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**F/YR22/0241/F**

**Applicant: Mr Jagjit Gaba**

**Agent : Mr R Papworth  
Morton & Hall Consulting Ltd**

**5 Park Street, Chatteris, Cambridgeshire, PE16 6AB**

**Alterations to shop front including bricking up window and a replacement window frame**

**Officer recommendation: Refuse**

**Reason for Committee: Number of representations received contrary to officer recommendation. Property is owned by a District Councillor**

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## **1 EXECUTIVE SUMMARY**

1.1. This application is for the alterations to the shop front at 5 Park Street Chatteris. The alterations include bricking up a window and a replacement window frame.

1.2. The proposal is considered to introduce harm to the character of the Conservation Area and the nearby Listed Buildings given the modernisation of the existing historic shop front. The scheme is therefore considered to be contrary to Policy LP16 and LP18 of the Fenland Local Plan (2014), and as such this application is recommended for refusal.

## **2 SITE DESCRIPTION**

- 2.1. The application site is located on the northern side of Park Street, opposite the junction with East Park Street, within the market town of Chatteris.
- 2.2. The site is situated within Chatteris Conservation Area and is within the setting of several Grade II Listed Buildings.
- 2.3. The building on site is a 19<sup>th</sup> century building with an original shop front. The Grade II Listed Buildings within the vicinity of the site (7 Park Street and No 2-8 Park Street) all date from the same era.

## **3 PROPOSAL**

- 3.1. This application seeks planning consent for alterations to the shop front including bricking up a window and a replacement window frame.
- 3.2. The application includes the installation of a new aluminium framed shop front with almost full height glazing and a central sliding door. The property was the subject of a ram-raid earlier this year and prior to this the shop front was

traditional in its form with stall-riser, divided window panes and door way to the side.

- 3.3. Full plans and associated documents for this application can be found at:  
<https://www.fenland.gov.uk/publicaccess/>

## 4 SITE PLANNING HISTORY

Reference	Description	Decision	Date
F/YR00/0230/F	Change of use of part of ground-floor from residential to retail involving elevational alterations; installation of external staircase at rear and roller shutters to main shop entrance	Granted	30.05.2000
F/YR03/0919/F	Erection of single-storey rear extension and external staircase incorporating demolition of single-storey rear additions	Granted	05.09.2003
F/YR04/3790/F	Erection of part single, part two storey rear extension and external staircase incorporating demolition of single storey rear additions.	Granted	01.02.2005
F/YR06/0515/F 07/00001/REF	Installation of new shop front and roller shutters and formation of an external ramp for disabled access	Refused Appeal Dismissed	21.06.2006 17.04.2007

## 5 CONSULTATIONS

### 5.1. Chatteris Town Council

*Support*

### 5.2. FDC Environmental Health

*The Environmental Health Team note and accept the submitted information and have 'No Objections' to the proposed scheme as it is unlikely to have a detrimental effect on local air quality and the noise climate or be affected by ground contamination.*

### 5.3. CCC Highways

*The proposals will have no material impact upon the public highway so I have no objection to this application.*

### 5.4. CCC Archaeology

*Thank you for your consultation. We have reviewed the above referenced planning application and have no archaeological requirements for this development.*

*We will defer to the expertise of the Conservation Officer with regard to the impact on designated heritage assets affected, including the Conservation Area, which is currently on Historic England's Heritage at Risk Register.*

### 5.5. FDC Conservation

1. *This application seeks planning permission to undertake alterations to a shop front, including bricking up a window and installing a replacement window frame. The property is a typical 19<sup>th</sup> century building, with original*

*shop front (though with modern signage) within Chatteris Conservation Area and within the setting of listed buildings at 7 Park Street, (a mid-19<sup>th</sup> century house and shop of a style and date contemporary with the application site) and Nos 2-8 Park Street on the opposite side of the road, all dating from the same era.*

- 2. In considering whether to grant planning permission for development which affects a listed building or its setting, special regard shall be 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 the 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. Comments are made with due regard to Section 16 of the National Planning Policy Framework, 2021, specifically, paragraphs 8 195, 197, 199, 200, and 202. The following comments are made:*
- 5. Due regard is given to relevant planning history. In 2000 application F/YR00/0230/F was granted for change of use of part of the ground floor from residential to retail (to the side and rear only). Photographic records indicate that the shop front to No. 5 has remained unaltered. In 2003 application F/YR03/0919/F was granted for the erection of a single-storey rear extension and external staircase, incorporating demolition of an existing single storey rear addition and in 2004 application F/YR04/3790F was granted for a part two-storey rear extension and external staircase, incorporating demolition of an existing single storey rear addition. However, an application in 2006, F/YR06/0515/F for the installation of a new shop front was refused on the basis that the proposed shop front would fail to incorporate traditional elements of shop front design in this prominent corner location and would have a detrimental impact on the character of the street scene and fail to preserve or enhance the character of the conservation area. The decision was appealed and dismissed at appeal (07/00001/REF). The Inspector's comments noted that the proposal was not of a design that displayed unity with the buildings of which it is a part, nor did it incorporate the traditional elements of shop front design and that the proposal would be unsympathetic to the appearance of the existing buildings and the townscape characteristics of the area. The Inspector was aware that modern shop fronts had been allowed elsewhere in the conservation area but that these were in less sensitive locations than the application site but noted that the existence of poor design is not a justification for more. The Inspector concluded that the proposal would not preserve the character and appearance of Chatteris Conservation Area and would be harmful to the setting of the listed buildings. The appeal was therefore dismissed.*
- 6. A heritage statement has been submitted with the application. The information is sufficient to comply with paragraph 194 of the NPPF and policy LP18 of the 2014 local plan but lacks an assessment of impact on the character or appearance of the conservation area or provision of an*

indication of public benefit to outweigh any harm identified. Furthermore, it is flawed in its approach of noting other approvals and shop fronts within Chatteris, none of which is a comparable example. The quoted application F/YR21/0281/F is a reconsultation for an earlier application F/YR20/1019/F for a replacement shop front with modern well designed and proportioned bi-fold doors. The shop front to be replaced was not historic, but a modern shop front of traditional style and so there was no loss of historic fabric. Furthermore, the site was not in a prominent location within the conservation area. The impact on the character and appearance was felt to be neutral. The heritage statement also references F/YR20/0254/A, which was for replacement signage at 51 High Street – a late 20<sup>th</sup> century building and former Budgens store. Finally, the modern shop fronts of 30 and 40 High Street and are referenced, though these are both in wholly modern buildings, and detract from the character and appearance of the conservation area. They fall into that category of shop fronts referenced by the Inspector – that existing poor design is not justification for more. None of the examples cited are comparable with the application site.

**7. The application is not supported.** The following comments are made:

- i. Number 5 Park Street Chatteris within Chatteris Conservation Area. It is a surviving mid-19<sup>th</sup> century shop with living above in an area of contemporary buildings, many of which are listed. It holds a prominent corner location within the conservation area, and despite modern signage and loss of historic joinery to first floor windows, retains sufficient historic character, with the survival of the shop front (including glazed tiles to the stall riser) to No. 5 to contribute positively overall to the character and appearance of the conservation area and the setting of nearby listed buildings. It is acknowledged that the historic shop front has suffered considerable damage as a result of a collision or ramraid from a car. This should be reported as heritage crime as well as presumably criminal damage. The permanent loss of this shop front will have a detrimental impact on the character and appearance of the conservation area and contribute to the piecemeal erosion of character which has led to the conservation area being included on Historic England's Heritage at Risk Register. **It is within this context that this proposal is considered.**
8. The proposal seeks to maintain the existing opening but install a new aluminium framed shop front with full height glazing and a central sliding door and to block up a ground floor window to the façade of No. 3 using bricks to 'match the existing'. The proposal is extremely similar to that refused and dismissed at appeal under F/YR06/0515/F.
9. Given the similarity of the applications, the impact of the current proposal would therefore be the same as the earlier scheme: the proposal would be wholly unsympathetic to the buildings of which it is a part, it would fail to preserve or enhance the character and appearance of the conservation area and would harm the setting of the listed buildings. The likelihood of finding matching bricks to block up the opening is slim and would therefore result in an incongruous patch of brickwork in an historic elevation. Overall, the scheme would amount to further piecemeal erosion of historic detail which contributes to the special interest of the conservation area and would result in cumulative harm thereby interfering with the aim of removing the conservation area from the Heritage at Risk register. It would be contrary

*therefore to S.66 and 72 of the Planning Act, contrary to the NPPF and contrary to LP 16 and 18.*

*10. The proposal would amount to less than substantial harm to the designated conservation area and must therefore be weighed against the public benefits of the proposal. No assessment of public benefit has been provided and it is considered that there are no demonstrable public benefits to the proposed shop front over and above that of reinstating the historic shop front on a like for like basis. Such an approach would not require planning permission and would feasibly be covered by insurance given the circumstances of the damage, and therefore should not present an obstacle to reinstating the historic shop front and thereby preserving the conservation area and setting of listed buildings.*

*11. Therefore, in order to remain consistent with the advice of the Planning Inspectorate and with the aims of preserving and enhancing the character and appearance of the conservation area according to the duty in law, the application is not supported.*

#### **5.6. Local Residents/Interested Parties**

Nine letters of support were received from residents of Chatteris with regard to the above scheme (six supplied by the applicant's agent) . The reasons for support are as follows:

- New door will improve access to the store
- Current shop front not DDA compliant.
- Visual enhancement
- Recent robbery underlines the need for greater security
- Similar shop fronts within the vicinity of the site

### **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)**

Para 2 – Applications to be determined in accordance with the development plan unless material considerations indicate otherwise

Para 8 – Achieving sustainable development

Para 11 – A presumption in favour of sustainable development

Para 47 – All applications for development shall be determined in accordance with the development plan, unless material considerations indicate otherwise

**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**

LP1 – A Presumption in Favour of Sustainable Development

LP16 – Delivering and Protecting High Quality Environments across the District

LP18 – The Historic Environment

**8. BACKGROUND**

8.1 As set out in the history section above planning permission was refused and an appeal dismissed in 2006 in relation to an application for the installation of new shop front and roller shutters and formation of an external ramp for disabled access. This scheme was not dissimilar to the current proposals in that it sought to remove the historic, traditional shop front and replace it with a more modern design.

8.2 Members should be aware that the owner of the application site is Councillor Benney.

**8 KEY ISSUES**

- **Principle of Development**
- **Visual Amenity of the Conservation Area and Surrounding Listed Buildings**

**9 ASSESSMENT**

**Principle of Development**

9.1. This application seeks planning consent for alterations to the shop front at 5 Park Street, including the bricking up of the window and a replacement window frame. The site is located within Chatteris Conservation Area and is located within the setting of numerous Grade II Listed Buildings. Whilst the broad principle of a new shop front can be supported, consideration needs to be given to the visual impact of the detailed scheme and the potential harm on the Conservation Area and nearby Listed Buildings.

**Visual Amenity of the Conservation Area and Surrounding Listed Buildings.**

9.2. Number 5 Park Street is situated in a prominent corner location within Chatteris Conservation Area. The building retained significant historic character with the survival of the shop front and this was considered to positively contribute to the character and appearance of the Conservation Area and the setting of nearby Listed Buildings. While the original shop front has been significantly damaged as a result of the ram-raid carried out on the

property, it is considered that the permanent loss of a traditional shop front to the building will have a detrimental impact upon the character of the Conservation Area and the setting of the nearby listed buildings and will also contribute to the erosion of the character of the Conservation Area.

- 9.3. Given the similarity between this application and the previous appealed application, the considerations and impacts are considered to be the same. The proposal would not be sympathetic to the existing building and would harm the character of the surrounding area. In addition it is considered that the likelihood of finding a matching brick to infill the window opening is slim and thus the introduction of a different brick would result in an incongruous patch of brickwork.
- 9.4. Consequently, the proposed development is considered to result in less than substantial harm to the designated conservation area as outlined within the NPPF and this harm must therefore be weighed against the public benefits of the scheme. No such assessment has been provided as part of the application and as such there are considered to be no demonstrable public benefits forthcoming to justify the granting of planning permission.

### **Other Matters**

- 9.5 The information submitted in support of the application makes reference to the existence of other modern replacement shop fronts within Chatteris town centre. While this is the case none are considered comparable in terms of location within the conservation area, or the historic value which the pre-existing frontages held. In addition this was also the argument put to the Inspector in 2006 and which was dismissed.
- 9.6 As well as raising the above issue, supporters of the application have also raised several issues regarding the security benefits which would be afforded and the original shop front not being DDA (Disability Discrimination Act) compliant. In terms of improving security it is not clear how the proposals would improve this and the information submitted in support of the application is silent on this.
- 9.7 Similarly other than referring to the proposed shop front having a wider door no information is provided as to access benefits. It is unclear as to whether there would be any benefits in terms of disabled access as no ramp is proposed unlike the scheme previously dismissed at appeal and no argument has been put forward by the applicant concerning making the entrance DDA compliant.

## **10 CONCLUSIONS**

- 10.1. This application is for the alterations to the shop front including bricking up a window and a replacement window frame.
- 10.2. For the reasons discussed above, the alterations to the shop front are considered unacceptable given the harm that the scheme would introduce to the Conservation Area and the setting of surrounding Listed Buildings.

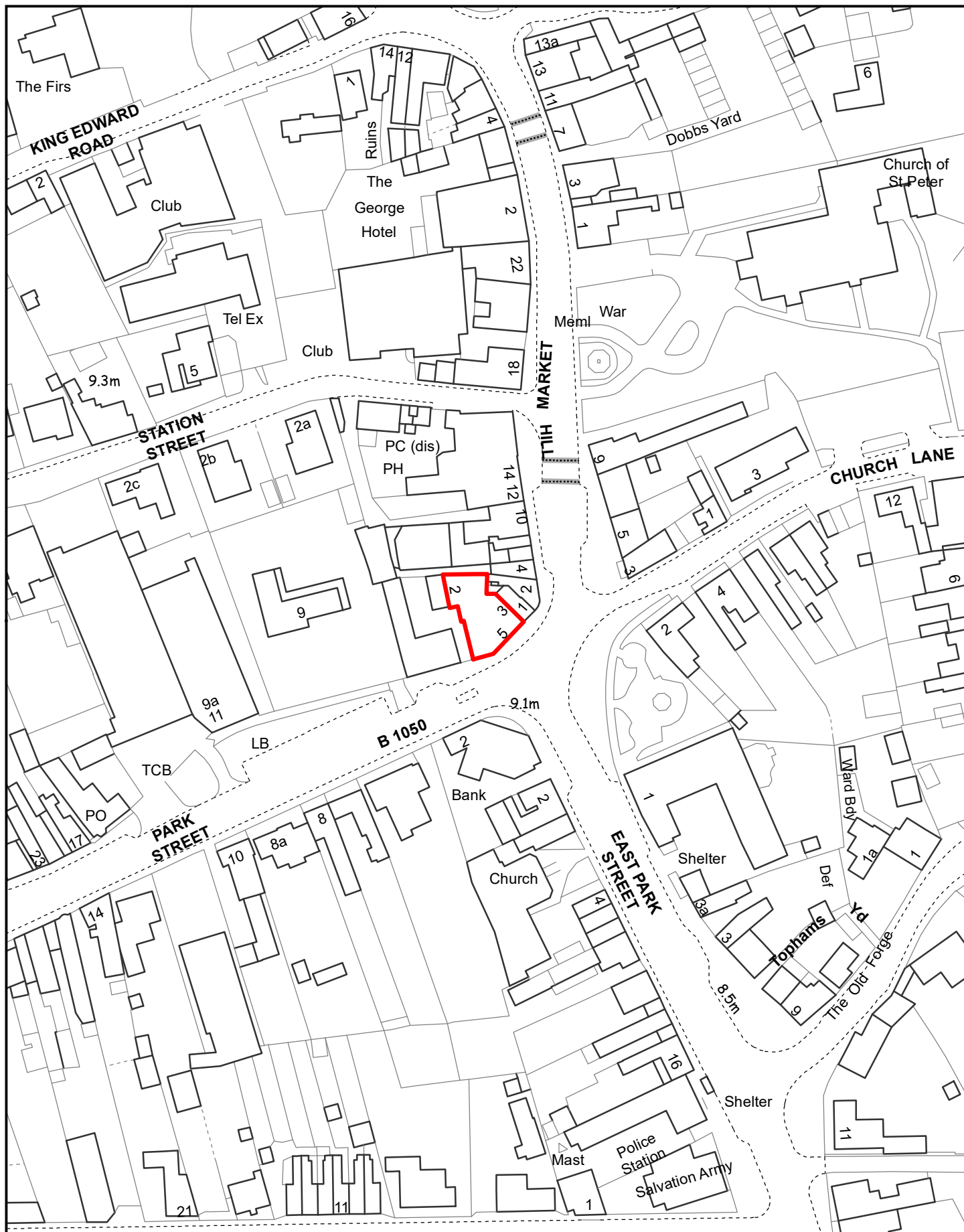
- 10.3. Also, this scheme is similar in its impacts and considerations to the previous scheme that was refused by the Council and dismissed at appeal.
- 10.4. Consequently, the application is considered to be contrary to Policy LP16 and LP18 of the Fenland Local Plan 2014.

## 11 RECOMMENDATION

**Refuse**, for the following reason

1	The alterations proposed to the shop front at 5 Park Street is not a design that displays unity with the buildings of which it is a part, nor does it incorporate the traditional elements of shop front design. It is therefore considered that it would be unsympathetic to the appearance of the existing buildings and the townscape characteristics of the area. The proposal does not preserve or enhance the character and appearance of the conservation area, would be detrimental to it through the visual harm and loss of historic interest and would be harmful to the setting of the nearby listed buildings. Local Plan policy requires developments to make a positive contribution to the local distinctiveness and character of the area so that they enhance the local setting and respond to and improve the character of the local built environment. The public benefit that the scheme would bring is insignificant and is insufficient to justify the scheme. The application is therefore considered to be to contrary Policies LP16 and LP18 of the Fenland Local Plan 2014 and the aims and objectives of the NPPF.
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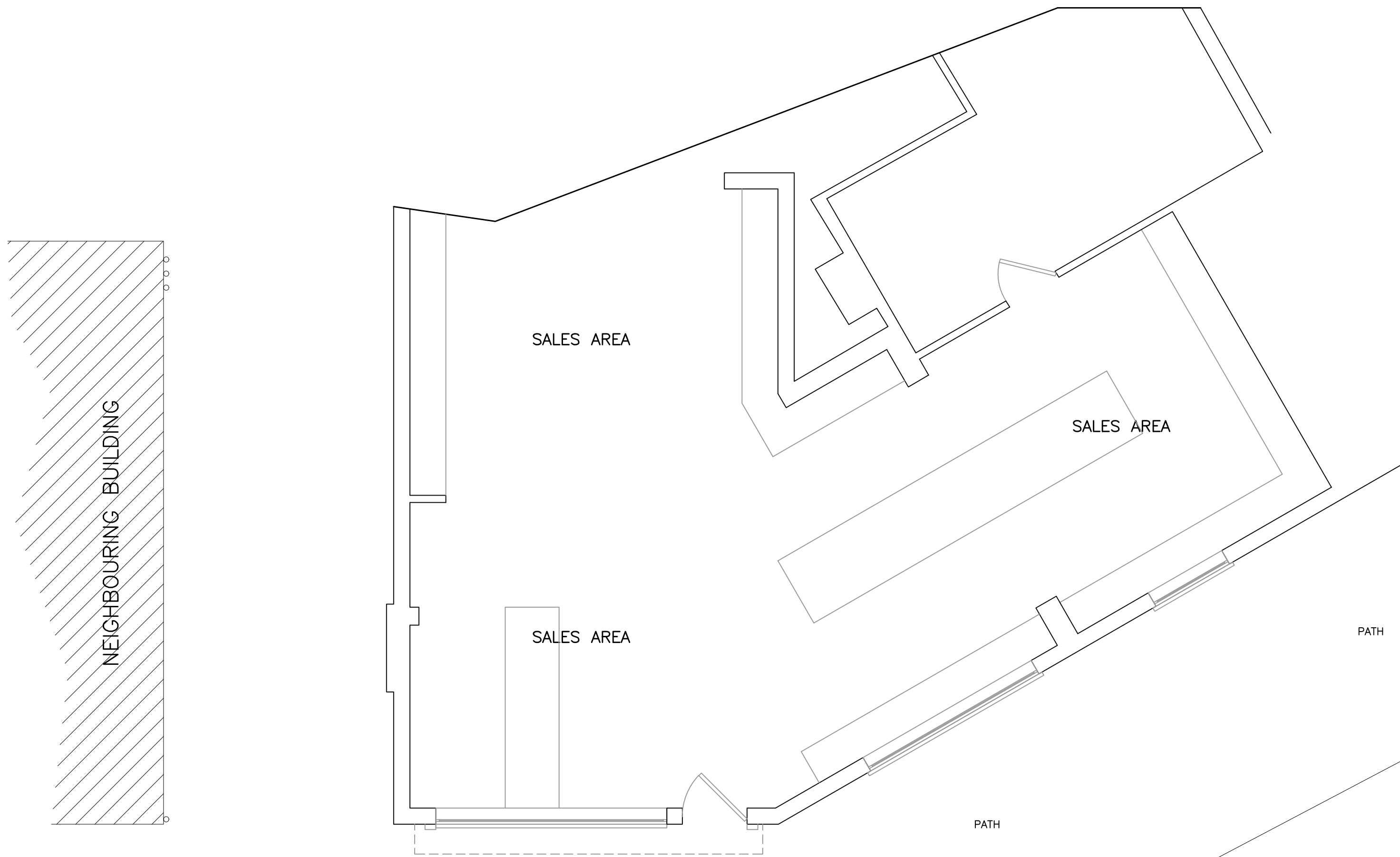
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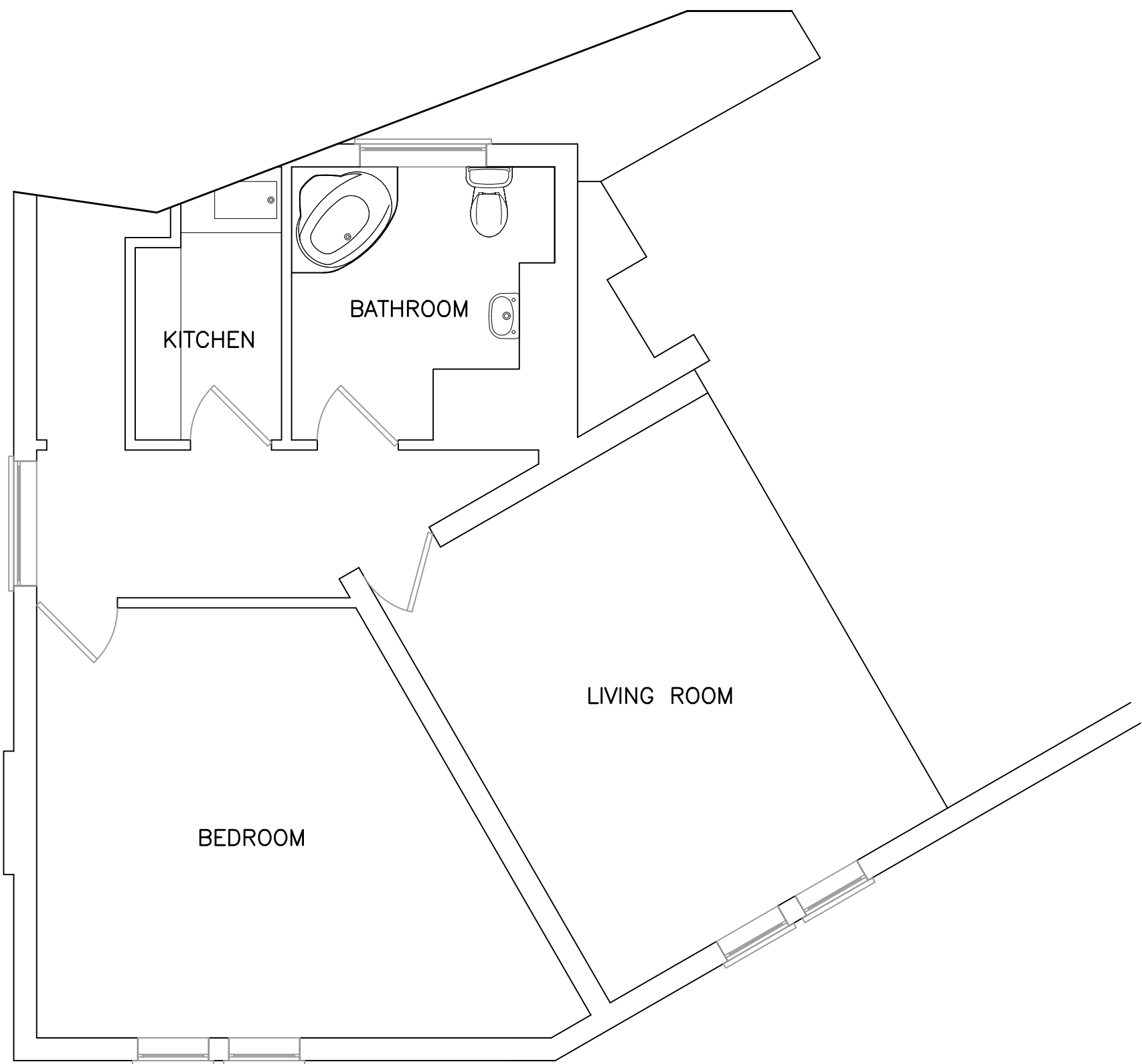
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EXISTING PART GROUND FLOOR PLAN  
(1:50)



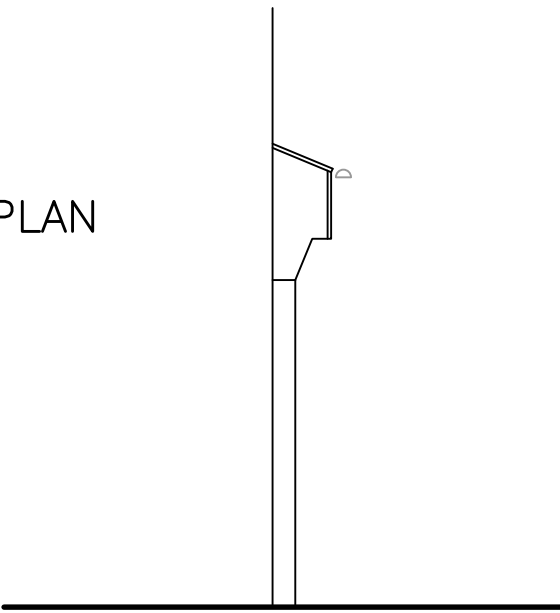
EXISTING PART FIRST FLOOR PLAN  
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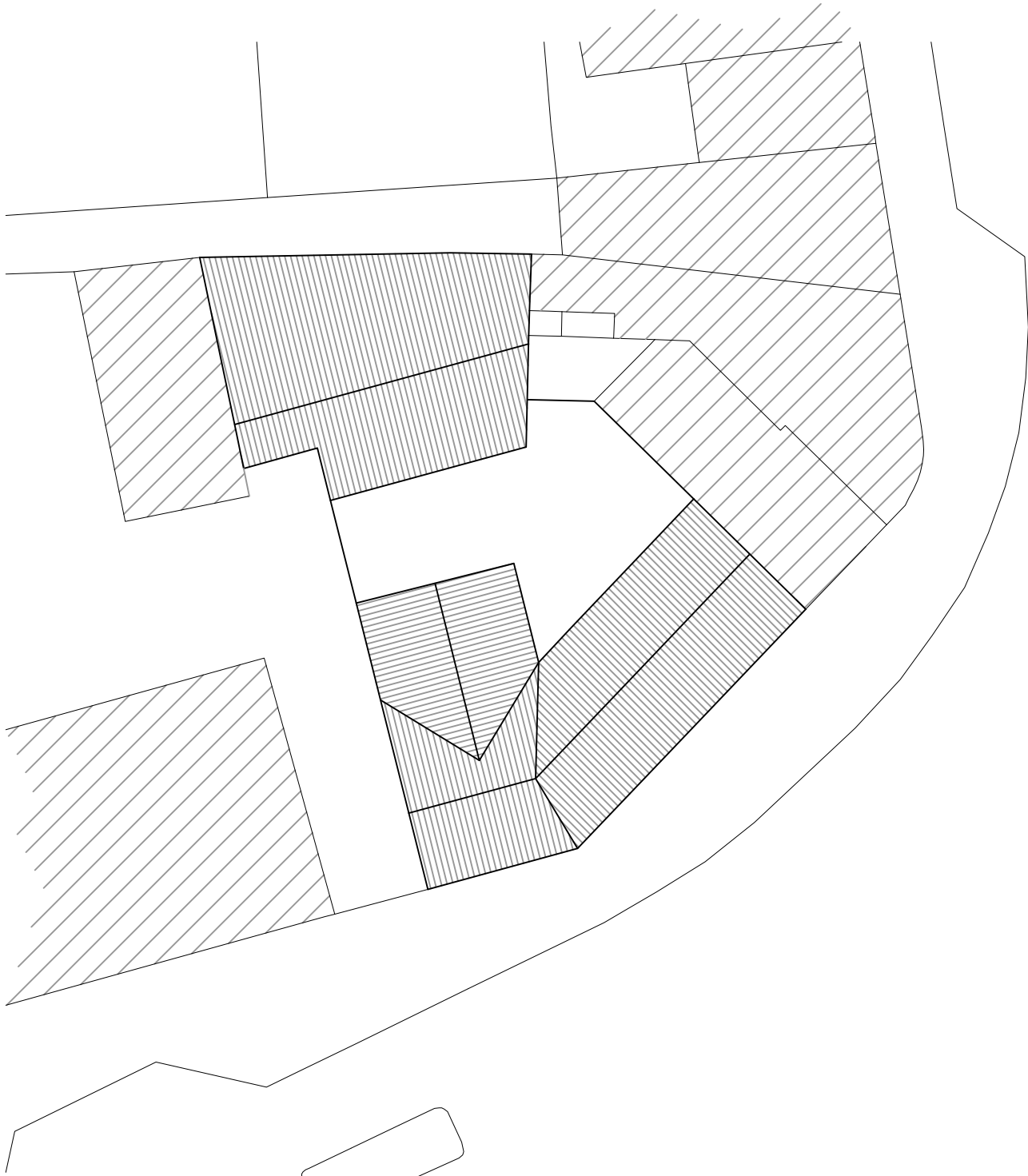
FRONT ELEVATION AFTER  
CRIMINAL DAMAGE



FRONT ELEVATION AFTER TEMPORARY  
REPAIR WORKS



EXISTING SHOP FRONT SIDE ELEVATION  
(1:50)

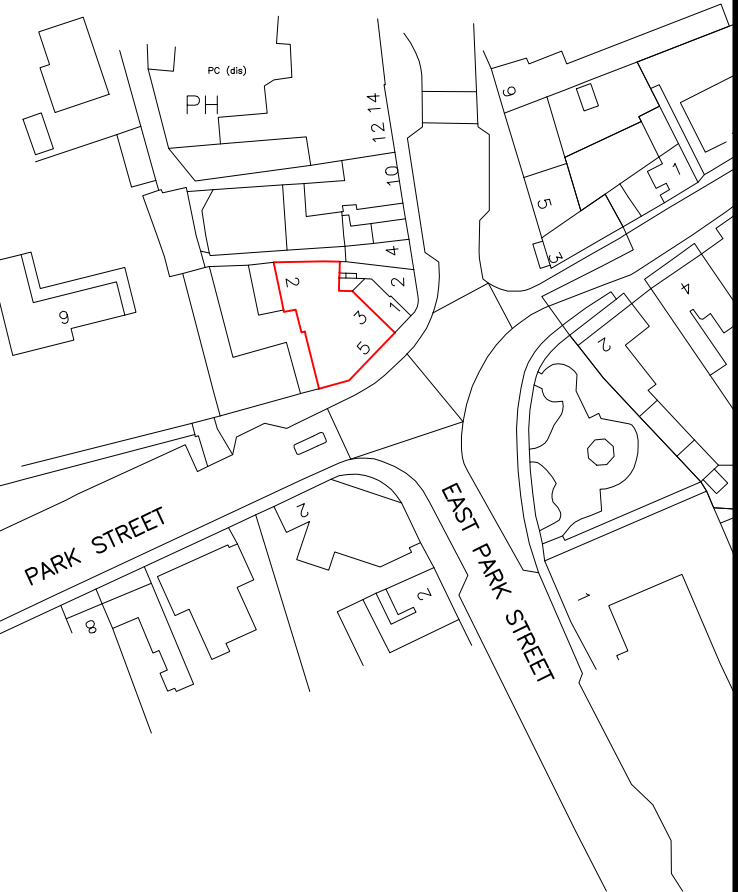


EXISTING SITE PLAN  
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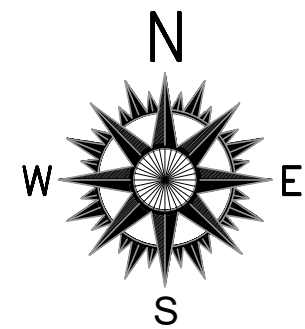


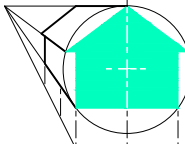
EXISTING FRONT ELEVATION  
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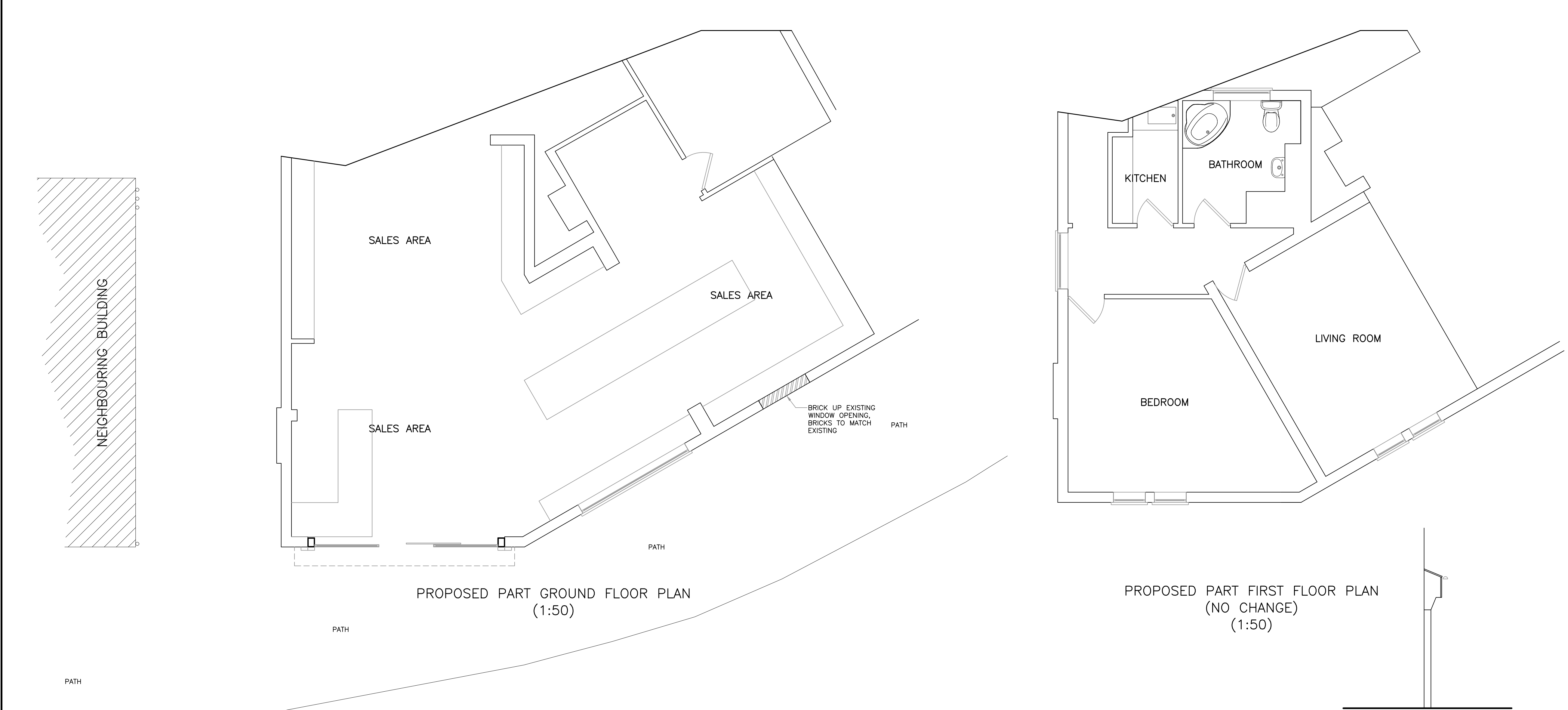


LOCATION PLAN  
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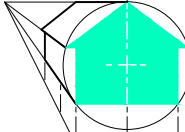


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CLIENT			
Mr I Benney			
PROJECT			
Nisa at 5 Park Street Chatteris Cambridgeshire PE16 6AB			
TITLE			
Existing Plans and Elevation			
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DATE Jan 2022		DRAWING NUMBER	
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All products and materials to be handled, stored, prepared and used or fixed in accordance with the manufacturers current recommendations.  
The contractor is to arrange inspections of the works by the SCo (or NHBC) as required by the Building Regulations and is to obtain completion certificate and forward to the Engineer

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