Gernon Road Letchworth Herts SG6 3JF
Determining Officer Date: 16 October 2024	