

DELEGATED DECISION REPORT

HPK/2021/0118
Valid 16/03/2021

20 GREEN LANE
CHINLEY

PROVISION OF A CANOPY
OVER THE FRONTAGE TO
GREEN LANE.

(FULL - MINOR)

MAIN ISSUES

- Principle of Development
- Design
- Heritage
- Highways Safety

DESCRIPTION OF SITE

The application site is a two-storey commercial building with a café/bar at ground floor, located on the corner of Green Lane and Portland Gove in Chinley village centre. The site is within the Chinley Conservation Area and the built-up area boundary. Upon the site visit a seating area for customers was in place on the wide pavement on Green Lane.

PROPOSAL

The proposal is to install a glazed canopy to the Green Lane elevation of the building. The canopy would comprise a grey powder-coated aluminium frame supported by two round columns, with a rainwater gutter and drainpipe. The canopy would project 2.5m from the front elevation.

The proposed design was modified in response to concerns raised by the highways officer (columns repositioned to be set further away from the nearby tactile crossing point and its height raised to 2.6m) and the heritage officer (box columns substituted with round columns). The revised proposals would not give rise to any greater impact in terms of any planning considerations, so repeat publicity has not been undertaken.

RELEVANT LOCAL AND NATIONAL PLANNING POLICIES

High Peak Local Plan 2016

S 1 Sustainable Development Principles
S 1a Presumption in Favour of Sustainable Development
S2 Settlement Hierarchy
EQ 6 Design and Place Making
EQ 7 Built and Historic Environment
CF 6 Accessibility and Transport

Supplementary Planning Documents

High Peak Design Guide

National Planning Policy Framework

Paragraph 11 The Presumption in Favour of Sustainable Development

Section 4 Decision-making

Section 12 Achieving well-designed places

Section 16 Conserving and enhancing the historic environment

SITE HISTORY / RELEVANT PREVIOUS APPLICATIONS

HPK/2019/0373 - Proposed change of use from A1 to A3/A4 to Sui Generis.
Approved, 22/11/2019

HPK/0002/8316 - New Two Storey Development - Office Use On First Floor, Estate Agents On Ground Floor With Associated Car Parking. Approved, 20/03/1990

CONSULTATIONS

Publicity

Site Notice expiry date: 17.05.2021

Neighbour consultation period ends: 17.05.2021

Public Comments

Dryfield, Maynestone Road, Chinley - The application is asking for a permanent canopy, would like know how this impacts the right of way on the footpath and whether the applicants own the land in front. would like to know if applicants have permission to trade on the footpath, will extra things be put on the pavement and fencing etc be used.

The application relates to erecting a permanent canopy on a public footpath which, to my knowledge, is not owned by the business in question or the landlord of the building and therefore there is presumably the need for a pavement licence.

I quote below extracts of the conditions for issuing such a licence found on the HPBC web site under the "Schedule of Conditions For Pavement Licence - Business and Planning Act 2020"

"A pavement licence is a licence granted by the local authority which allows the licence-holder to place removable furniture over certain highways adjacent to the premises in relation to which the application was made, for certain purposes"

"It is a condition of the licence that a clear pedestrian route along the highway must be maintained at all times compliant with the current social distancing requirements"

and current social mobility requirements for pushchairs and wheelchair/mobility scooter users, which is no less than 2m wide and where there is high pedestrian footfall shall be no less than 2.5m. This distance shall be measured from the furthest edge of the barrier to the nearest kerbside"

The erection of a permanent aluminium frame seems to go against the idea that the licence relates to something temporary and, based on recent observations, I have concerns about the ability of maintaining a clear pedestrian route particularly around the area containing the existing pedestrian ramp.

I assume that the pavement licence will be available to view by the public and that adherence to the licence conditions will be monitored and enforced by HPBC.

Lower Lane, Chinley - *I can appreciate the desire to add a canopy to the cafe frontage, however I have concerns regarding the impact the canopy will have on the visibility splay for cars turning out of Portland Grove on to Green Lane and the reduction in pavement width for pedestrian use. As has already happened, the tables have been set across the entire width of the pavement, leaving no room for pedestrians to walk along the path safely and therefore needing to walk in the road. Once the pillars of the canopy are installed, will this then impact the layout of the tables in future? The pillars will reduce the usable area for seating. When the cafe is busy outside, the tables, chairs and customers can block the view down Green Lane to turn out safely from Portland Grove. Alex is very understanding of the local residents and any concerns, moving the tables when asked. However, requests should not be necessary and ultimately when pavement licences are issued, there should be a responsibility for checking that the terms of a licence are being adhered to. I also have questions as to how an application for planning can be made on a public footpath which is not (to my understanding) owned - nor partly owned - by the business in question or the landlord. Should this be approved, will fencing and panels be the next stage of the plans or other equipment / items mounted on to the structure?*

Town / Parish Comments

Chinley, Buxworth & Brownside Parish Council: Support this application.

Environmental Health

No observations to make.

Derbyshire County Council Highways

(Previous comments had objected due to the proximity of the canopy to the footway and a nearby dropped tactile pavement and its height).

I refer to the revised details submitted in association with the above application which were referred to this Authority on the 22nd June 2021, for further consideration.

The revised Site Plan (3101.03A) demonstrates the proposed canopy at a more acceptable clearance from the associated footway i.e. all parts of the proposed canopy are demonstrated at a minimum footway clearance of 2.6m which is considered sufficient. Additionally, the proposed supporting columns have been repositioned to be further away from the nearby tactile crossing point, clear of potentially obstructing pedestrians using the crossing.

It should be noted that no part of the proposed canopy should be within 1m of the carriageway edge.

Accordingly, in view of the canopy having a footway clearance of 2.6m and being sufficiently clear of the carriageway edge and nearby tactile crossing point, there are no objections to the proposal. The following note should be appended to any consent for the applicant's information:

a. Under Section 177 of the Highways Act 1980, the applicant should acquire an appropriate licence/permit to install and operate the canopy/awning and its associated mounting/support system over the public highway. The applicant should contact Derbyshire County Council's Network Admin Team on 01629 580000 for advice and procedure. The applicant is liable for all costs arising from this process.

HPBC Conservation Officer

Discussed 21.06.2021 – no objection provided columns modified to round design to emulate traditional canopies within the Conservation Area.

OFFICER COMMENTS

Principle of Development

The application site located within the built up area boundary for Chinley, where new development will be directed in accordance with Policy S2. Accordingly, the general principle of development is considered to be acceptable, subject to design, heritage, amenity and highways safety policies.

Design

Local Plan Policy EQ6 requires that all development should be well designed and of a high quality, responding to its environment and challenge of climate change – whilst also contributing to local distinctiveness and sense of place.

Paragraph 127 of the NPPF states amongst other matters that new developments should add to the overall quality of the area, be visually attractive as a result of good architecture and sympathetic to the surrounding built environment.

The proposed canopy is considered to be appropriate to the appearance of the host building, in terms of proportion, design character and materials and finish. The host building is traditional in overall form but clearly contemporary in other respects, and the modern, minimal appearance of the canopy would be sympathetic to this.

Heritage

Local Plan Policy EQ7 states that the Council will conserve heritage assets in a manner appropriate to their significance. This will take into account the desirability of sustaining and enhancing their significance and will ensure that development proposals contribute positively to the character of the built and historic environment. Particular protection will be given to designated and non-designated heritage assets and their settings, including conservation areas.

NPPF paragraph 193 states 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.

The canopy would echo similar elements at nearby buildings within the Conservation Area in its overall form and materials, whilst not emulating the precise appearance and details. This is considered to be appropriate to this modern building within the Conservation Area. Subject to the use of rounded columns in the design, the heritage officer has raised no objection to the proposal in terms of effects on the character and significance of the Conservation Area, which it is considered would be sustained by the canopy. Accordingly, the proposal is considered to accord with policy EQ7 and NPPF paragraph 193.

Amenity

Local Plan Policy EQ6 requires development to achieve a satisfactory relationship to adjacent development and to not cause unacceptable effects by reason of visual intrusion, overlooking, shadowing, overbearing effect, noise, light pollution or other adverse impacts on local character and amenity.

Owing to the scale, nature and position of the canopy, it would not result in significant impacts in terms of the above considerations to any neighbouring buildings.

Highway Safety

Policy CF6 seeks to ensure that development can be safely accessed in a sustainable manner and that all new development is located where it can be satisfactorily accommodated within the existing highway network.

Paragraph 108 of the NPPF states that in assessing applications for development, a safe and suitable access should be achieved for all users. Paragraph 109 goes on to state that development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

Following the amendments made to the position of the columns, DCC Highways have raised no objection in terms of interaction with the adjacent footway and tactile crossing point. The height of the canopy has been raised to ensure that there is no conflict with pedestrians within the vicinity and one supporting pole has been moved further away from the tactile crossing point. The canopy, due to its height would not conflict with the visibility splays for Portland Grove. It is therefore considered that the application proposal would not harm highway safety and therefore complies with Local Plan Policy CF6.

Other matters

The public comments regarding ownership of the pavement and pavement licencing are noted. DCC Highways were notified of the application by the applicant (certificate B) and the requirement for pavement licencing is separate to planning considerations. This application is purely for operation development i.e. the canopy, the use of the wider area, including the footway is a matter for the Licencing Department and the highway authority to consider.

CONCLUSION / PLANNING BALANCE

The proposed scheme is considered acceptable in terms of design and effects on heritage assets, highways safety and residential amenity. The application is considered to be in accordance with the relevant policies of the Local Plan and paragraphs of the NPPF and is recommended for conditional approval.

OFFICER RECOMMENDATION : Approve

Case Officer: Tom Hiles

Recommendation Date: 13.07.2021

X 

Signed by: Jane Colley Signature

On behalf of High Peak Borough Council