

**Application Ref:** 18/01758/FUL

**Proposal:** Security shutters to two windows and front door (retrospective)

**Site:** Eye Post Office, 30 High Street, Eye, Peterborough

**Applicant:** Mr Mahendra Patel

**Agent:**

**Referred by:** Cllr Steve Allen

**Reason:** Importance of the Post Office as a community facility

**Site visit:** 18.10.2018

**Case officer:** Mr Chris Mohtram

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**Recommendation:** Refuse

## **1 Description of the site and surroundings and Summary of the proposal**

### **The site and surrounding area**

The site sits in the Eye Conservation Area whose boundaries are the rear of buildings adjacent the High Street to the south and north, the junction of Crowland Road and High Street to the east and the junction of Hodney Road and High Street to the west.

The site is located in the heart of Eye High Street with a strong residential area surrounding. The High street itself is a mixture of commercial, retail and residential properties, some of architectural merit, with some consisting of white and distinctive pallet brick elevations and multi lighted bay windows. Properties are set back from the highway with small front gardens enclosed by low brick walls or contain off street parking.

The site itself is a red brick, pan tiled roof detached dwelling with a long gravel driveway along its western flank and a detached garage set far back into the rear of the curtilage. The garden is reasonable in size with demarcation provided by low brick walls along its flank and close boarded fencing at its rear. Residential access is taken along the flank of the dwelling with the main access to the Post Office along the principle elevation.

### **The proposal**

The proposal is for the installation of metal security shutters, painted white. These will cover the two windows and door on the principle elevation facing the High Street.

In correlation with the dimensions for the two windows, the shutters will measure 1.7m x 2.5m. The shutters for the door will measure 2.5m x 1m.

## **2 Planning History**

07/00645/ENFAD - Various signs - 2 Lottery ground level signs outside Post Office. Footpath is wide so signs not causing an obstruction to pedestrians, the signs are taken in every evening. All information has been passed to highways. No further action to be taken.

18/00335/ENFOTH - Unauthorised development (Installation of external shutters) – ongoing

### **3 Planning Policy**

Decisions must be taken in accordance with the development plan policies below, unless material considerations indicate otherwise.

#### **Planning (Listed Building and Conservation Areas) Act 1990**

##### **Section 66 - General duty as respects listed buildings in exercise of planning functions**

The Local Planning Authority has a statutory duty to have special regard to the desirability of preserving the building or its setting, or any features of special architectural or historic interest which it possesses.

##### **Section 72 - General duty as respects conservation areas in exercise of planning functions.**

The Local Planning Authority has a statutory duty to pay special attention to the desirability of preserving or enhancing the character or appearance of the Conservation Area.

#### **Peterborough Core Strategy DPD (2011)**

##### **CS17 - The Historic Environment**

Development should protect, conserve and enhance the historic environment including non-scheduled nationally important features and buildings of local importance.

##### **CS16 - Urban Design and the Public Realm**

Design should be of high quality, appropriate to the site and area, improve the public realm, address vulnerability to crime, be accessible to all users and not result in any unacceptable impact upon the amenities of neighbouring residents.

#### **Peterborough Planning Policies DPD (2012)**

##### **PP02 - Design Quality**

Permission will only be granted for development which makes a positive contribution to the built and natural environment; does not have a detrimental effect on the character of the area; is sufficiently robust to withstand/adapt to climate change; and is designed for longevity.

##### **PP03 - Impacts of New Development**

Permission will not be granted for development which would result in an unacceptable loss of privacy, public and/or private green space or natural daylight; be overbearing or cause noise or other disturbance, odour or other pollution; fail to minimise opportunities for crime and disorder.

##### **PP11B - (b) External Shutters**

Permission will only be granted where there is demonstrable need in terms of crime; the property is not listed or within a conservation area; the shutter is designed to a high standard and is perforated.

##### **PP17 - Heritage Assets**

Development which would affect a heritage asset will be required to preserve and enhance the significance of the asset or its setting. Development which would have detrimental impact will be refused unless there are overriding public benefits.

#### **Peterborough Local Plan 2016 to 2036 (Submission)**

This document sets out the planning policies against which development will be assessed. It will bring together all the current Development Plan Documents into a single document. Consultation on this Proposed Submission version of the Local Plan took place in January and February 2018. The Local Plan was submitted to the Secretary of State on 26 March 2018. A Planning Inspector has been appointed and the Local Plan is going through the Examination stage to establish

whether it is 'sound', taking all the representations into consideration.

Paragraph 48 of the National Planning states that decision makers may give weight to relevant policies in an emerging plan according to:-

- the stage of the Plan (the more advanced the plan, the more weight which can be given)
- the extent to which there are unresolved objections to the policies
- the degree of consistency between emerging policies and the framework.

The policies can be used alongside adopted policies in the decision making process, especially where the plan contains new policies. The amount of weight to be given to the emerging plan policies is a matter for the decision maker. At this final stage the weight to be given to the emerging plan is more substantial than at the earlier stages although the 'starting point' for decision making remains the adopted Local Plan.

#### **LP16 - Urban Design and the Public Realm**

Development proposals would contribute positively to the character and distinctiveness of the area. They should make effective and efficient use of land and buildings, be durable and flexible, use appropriate high quality materials, maximise pedestrian permeability and legibility, improve the public realm, address vulnerability to crime, and be accessible to all.

#### **LP17 - Amenity Provision**

**LP17a) Part A Amenity of Existing Occupiers-** Permission will not be granted for development which would result in an unacceptable loss of privacy, public and/or private green space or natural daylight; be overbearing or cause noise or other disturbance, odour or other pollution; fail to minimise opportunities for crime and disorder.

**LP17b) Part B Amenity of Future Occupiers-** Proposals for new residential development should be designed and located to ensure that they provide for the needs of the future residents.

#### **LP19 - The Historic Environment**

Development should protect, conserve and enhance where appropriate the local character and distinctiveness of the area particularly in areas of high heritage value.

Unless it is explicitly demonstrated that a proposal meets the tests of the NPPF permission will only be granted for development affecting a designated heritage asset where the impact would not lead to substantial loss or harm. Where a proposal would result in less than substantial harm this harm will be weighed against the public benefit.

Proposals which fail to preserve or enhance the setting of a designated heritage asset will not be supported.

**Peterborough Shop Front Design Guidance SPD (2014)** – Solid external shutters may be often preferred by shopkeepers, but they are visually intrusive, 'deaden' the street frontage and create an unwelcoming environment. They are vulnerable to graffiti and fly posting. External shutters are only acceptable in special circumstances with the support of Cambridge Constabulary where there is a persistent problem of crime or vandalism which cannot be addressed by other measures.

## **4 Consultations/Representations**

### **Highways Officer (07.11.18) – No objection:**

The roller shutters shall not impact upon the adjacent public highway, the LHA (Local Highway Authority) would therefore raise no highway objections to the proposals.

## **PCC Conservation Officer (24.10.18) - Objects:**

External security shutters have been resisted by PCC for a number of years now and is backed up by the councils adopted Shop Front Design Guide (2014). These installations have a hugely deleterious impact on the character and appearance of any area, let alone conservation areas.

External shutters create harsh and dead environments, leading to a perception and fear of crime, as well as significant reduction in actual and perceived levels of vitality and natural surveillance.

This impact can be readily seen by the external shutters that adorn the shop opposite. The shutters opposite are historic and were in situ prior to the Conservation Area designation in 2002, thus unenforceable. As such, these shutters should not be seen as any form of precedence, but rather, strong evidence of why such practice should not continue to be supported today.

Although there has been reported attempts of break in, Cambs Police deem the risk that shutters would prevent, to be moderately low. It is therefore considered that the shutters would only be appropriate if they were relocated internally to the building. Internal shutters are visible behind the shopfront, rather than obtrusive within the streetscene and generally form a similar deterrent to burglars as external shutters do; (i.e. few people would consider loudly breaking into a shopfront, knowing that there is a far more secure barrier behind).

The objections above are clearly backed up in the adopted Shop Front Design Guide (2014).

The NPPF contains a general presumption in favour of sustainable development, but development is not considered sustainable if it causes harm to heritage assets.

The proposed development will harm the significance of the Conservation Area and the listed building through inappropriate development within their setting, contrary to paragraph 195 196 of the NPPF that would also neither preserve nor enhance the character or appearance of the Conservation Area, contrary to Section 72 of the 1990 Planning (Listed Buildings and Conservation Areas) Act. The proposal would also be contrary to Section 66 (1) of the Planning (Listed Building and Conservation Areas) Act 1990.

The NPPF requires that harm to a heritage asset must be weighed against any public benefit (assessed by the planning officer). It is considered that the impacts upon those assets identified within these comments are significant, though less than substantial, so paragraph 196 of the NPPF is engaged. While the harm is less than substantial, the harm is significant and the level of harm is not justified and would warrant consideration as grounds for refusal.

In my opinion, the harm caused by the proposal on designated heritage assets triggers the "strong presumption" against granting permission and the harm is not exceeded by the limited public benefits of the proposal.

It is considered that the proposal does not comply with the provisions of Paragraphs 193 and 195 of the NPPF; Peterborough Core Strategy Policy CS17 and Peterborough Planning Policies Development Plan Document Policy PP17 and the application be refused.

## **Recommendation**

From a heritage consideration the proposed works are not supported.

The unauthorised shutters do not preserve or enhance the character and appearance of the Conservation Area in accordance with Section 72(1), of the Town and Country Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended) nor accord with Policy CS17 of the Peterborough Core Strategy DPD (2011), Policy PP17 of the Peterborough Planning Policies DPD (2012) and the National Planning Policy Framework (Heritage considerations)

**Eye Parish Council** (29.10.18) - No comments to make

**Designing Out Crime Officer** (19.10.18) - Whilst I accept there have been some criminal activity at this premises it is at of a low level (5 offences in nearly 4 years) and I would assess the potential crime risk to the property, "which shutters would prevent, as moderately low.

The offences include:

3 x burglary – 1 x side window forced, 2 x attempted forced entry – attempt to break windows and forcing doors - no entry gained  
1 x shop lifting and 1 x robbery – offender has subsequently been arrested.

If the Local Planning Authority deems that external shutters already installed are not suitable for this property in the manner proposed, the applicant could consider installing internal shutters or demountable mesh grills. It would appear the owner has already installed toughened glass to the premises.

Ideally internal shutters should be tested to minimum security standard of LPS 1 175 SR2 or higher. I have no further comments, objections or recommendations.

### **Local Residents/Interested Parties**

4 representations have been received supporting the scheme. Main points mentioned:

- o Other premises have shutters upon them
- o The premises has been damaged or Vandalised in the past
- o Local Post Office is struggling economically, Local Authority support is required
- o Local shops provide service to the community

## **5 Assessment of the planning issues**

### **Assessment of the planning issues**

**The main considerations are:**

- Principle of development
- Design and impact upon the character and appearance of the surrounding area
- Highways impact
- Other matters

#### **a) Principle of development**

Policy PP11 of the Peterborough Planning Policies DPD (2012) is the primary policy in determining applications for external roller shutters, amongst other criteria (discussed below), the policy requires that a persistent problem of crime or vandalism affecting the property or business must be demonstrated, which cannot be satisfactorily and reasonably addressed by an alternative measure. Additionally external security shutters have been resisted by PCC (Plymouth City Council) for a number of years now and is also backed up by the councils adopted Shop Front Design Guide (2014). These installations have a hugely deleterious impact on the character and appearance of any area, let alone conservation areas.

The Cambridgeshire Police Architectural Liaison Officer (PALO 19.10.18) has advised that, having reviewed Police crimes and incidents at the site over the past 4 years, nothing would suggest that the premises is vulnerable to crime and disorder. Furthermore, whilst other premises within the locality have been burgled. Taking the above into account, the PALO considers that the potential crime risk to the property, which shutters would prevent, is moderately low.

In addition to this lack of identified or proven crime risk, the Applicant has failed to demonstrate why alternative measures for securing the property are not satisfactory or reasonable. Given that the main reason given by the Applicant for the shutters is to prevent thefts of high value stock at the request of Royal Mail. The installation of internal shutters has not been explored due to stated economic costs, which Officers consider is likely to be a sufficient measure to prevent/mitigate a perceived crime risk and reduce detrimental impact on the wider conservation area.

In light of the above, it has not been proven that there is a crime risk affecting the property, or that alternative measures would be sufficient to mitigate any risk that does exist. Accordingly, the principle of development is not considered acceptable.

**b) Design and impact upon the character and appearance of the surrounding conservation area**

The roller shutters installed on both the principle windows and main door are of a solid steel appearance and will be painted white, this will appear unduly obtrusive and dominant to the shop frontage when not retracted. The appearance of the shutters is an unattractive addition to the premises, and one which increases the perception of crime to the detriment of the character of the streetscene and wider area.

The Conservation Officer (24.10.18) comments 'External shutters create harsh and dead environments, leading to a perception and fear of crime, as well as significant reduction in actual and perceived levels of vitality and natural surveillance'.

Whilst it is noted that other premises within the locality currently have roller shutters which came about before the site was incorporated into the Eye Conservation Area (designated March 2002). The application site presently acts as relief from these harsh and 'dead' frontages.

The proposed shutters create a significant length of frontage which has no activity at night, and significantly increases the degree of harm which already results by virtue of the neighbouring shutters along the High Street. The presence of past security shutters do not automatically set a precedent for further shutters, this proposal should be resisted as it would lead to the further erosion of the character of the Conservation Area.

**c) Highway impacts**

Whilst the housing of the roller shutters over sails the public highway, the Local Highway Authority (LHA) has raised no objections as it is not considered that this unacceptable impacts upon the safety of users.

**d) Other Matters**

It is important to address other additional points highlighted within supporting statements received.

Supporting comments highlight the valued service provided by the Post Office for the local community and that economically it is struggling through additional competition in the High Street. This factors are acknowledged, however from an Officers standpoint, the harm caused by the shutters, is perceived to outweigh their benefits. The NPPF requires that harm to a heritage asset must be weighed against any public benefit (assessed by the planning officer). It is considered that the impacts upon those assets identified within these comments are significant, though less than substantial, so paragraph 196 of the NPPF is engaged. While the harm is less than substantial, the harm is significant and the level of harm is not justified and would sustain grounds for refusal.

It is also important to mention that the consultation response for the proposal expires on the 15.11.2018, with possibility of further comments submitted up to this date.

## 6 Conclusions

On the basis of the above, the development results in unacceptable harm to the character, appearance and visual amenity of the streetscene and surrounding area which is contrary to Policy CS16 of the Peterborough Core Strategy DPD (2011), Policies PP2 and PP11 of the Peterborough Planning Policies DPD (2012) and emerging Policies LP16 and LP18 of the Peterborough Local Plan 2016-2036 (Submission Version) which may be afforded

## 7 Recommendation

The Director of Growth and Regeneration recommends that Planning Permission is **refused**:

- R 1 There have been 5 incidents of crime reported at the application property within the four years preceding this application. Due to the number and type reported, this would not suggest that the site is vulnerable to crime and disorder. Accordingly, the potential crime risk to the property, which shutters would prevent, is considered moderately low. It has therefore not been demonstrated that there is a persistent and serious crime risk, or that other measures would not be sufficient or reasonable to mitigate any low risk that is posed. Accordingly, the proposal is contrary to Policy PP11(d) of the Peterborough Planning Policies DPD (2012) and emerging Policy LP18(d) of the Peterborough Local Plan 2016-2036 (Submission Version) which may be afforded weight at this time.
- R 2 The roller shutters, by virtue of their appearance and prominence, result in a poor quality of shopfront which appears unwelcome, unattractive and increases the perception of crime risk within the locality. The shutters exacerbate the 'dead' frontage which already exists from neighbouring external shutters, and results in a poor quality of design within the streetscene. The development therefore causes unacceptable harm to the character, appearance and visual amenity of the surrounding Conservation Area (which is not outweighed by the crime at the property that necessitates mitigation) which is contrary to Policies CS16 and CS17 of the Peterborough Core Strategy DPD (2011), Policies PP2, PP11 and PP17 of the Peterborough Planning Policies DPD (2012) and emerging Policies LP16, LP18 and LP19 of the Peterborough Local Plan 2016-2036 (Submission Version) which may be afforded weight at this time.

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