
F/YR21/0130/F

Applicant: Fireway Chatteris Ltd

Agent:

**Ms Emily Warner
Smith Jenkins Ltd**

10 High Street, Chatteris, Cambridgeshire, PE16 6BE

Change of use and subdivision of retail shop and 3-bed flat to retail shop, hot food takeaway and 3 -bed flat including formation of an additional shop front and installation of external flue and air conditioning unit to rear of takeaway

Officer recommendation: Grant

Reason for Committee: The number of representations received contrary to Officer recommendation.

1 EXECUTIVE SUMMARY

- 1.1. The application seeks full planning permission for the change of use and subdivision of retail shop and 3-bed flat to retail shop, hot food takeaway and 3 -bed flat including formation of an additional shop front and installation of external flue and air conditioning unit to rear of takeaway at 10 High Street, Chatteris, Cambridgeshire.
- 1.2. The proposal seeks to retain an element of retail within Chatteris Primary Shopping Frontage, with an additional unit of non-retail frontage added. This will see a marginal increase to the percentage of non-retail units with the Primary Shopping Frontage. The marginal impact results in refusal of the scheme being unjustifiable, and as such the principle of development is considered, on balance, acceptable.
- 1.3. There are also potentially limited impacts to residential amenity with regard to the hours of operation, and possible noise implications. As such it is suggested that necessary conditions are imposed that can mitigate these impacts.
- 1.4. The below assessment deems the proposal to be compliant with the relevant policies within the Fenland Local Plan (subject to necessary conditions) and as such the recommendation is to grant the application.

2 SITE DESCRIPTION

- 2.1. The application relates to the premises at 10 High Street, Chatteris which is at present a dual use property with retail newsagents and 3-bed flat. The building is 2-storey and finished in white render with a slate roof. There is an enclosed courtyard to the rear. The application site is located within Chatteris Conservation Area, flanked either side by grade ii listed buildings and within

the Town Centre Boundary, Primary Shopping Area and Primary Shopping Frontage.

3 PROPOSAL

- 3.1. The application seeks full planning permission for the change of use and subdivision of a retail shop and 3-bed flat to a retail shop, hot food takeaway, and 3-bed flat, including formation of a new shop front and installation of an air conditioning unit and flue to the rear of the proposed takeaway.
- 3.2. Full plans and associated documents for this application can be found at: <https://www.fenland.gov.uk/publicaccess/>

4 SITE PLANNING HISTORY

| | | |
|---------------|--|-----------------------|
| F/YR21/0129/A | Display of 2no externally illuminated lettering fascia signs 10 High Street Chatteris | Granted 29.03.2021 |
|---------------|--|-----------------------|

5 CONSULTATIONS

5.1. **Chatteris Town Council**

Support if the hours of operation are reduced to 11am to 11pm Sunday to Thursday and 11am to 12.30am Friday and Saturday and would like to see remaining features of the old frontage (roundels near the door) preserved.

5.2. **Cambridgeshire County Council Highways Authority**

The proposal will not generate a material increase in trip generation when compared with the existing use.

I have no highway objections.

5.3. **Environment & Health Services (FDC)**

The Environmental Health Team note and accept the submitted information and have 'No Objections' to the proposed scheme.

The application includes the full details of the air conditioning unit and extraction flue system for the extraction and dispersal of odorous smells and states these units will be installed before the use commences and a noise assessment is to be carried out in support of the application. The Environmental Health Team welcomes the installation of these systems before use commences and a noise assessment to determine if this proposal will have an impact on the local noise climate. Therefore, we recommend a pre-commencement condition is imposed in the event planning permission is granted to demonstrate the noise will not adversely affect the amenity of the local area before opening for business. A commissioning acoustic assessment (applying BS4142:2014 Methods for rating and assessing industrial and commercial sound) shall be undertaken within 2 weeks of installation in order

to demonstrate that this condition has been achieved. The results of the assessment shall be submitted to and approved in writing by the LPA.

In addition to this, as the applicant plans to sell hot food between the hours of 11pm and 5am, we would advise they will require a premises licence. Further information on late night refreshment and how to apply for a premises licence can be found on our licensing page at

<https://www.fenland.gov.uk/alcoholandentertainment>.

5.4. **FDC Conservation Officer**

1. *This application concerns works of alteration and signage to enable a change of use to an unlisted, but characterful and prominent property in Chatteris Conservation Area. The building in question has listed buildings either side.*
2. *Consideration is given to the impact of the proposal on the architectural and historic interests of a listed building with special regard paid to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses according to the duty in law under S66 Planning (Listed Buildings and Conservation Areas) Act 1990.*
3. *Consideration is given to the impact of this proposal on the character and appearance of Chatteris Conservation Area with special attention paid to the desirability of preserving or enhancing the character or appearance of that area according to the duty in law under S72 Planning (Listed Buildings and Conservation Areas) Act 1990.*
4. *Due regard is given to relevant planning history. A 1989 application (F/0069/89/F) relates to a change of use from living accommodation to retail; a subsequent application was granted to allow the change of use from part residential premises to form an extension to the existing shop (F/93/0822/F) and a further application for internal alterations including removal of an internal wall at ground floor level to form additional shop area and residential area. A 1997 application for the installation of a new shop front with detachable grills was also granted (F/97/0156/F). This indicates a variety of changes in recent history, but none which have had an impact on the character of the building, or of the conservation area.*
5. **There is no objection to this application.** However, the following comments are made:
 - i. *Number 10 High Street (Aspinalls Newsagents) is located within the Chatteris Conservation Area. The buildings on either side, number 9 and 12 and 14 are listed at grade II. 10 High Street was built around the late C18 as part of a terrace of two-storey buildings located on the west side of the High Street. Since the early C20 the premises have been occupied by Aspinalls, newsagents and printers and is possibly of the oldest continuously active shops in Chatteris. A photograph taken in the early C20 shows the building before it was altered. Since then,*

the glazing on the shopfront has been replaced, the roof has been raised on the frontage, the upper floor sash windows have been replaced, as has the window to the right of the shopfront. These alterations occurred during the first quarter of the 20th century and now presents an attractive circa 1920s or '30s building in its own right, despite alterations.

*The two-storey, two-bay building is constructed of brick, rendered and painted white, under a tiled roof. It has a two-storey brick wing to the rear. A C19 timber shopfront occupying the left side of the frontage has a panelled stall riser and a fascia and cornice supported by console brackets. The leaded lights are not original but reflect that early 20th century alteration and character. The alterations to the front elevation have resulted in the loss of considerable historic fabric and have affected the original architectural character of the building but is still considered to be of local architectural and historic interest and quality as a building dating to the late C18 with a C19 shopfront and early 20th century alterations. **It is within this context that this proposal is considered.***

- 6. A Heritage Statement has been submitted as part of the application and fully complies with paragraph 189 of the NPPF and local policy LP18.*
- 7. The proposal seeks to reinstate a wall that was removed under the earlier application. The proposed new shop entrance is in keeping with the style and character of the existing shop front, and whilst the loss of the current window will remove a characteristic element of the 20th century alteration, it will have only a neutral impact on the character and appearance of the conservation area, and no impact on the setting or significance of the adjacent listed buildings.*
- 8. The change of use from a newsagent to takeaway will result in a loss of that sense of a small, family run, but essential community shop, replaced by an anonymous takeaway. However, given that the newsagent is being retained, albeit in a smaller and newly separated space with its own entrance immediately adjacent, and given that the existing shop front is not being altered, it is not considered that the change of use will have such an impact as to negatively affect the overall character and appearance of the conservation area.*
- 9. It is welcomed that the name 'Aspinall's Newsagents' is being retained, as it does indeed create a link to the past in local collective memory. It is welcomed that the existing shop front is retained, and the new shop signage incorporated within the existing fascia. It would be preferable however, if the typeface of the new proposed shop were closer to that of the Newsagents as this would promote continuity and unity between the old and new shops. It is a minor detail, but one which could have a strong positive impact on the overall finished aesthetic.*

10. *Those necessary elements to the rear (the air units and flues) are not considered to have an impact on the assets either of the conservation area or the listed buildings.*

11. **CONDITIONS**

- i. Notwithstanding the approved plans, prior to the commencement of the development precise details of all new joinery for the shop front will be required to be submitted to and approved in writing by the LPA (clarified through 1:20 drawings and 1:5 typical sections).*

Recommendation: Approve

5.5. Local Residents/Interested Parties

The LPA received letters from 8 local residents with regard to the scheme, 6 of these letters were objections and a further two in support.

The reasons for objections were cited as:

- Access
- Anti-Social behaviour
- Design/Appearance
- Devaluing property
- Environmental Concerns
- Impact of competition
- Loss of view/Outlook
- Noise
- Out of character/not in keep with area
- Parking arrangements
- Smell
- Traffic or Highways
- Visual Impact
- Waste/Litter
- Would set a precedent

Reasons for support were cited as:

- Improvement to struggling high street

6 STATUTORY DUTY

6.1. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires a planning application to be determined in accordance with the Development Plan unless material planning considerations indicate otherwise. The Development Plan for the purposes of this application comprises the adopted Fenland Local Plan (2014).

6.2. Sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 require Local Planning Authorities when considering development to pay special attention to preserving a listed building or its setting and to the desirability of preserving or enhancing the character or appearance of a conservation area.

7 POLICY FRAMEWORK

7.1. National Planning Policy Framework (NPPF)

Chapter 6 – Building a strong, competitive economy
Chapter 7 – Ensuring the vitality of town centres

7.2. National Planning Practice Guidance (NPPG)

Determining a planning application

7.3. National Design Guide 2019

Context
Identity

7.4. Fenland Local Plan 2014

LP2 – Facilitating Health and Wellbeing of Fenland Residents
LP3 – Spatial Strategy, the Settlement Hierarchy and the Countryside
LP6 – Employment, Tourism, Community Facilities and Retail
LP15 – Facilitating the Creation of a More Sustainable Transport Network
LP16 – Delivering and Protecting High Quality Environments
LP18 – The Historic Environment

8 KEY ISSUES

- **Principle of Development and Economic Growth**
- **Heritage, design considerations and visual amenity of area**
- **Residential Amenity/Health and wellbeing**
- **Parking/Highways**
- **Flood Risk**

9 ASSESSMENT

Principle of Development and Economic Growth

- 9.1. The application site is within the settlement of Chatteris, designated within the settlement hierarchy and Policy LP3 as a 'Market Town' where the majority of the district's new housing, employment growth, retail growth and wider service provision should take place.
- 9.2. Policy LP6 advises that units within a Primary Shopping Frontage should be retained predominantly for a retail purpose. The application site is located within Town Centre Boundary, Primary Shopping Area and Primary Shopping Frontage and LP6 states that development for a non-retail use at ground floor level within a Primary Shopping Frontage will be supported provided that the proposal would retain the predominant retail element within the frontage, that there is no impact on the vitality and viability of the centre as a whole and that all other relevant policies in the plan are satisfactorily addressed.
- 9.3. The Primary Shopping Frontage of Chatteris, located predominately to the west of the High Street includes a total of approximately 38 commercial units, of which the application site is one. A survey of the Primary Shopping Frontage in Chatteris, undertaken by the Case Officer, revealed the following:

Table 1 - Retail vs Non-Retail units on Chatteris Primary Shopping Frontage

| | Number observed | Percentage of Total |
|--|------------------------|---|
| Total Observed Units | 38 | 100% |
| Current (or most recent) Retail Uses | 16 | 42% |
| Current (or most recent) Non-Retail Uses | 19 | 50% |
| Current Solely Residential Use | 3 | 8% |
| Current Vacant Units | 3 | Most recent use allocated as either retail/non-retail above |

- 9.4. However, since the adoption of the Local Plan in 2014 there has been more updated policy considerations relating to change of use for retail premises as set out in The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).
- 9.5. In addition, owing to the changes of the Use Classes Order (1987) in September 2020, retail now falls under Class E Commercial Business and Service, and as such the existing retail unit would not require planning permission for the change of use to, for example, a restaurant, café, or for professional services use.
- 9.6. Therefore, the consideration of this application has to reflect the current update to the Order and in particular the ‘permitted’ changes that a retail unit can under go. Thus, it can therefore be seen that this retail unit could change to a different use other than retail and the limitations of the Local Plan are therefore considered to be superseded and a refusal on the basis of this policy is not considered sustainable.
- 9.7. Notwithstanding, the proposed change of use to a takeaway now falls within its own use class since the amendments to the Use Class Order in September 2020. A takeaway is now classed as a ‘sui generis’ use which means any further change to the premises will require planning permission and the Local Planning Authority will have the opportunity to ensure that any future use is appropriate in this location.

Heritage, design considerations and visual amenity of area

- 9.8. The application proposes an existing front window to be removed and new timber framed shopfront installed to match the existing shop front. Both shop fronts are proposed to be painted black and include new signage. The proposed signage and lighting are subject of a separate advertisement consent application (F/YR21/0129/A).
- 9.9. The proposed extraction flue and air conditioning unit are due to be set entirely to the rear of the building and will not be visible within the street scene.
- 9.10. Comments from the FDC Conservation Officer state that the proposals will not offer any detrimental impact to the conservation area or adjacent listed buildings.

- 9.11. As such, the proposal is considered to comply with Policies LP16 and LP18 with regard to design and character and its impact to heritage.

Residential Amenity/Health and wellbeing

- 9.12. There are a number of flats in the vicinity which could be impacted by the proposed development in respect of noise and odour.
- 9.13. The application includes the full details of the air conditioning unit and extraction flue system for the extraction and dispersal of odorous smells and states these units will be installed before the use commences and a noise assessment is to be carried out in support of the application. Comments from the Environmental Health Team state that this should be secured by condition, should permission be granted. The Environmental Health Team recommended a pre-commencement condition to be imposed to require the applicant to undertake a noise assessment in the form of a commissioning acoustic assessment (applying BS4142:2014 Methods for rating and assessing industrial and commercial sound) to be undertaken within 2 weeks of installation to demonstrate the noise will not adversely affect the amenity of the local area before opening for business. The statement provided by the applicant suggested that conditions such as the above would be agreeable.
- 9.14. The opening hours of the takeaway are proposed as 11:00-23:00 Monday to Friday, 11:00 – 02:00 on Saturdays, and 11:00 –23:00 Sundays and Bank Holidays. Comments from Chatteris Town Council proposed to support the scheme if the hours of operation were reduced to 11:00 to 23:00pm Sunday to Thursday and 11:00 to 00:30 Friday and Saturday. As such, it follows that Chatteris Town Council consider that the current proposed hours of operation are unacceptable and recommend careful consideration of these by the LPA.
- 9.15. Given the nature of Chatteris town centre with residential properties in close proximity to the site, it is considered that the proposed hours of operation are excessive. As such, in order to mitigate impacts to residential amenity with regard to Policy LP16 (e) it is considered acceptable to condition the opening hours of the proposed takeaway to those proposed by Chatteris Town Council.

Parking/Highways

- 9.16. There is no on-site parking provision available for the proposal, however this is also the case for the existing retail use. The Local Highways Authority have no objections to the proposal, advising that the trip generation and transport impact for the existing and proposed uses are comparable; as such there are no concerns to address in respect of Policy LP15 of the Fenland Local Plan.

Flood Risk

- 9.17. The application site lies within flood zone 1; accordingly, there are no issues to address in respect of Policy LP14.

10 CONCLUSION

- 10.1. The proposal is considered acceptable and accords with necessary policies of the Fenland Local Plan as whilst it is acknowledged and detailed above that there will be some impact on the Chatteris Primary Shopping Frontage and residential amenity, this is not considered to be significantly adverse and can be mitigated by condition. As such a favourable recommendation may be forthcoming.

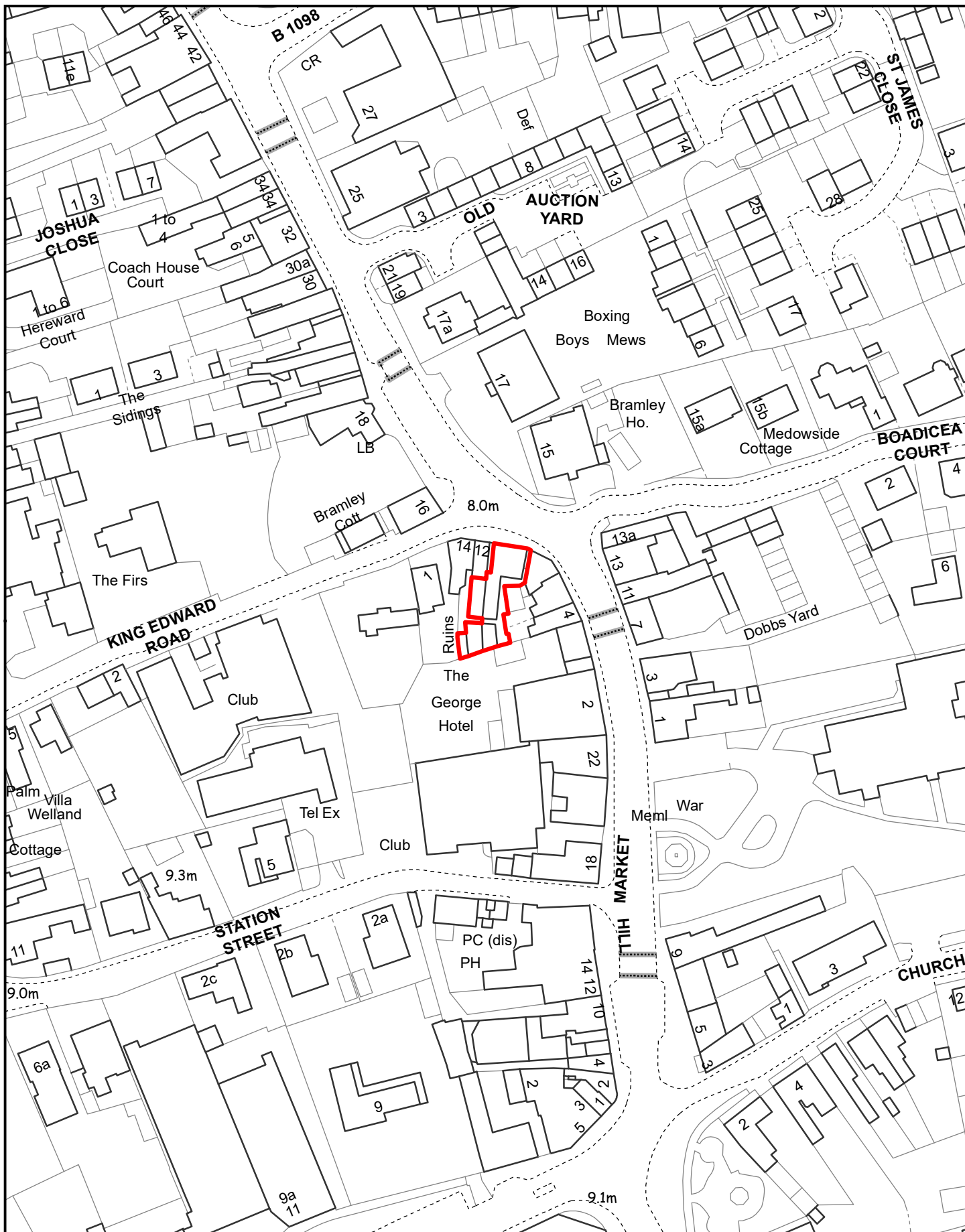
11 RECOMMENDATION

Grant

The proposed conditions are as follows;

| | |
|---------------------------|--|
| 1 | <p>The development permitted shall be begun before the expiration of 3 years from the date of this permission.</p> <p>Reason - To ensure compliance with Section 51 of the Planning and Compulsory Purchase Act 2004.</p> |
| 2 | <p>Notwithstanding the approved plans, prior to the commencement of the development precise details of all new joinery, including materials and colour, for the shop front, clarified through 1:20 drawings and 1:5 typical sections, will be required to be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details and thereafter retained.</p> <p>Reason: In accordance with the provisions of the Town and Country Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended) and Policy LP18 of the Fenland Local Plan 2014.</p> |
| 3 | <p>The hot food takeaway hereby permitted shall only operate between the hours of:</p> <p>11:00 to 23:00 Sunday to Thursday (including Bank Holidays); and 11:00 to 00:30 Friday and Saturday</p> <p>Reason - To safeguard the amenities currently enjoyed by the occupants of adjoining dwellings in accordance with LP16 of Fenland Local Plan 2014.</p> |
| 4 – needs discharge | <p>Prior to the first operational use of the development hereby approved a noise assessment in the form of a commissioning acoustic assessment (applying BS4142:2014 Methods for rating and assessing industrial and commercial sound) shall be undertaken for both the extraction flue system and air conditioning unit, within 2 weeks of installation. The assessment shall be submitted to, and approved in writing by, the Local Planning</p> |

| | |
|---|---|
| | <p>Authority, prior to the premises opening for business. The development shall then be carried out in accordance with the approved particulars and retained as such for the lifetime of the development.</p> <p>Reason - To assess the impact of the development on the local noise climate and to safeguard the amenities currently enjoyed by the occupants of adjoining dwellings in accordance with LP16 of Fenland Local Plan 2014.</p> |
| 5 | <p>The development hereby permitted shall be carried out in accordance with the approved plans and documents.</p> <p>Reason - For the avoidance of doubt and in the interest of proper planning.</p> |



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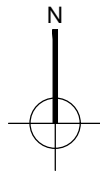
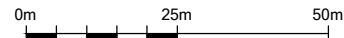
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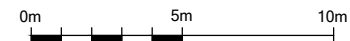
LOCATION PLAN

1:1250@A3



BLOCK PLAN

1:250@A3



CONTEXT IMAGE

BLOCK PLAN KEY:

- A. Application boundary
- B. Entrance to residential unit above
- C. Bin storage Area for Takeaway & Shop
- D. Hatch indicates element of 10 High Street extending over No.12 at first floor level
- E. No.10 has right of access to rear via passageway between No.8 and No.10

REVISIONS

| | | |
|---|----------|----------------|
| A | 16.11.20 | General Update |
| B | 17.12.20 | General Update |
| C | 07.01.21 | General Update |
| D | 28.01.21 | General Update |



Stenton Obhi Architects
Office EU1, Science & Innovation Centre, Bletchley Park, Milton Keynes,
Buckinghamshire, MK3 6EB

t : 01908 276670 e: soa@so-architects.co.uk www.so-architects.co.uk

Mrs Priyamwatha Mariflo

CLIENT

ASPINALL'S / FIREAWAY
10 High Street, Chatteris,
Cambridgeshire, PE16 6BE

PROJECT

PLANNING
Location & Block Plans

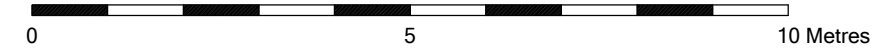
DRAWING

| | |
|-------------------|------------|
| STATUS | PL |
| DRAWING STATUS | |
| P - Preliminary | T - Tender |
| PL - Planning | R - Record |
| BR - Building Reg | |
| C - Construction | |

DRAWN NS CHECKED KO

SCALE As Noted DATE Sept 20

No 06294-PL100 RevD



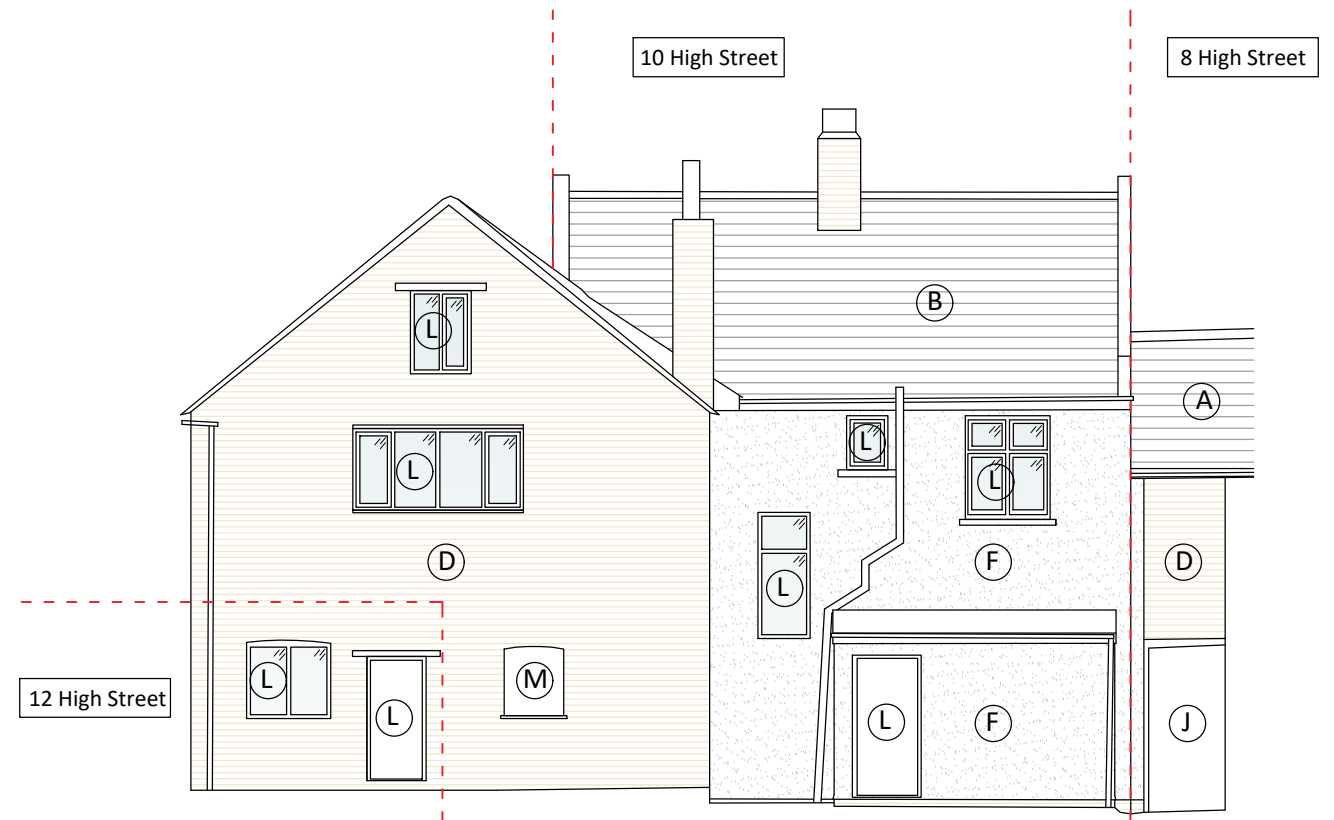
MATERIALS KEY

- A Roof slates
- B Plain tiles
- C Profiled concrete roof tiles
- D Facing brickwork
- E Painted brickwork
- F Painted render (White)
- G Timber shop front, windows & doors
- H Existing shop signage
- J Walkway to rear
- K Room above walkway
- L Timber framed windows/doors
- M Boarded window

EXISTING NORTH ELEVATION 1:100@A3



EXISTING EAST ELEVATION / PART SECTION 1:100@A3



EXISTING SOUTH ELEVATION 1:100@A3

REVISIONS

| | | |
|---|----------|----------------|
| A | 17.12.20 | General Update |
|---|----------|----------------|

SO architects
 Stenton Obhi Architects
 Office EU1, Science & Innovation Centre, Bletchley Park, Milton Keynes, Buckinghamshire, MK3 6EB
 t : 01908 276670 e: soa@so-architects.co.uk www.so-architects.co.uk

Mrs Priyamwatha Mariflo
 CLIENT

ASPINALL'S / FIREAWAY
 10 High Street, Chatteris, Cambridgeshire, PE16 6BE
 PROJECT

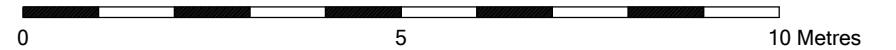
PLANNING
 Existing Elevations
 DRAWING

| | | | | | |
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| STATUS | PL | DRAWN | NS | CHECKED | KO |
| DRAWING STATUS | | SCALE | 1/100 | DATE | Oct 20 |
| P - Preliminary PL - Planning BR - Building Reg C - Construction | T - Tender R - Record | 06294-PL102 RevA | | | |



PROPOSED NORTH ELEVATION

1:100@A3



MATERIALS KEY

All materials and finishes to be retained as illustrated on drawing 06294-PL102 unless noted below

- 1 Existing window removed and new timber framed shopfront to match existing shop front to No10 High Street to be installed. Shopfront to be painted black and include "ASPINALL'S NEWSAGENT" signage panel with trough light above
- 2 "FIREAWAY" signage on existing shopfront signage board with trough light above. Existing shopfront to be repainted in black
- 3 Flue from oven extraction. Ductwork to run internally through building from oven to roof terminal and utilising an internally mounted in-line fan. In-line fan to be a Flueboost Ltd, Flueboost 350
- 4 Air conditioning condensor unit (Daikin RZASG71MV1)

NOTE - Refer to drawing 06294-PL104 for dimensions and detail of proposed signage



PROPOSED EAST ELEVATION / PART SECTION

1:100@A3



PROPOSED SOUTH ELEVATION

1:100@A3

REVISIONS

| | | |
|---|----------|----------------|
| A | 16.11.20 | General Update |
| B | 19.11.20 | General Update |
| C | 17.12.20 | General Update |



Stenton Obhi Architects
Office EU1, Science & Innovation Centre, Bletchley Park, Milton Keynes,
Buckinghamshire, MK3 6EB

t : 01908 276670 e: soa@so-architects.co.uk www.so-architects.co.uk

Mrs Priyamwatha Mariflo

CLIENT

ASPINALL'S / FIREAWAY
10 High Street, Chatteris,
Cambridgeshire, PE16 6BE

PROJECT

PLANNING
Proposed Elevations

DRAWING

| | |
|-------------------|------------|
| STATUS | PL |
| DRAWING STATUS | NS |
| P - Preliminary | T - Tender |
| PL - Planning | R - Record |
| BR - Building Reg | |
| C - Construction | |

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| DRAWN | NS | CHECKED | KO |
| SCALE | 1/100 | DATE | Oct 20 |
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