

SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

REPORT TO: Planning Committee

1st August 2007

AUTHOR/S: Executive Director / Corporate Manager - Planning and Sustainable Communities

B145 – MELBOURN
Alterations to shop frontage – 73 High Street, Melbourn
for Mr Solanki

Recommendation: No further action

Date for Determination: None

Notes:

This case has been reported to the Planning Committee for determination because Melbourn Parish Council requests that enforcement action be taken.

Conservation Area

Site and Development

1. Number 73 High Street is a two-storey property fronting the public highway. It comprises a retail unit on the ground floor with residential accommodation above. Previously the retail unit housed the village Post Office but has since fallen into a state of apparent disrepair and is presently unoccupied. Although within the Melbourn Conservation Area the property is not near to any listed buildings, though it is prominent within the street scene by virtue of its physical relationship with High Street.
2. Earlier this year works were carried out to the retail unit in order to provide an additional entrance to the right hand side of the front façade and the property was marketed for a while with a local estate agent as two separate units. As yet neither unit has been occupied and the estate agent's boards have been removed, though the new timber door is still in situ. The owner of the property has been contacted with a view to a retrospective application being submitted in an attempt to regularise the unauthorised alterations to the shop front.

Planning History

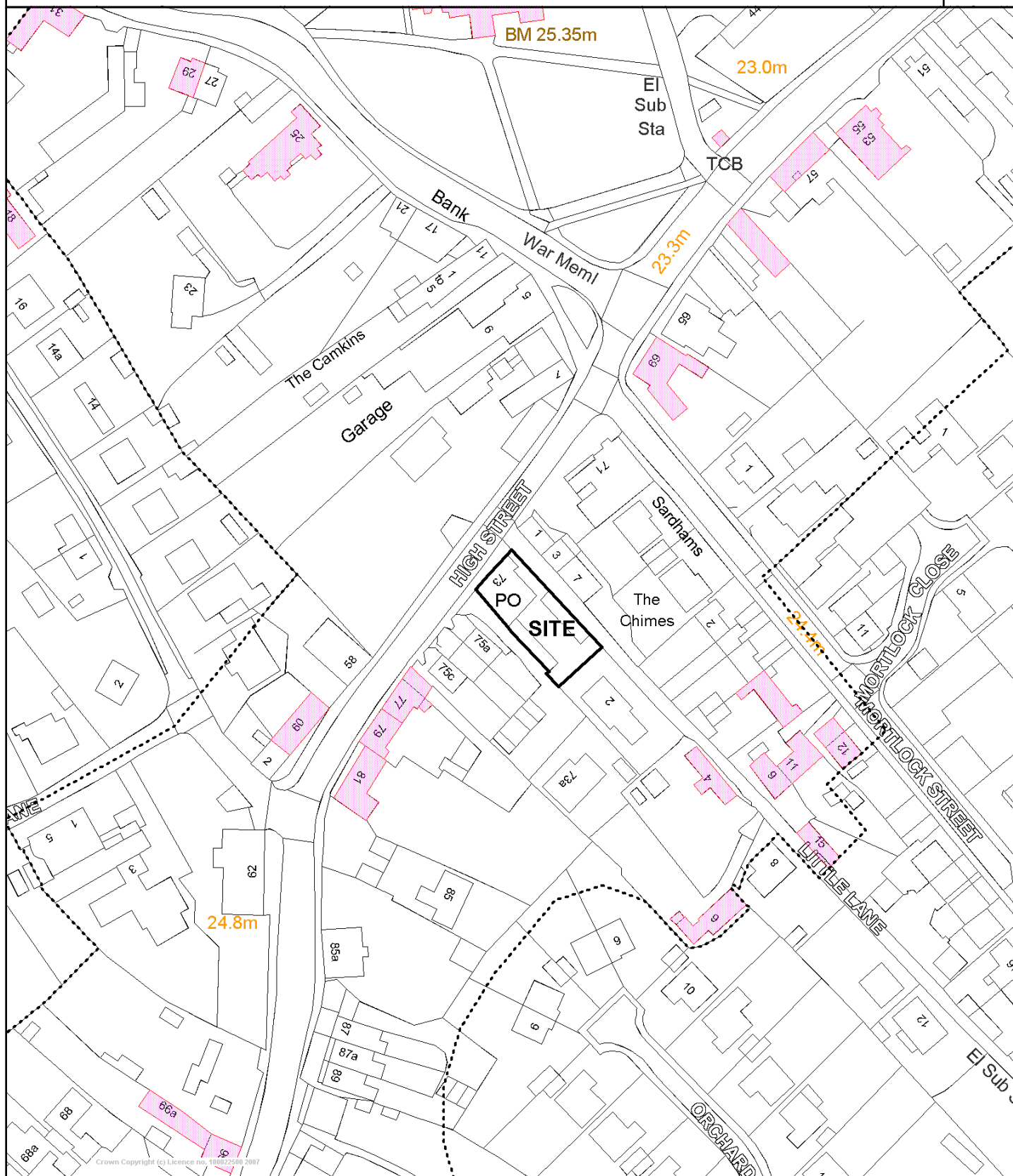
3. There have been applications for number 73 High Street that have been approved for extensions, a new boundary wall and a satellite dish. The most recent application to affect the property's frontage was for the installation of new windows and doors to replace existing ones. This was approved in 2003 (**S/2193/03/F**).

Planning Policy

Cambridgeshire and Peterborough Structure Plan 2003

4. **Policy P7/6 'Historic Built Environment'** states Local Planning Authorities will protect and enhance the quality and distinctiveness of the historic built environment.

B/1/45/070



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Scale 1/1250 Date 17/7/2007

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Planning Committee August 2007

Local Development Framework (Adopted July 2007)

5. **DP/2 'Design of New Development'** states that all new development must be of high quality design and should preserve or enhance the character of the local area.
6. **CH5 'Conservation Areas'** sets out the requirements for development within Conservation Areas. Applications should be determined in accordance with national planning policy and Supplementary Planning Guidance.

Consultation

7. **Melbourn Parish Council** – Has written to the District Council to express its shame and disgust at what appears to be happening with the planning issues surrounding 73 High Street. The Parish Council informs the District Council that it wishes this matter to be pursued with diligence and that if this is not done then the Council (Parish) will, as necessary, institute formal complaints procedures, taking legal advice to pursue this if required. Further, it is prepared, albeit reluctantly, to take the matter to the media. The Parish Council can see no reason why one person can over a long period of time ride roughshod over procedures that others are constrained to comply with.
8. **Conservation Manager** – Has no objection to the new door in the front façade, as it is not considered to have a significant visual impact upon the character and appearance of the Conservation Area. The main concern that the Conservation Manager has is about any form of signage that will be proposed once the units are occupied.

Planning Comments – Key Issues

9. Although not a material planning consideration the owner of 73 High Street has previously been involved in planning issues with the District Council over his property at 49 High Street. However such issues have no bearing on the works to number 73, though they do in part explain the comments of the Parish Council and the stance that it has taken.
10. In considering whether it is expedient to take legal proceedings against any breach of planning control a specific harm has to first be identified. In this particular case although the existing unit has been separated into two smaller units there is no evidence that any additional retail space has been created or that the existing level of retail provision has decreased as a result of the works. Therefore I do not consider that there has been any material change in the use of the site, especially given the fact that neither unit has been occupied.
11. Although the front façade of the shop is presently in a state of disrepair the only works that constitute development and require planning permission would be the insertion of the new timber door in the right hand side of the front elevation. After consulting the Conservation Manager the insertion of the said door is not considered to have a detrimental impact upon the character or appearance of the Conservation Area, especially as the building is of little historic or architectural merit.
12. In order to address the breach of planning control letters have been sent to the owner of the site and his agent requesting that a retrospective application be submitted in an attempt to regularise the unauthorised development. Although it was stated that, in requesting the submission of a retrospective application, the Local Planning Authority

would in no way fetter its discretion in its determination it is accepted that planning officers would be unlikely to object to such an application. At the time of writing this report no application had been submitted and no response had been received to the letters that had been sent. Given previous dealings with the site owner no response is expected.

13. Therefore, although express planning permission has not been granted for the insertion of the new shop door it is not considered expedient to take enforcement action.
14. Planning Policy Guidance (PPG) 18, "Enforcing Planning Control", states that: "In assessing the need for enforcement action, LPAs should bear in mind that it is not an offence to carry out development without first obtaining any planning permission required for it. New Section 73A of the 1990 Act specifically provides that a grant of planning permission may relate to development carried out before the date of the application. Accordingly, where the LPA's assessment indicates it is likely that unconditional planning permission would be granted for development which has already taken place, the correct approach is to suggest to the person responsible for the development that he should at once submit a retrospective planning application.

While it is clearly unsatisfactory for anyone to carry out development without first obtaining the required planning permission, an enforcement notice should not normally be issued solely to "regularise" development which is acceptable on its planning merits, but for which permission has not been sought."

Recommendation

15. No further action be taken.

Background Papers: the following background papers were used in the preparation of this report:

- South Cambridgeshire Local Development Framework (adopted July 2007)
- Cambridgeshire and Peterborough Structure Plan 2003
- Planning File Ref: S/2193/03/F

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