SOUTH HOLLAND DISTRICT COUNCIL

Town and Country Planning Act 1990

Refusal of Planning Permission

Reference: H16/0845/93 Received:06-SEP-93 Type:FULL

Name: Dixons Stores Group
46-50 Uxbridge Road
Ealing
London
W5 2SU

Agent: Alsecure Ltd.,
c/o Andrew Dixon & Co.,
Ercall Chambers
Market Street
Wellington, Telford TF1 1DT

Description: Installation of security roller shutters

Location : Currys 14 Market Place
Spalding Lincs

South Holland District Council hereby give notice that PERMISSION HAS BEEN REFUSED for the development for the following reason(s):

1 The submitted plans are not drawn to scale and do not clearly demonstrate the visual appearance that these shutters would present, but on the basis of the information given, the Local Planning Authority is satisfied that the proposed installation of the security roller shutters on this property would demonstrably harm the character of this Listed Building and the character of this part of the Conservation Area.

Director of Planning and Building Control Services
01-NOV-93 H16/0845/93

This decision refers only to that required for the purposes of the Town and Country Planning Act and not for Building Regulations or any other legislation. See enclosed notes relating to rights of appeal.

BRIAN SMITH Dip TP MRTPI Director of Planning & Building Control Services

Planning & Building Control Department, Council Offices, Priory Road, Spalding, Lincolnshire. PE11 2XE (Tel: 0775 761161)



Car Park
Garage
Training Centre
Bowling Green
Club
Sunday School
Methodist Church
NEW ROAD
STREET
SHEEP MARKET
HALL PLACE
MARKET PLACE
Bank
Car Park
Sorting Office
THE CRESCENT
St Peter's Lodge
PRIORY ROAD
R D C Offices
CENTRAL WARD
HAVERFIELD ROAD
LONDON ROAD
CHURCH GATE
Town Hall
St Mary and St Nicolas's Church (C of F)
Ayscoughfee Hall
Bowling Green
Ayscoughfee Gardens
Bandstand
Pond
War Meml
Cinema
Tennis Court
A T C Centre
El Sub Sta
alding Grammar School

H16/0846/93

The Planning Inspectorate

An Executive Agency in the Department of the Environment and the Welsh Office

Room 1404
Tollgate House
Houlton Street
Bristol BS2 9DJ

Direct Line 0272-218927
Switchboard 0272-218811
Fax No 0272-218769
GTN 1374

Town Planning Consultancy
118 Southwark Street
LONDON
SE1 0SW

Your Ref: 93172

SHDC PLANNING DEPT.
RECEIVED
31 MAR 1994

Our Ref:
T/APP/A2525/A/93/231228/P7
T/APP/A2525/E/93/810415/P7

Attention of
DPO NRM
DOPO BS
JC ACP
Action by .....
Discuss with .....
Copy to.....

File Nos.

Date:

Acknowledge YES/NO
by
date

30 MAR 1994

Dear Sirs

TOWN AND COUNTRY PLANNING ACT 1990 SECTION 78 SCHEDULE 6 AND PLANNING (LISTED BUILDINGS AND CONSERVATION AREAS) ACT 1990 SECTION 20 AND SCHEDULE 3
APPEALS BY DIXON STORES GROUP
APPLICATION NOS: H16/0845/93 & H16/0846/93

1. I have been appointed by the Secretary of State for the Environment to determine these appeals against the decisions of the South Holland District Council to refuse planning permission and listed building consent for the installation of security shutters at Currys, 14 Market Place, Spalding. I conducted a hearing into the appeals on 1 March 1994.

2. At the hearing you invited me to consider the proposal on the understanding that perforations in the shutter laths would be infilled with clear polycarbonate. This intention is not apparent from the application drawings or from other information forming part of the applications, but you indicated your client's wish to incorporate this material for reasons of security. The Council did not raise a fundamental objection to use of polycarbonate, but drew attention to a possible increase in reflectivity arising from this form of construction. The amendment comprises, in my view, a minor alteration to the development and works proposed. For this reason, and in the absence of third party objections to the appeal proposal, I have dealt with the appeals on the understanding that the perforations in the shutters described in the applications would be infilled with clear polycarbonate material.

3. The appeal building is included in the statutory list of buildings of special architectural or historic interest in Grade II and is situated within the Spalding Conservation Area. The proposed shutters would extend across the full width of the modern shopfront, covering display windows and a centrally positioned, recessed entrance. A rectangular box

100%
RECYCLED PAPER

housing, set below the existing fascia and partly within the display windows, would accommodate the shutters in the raise position. Metal channels, permanently attached to the shopfront, would guide the shutters to pavement level when lowered.

4. From my inspection of the appeal building and its surroundings and from my consideration of the submissions made, my view is that the principal issues in both appeals are first, the effect of the roller shutters on the architectural character of the listed building and secondly, whether the roller shutters proposed would preserve or enhance the character or appearance of the Spalding Conservation Area.

5. The adopted local plan for the area is the Spalding and Pinchbeck Local Plan 1985. Policy E1 aims to preserve and enhance the special character of the Spalding Conservation Area by resisting development which would conflict with its special character. This aim is repeated in the Policy E1 of the Local Plan Review, published in June 1993 and approved by the Council as a non-statutory local plan. Policy E1 has been modified in the Review Plan to include references to enhancement proposals, works to historic buildings and alterations to shopfronts. Its general thrust follows guidance on historic buildings and conservation areas set out in Circular 8/87. Policy E5 of the Local Plan Review aims to secure development capable of creating an interesting and attractive environment, in harmony with its surroundings. Notwithstanding its non-statutory status, I have attached particular weight to the Review Plan, having regard to its topicality.

6. In dealing with the first issue I have borne in mind the duties imposed by Sections 16(2) and 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to have special regard to the desirability of preserving a listed building, or its setting, or any features of special architectural or historic interest which it possesses. The list description refers to 14 Market Place as an early to mid 19th century building of 3 storeys with rusticated quoins and other decorative features. I saw, during my inspection, that these features are confined to the upper floors of the building. In common with most other retail premises in the area, the ground floor frontage of the appeal building is entirely modern in design and appearance. A deep and prominent fascia clearly denotes the position at which the solid and ornate upper facade changes to a plain and almost wholly glazed shopfront.

7. Circular 8/87 advises that, wherever old shopfronts of merit survive, every effort should be made to retain them. In this case the existing shopfront is quite obviously of recent origin and of a design that, in my opinion, makes no contribution to the special architectural interest of the listed building. The Council consider that the proposed shutters would be harmful to the external appearance of the

list[illegible] building. They have drawn attention to advice contained in a draft Circular on planning and crime prevention, now published as Circular 5/94, which describes other methods by which the shopfront could be made secure. They have also drawn attention to shutters recently incorporated in the adjacent shop premises which they regard as being a more appropriate design solution to the problem of security.

8. I can accept that measures, other than those proposed, might be taken to safeguard the shopfront and the appeal premises as a whole from the effects of theft and vandalism. However, in a situation where nothing of the original facade remains below fascia level and where the shopfront makes no contribution to the special architectural interest of the building, I am of the opinion that the proposed shutters would be no more out of keeping with the character or appearance of the listed building than the present shopfront. In forming this view I have taken into account the probable effect of polycarbonate infilling on the appearance of the shutters. Measures of the kind set out in Annex A4 of Circular 5/94 would, it seems to me, require fairly extensive alterations to the shopfront. While this might well offer the opportunity to devise a shopfront of a style more sympathetic to the architectural character of the original building, the proposal before me is confined to a shutter installation which is to be considered on its particular planning merits.

9. Shutters installed in the adjacent premises have been designed to reflect the particular shopfront configuration of that property. In my opinion they reflect, in a sympathetic manner, the architectural character of that building. However, the shopfront of the appeal premises is of quite different style and I am not convinced that the kind of shutters installed at 12 Market Place, or any variation on this theme, would necessarily appear more in keeping with the appearance of the appeal building than the shutters proposed. Taking all these considerations together, I find no serious conflict with national guidance on historic buildings and crime prevention, nor with the underlying aims of relevant local plan policies to which I have referred.

10. In dealing with the second issue I have borne in mind the duty imposed by Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act, to pay special attention to the desirability of preserving or enhancing the character or appearance of the conservation area. Market Place forms part of an extensive conservation area taking in much of the town centre of Spalding and outlying development. Many buildings of good architectural quality, a significant number of them listed, contribute to the conservation area's pleasing appearance. Commercial activity comprises an integral part of the special character of the Spalding Conservation Area.

11. The appeal building accommodates one of many retail establishments and service outlets in the town centre. Drawing upon impressions formed during my inspection of the town centre, and having regard also to my conclusion on the first main issue, I consider that appearance of the shopfront with the shutters lowered, would have only a limited effect on the character and appearance of the conservation area. In forming this view I have had regard to the diverse appearance of shopfronts in the area and have taken into account the possibility that pressure could arise for the installation of similar shutters on other buildings in the conservation area. On the latter point, I do not consider that the appeal proposal would, having regard to all the circumstances of these cases, provide a compelling precedent for the installation of similar shutters on other commercial premises. I therefore conclude, on the second issue, that the character and appearance of the Spalding Conservation Area would be preserved by the proposal and no serious conflict arises with relevant local plan policies referred to previously.

12. I have taken account of all other matters raised in written representations and at the hearing, including the appeal decisions drawn to my attention and proposals for environmental improvements in Market Place, but I find nothing sufficient to outweigh the considerations that have led to my overall conclusions in these cases, which are that planning permission and listed building consent may be granted.

13. The Council have indicated conditions that they would wish to see imposed in the event of the appeals being allowed. A reduction in the proposed height of the solid section of the shutters, as would be required by suggested Condition 1, is not, in my opinion, essential to the granting of planning permission and listed building consent. I do not, therefore, intend to impose a condition to this effect. Application drawing AL1497 is not to scale and it does not, in my view, provide all the information necessary to determine the detailed impact of the proposal on the fabric of the listed building. The Council's suggested Condition 2 seeks the provision of more information than I consider is required to establish this, but I intend to attach a condition to the listed building consent stipulating that key details be approved by the Council before works commence.

14. The proposed colour finish of the shutter is indicated on drawing AL1497 but it will be important, in my view, to protect the listed building from possible strident colour schemes that could detract from its appearance. I therefore intend to impose a condition requiring any changes in colour to be approved by the Council. A condition relating to the hours during which the shutters may be lowered will not be necessary, in my view, as I believe these will, in any case, be confined to the minimum needed to secure the premises.

15. For the above reasons and in exercise of powers transferred to me, I hereby allow the Section 78 appeal and

grant planning permission for the installation of security shutters in accordance with the terms of the application No H16/0845/93 dated 3 September 1993 and the plans submitted therewith, subject to the following conditions:

1. the development hereby permitted shall be begun before the expiration of 5 years from the date of this letter.

2. the shutters hereby approved shall be finished in the colour indicated on drawing AL1497; thereafter the colour shall not be changed, other than with the written permission of the local planning authority.

16. For the above reasons, and in exercise of the same powers, I hereby allow the Section 20 appeal and grant listed building consent for works of the same description as above, in accordance with the terms of the application No H16/0846/93 dated 24 November 1993 and the plans submitted therewith, subject to the following conditions:

1. the works hereby permitted shall be begun before the expiration of five years from the date of this letter.

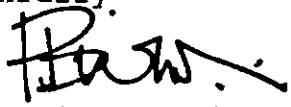
2. the shutters hereby approved shall be finished in the colour indicated on drawing AL1497; thereafter the colour shall not be changed other than with the written consent of the local planning authority.

3. before the development hereby permitted commences an annotated and detailed drawing to a scale of not less than 1:20, illustrating the method of fixing the shutter guides to the shopfront, together with details of the construction of the shutter box housing and the method of its attachment to the shopfront, shall be submitted to and approved in writing by the local planning authority.

17. An applicant for any consent, agreement or approval required by a condition of this permission has a statutory right of appeal to the Secretary of State if consent, agreement or approval is refused or granted conditionally or if the authority fail to give notice of their planning decision within the prescribed period.

18. This letter does not convey any approval or consent which may be required under any enactment, bye-law, order or regulation other than Section 57 of the Town and Country Planning Act 1990 and Sections 7 and 8 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

Yours faithfully



P D WILSON DipArch DipTP RIBA MRTPI
Inspector

APPEARANCES

FOR THE APPELLANT

Mrs Jane Gleeson BA BPl MRTPI	-	Town Planning Consultancy 118 Southwark Street, London, SE1 0SW
Mr Brian Hill BSc DipTP MRTPI	-	As above.
Mr John Burr, Security Specifier	-	Dixons Stores Group 46-50 Uxbridge Road, Ealing, London, W5 2SU

FOR THE LOCAL PLANNING AUTHORITY

Mr Peter Udy BA(Hons) BTP MRTPI	-	Planning Assistant, South Holland District Council
Mr David Roberts ARICS	-	Senior Planning Assistant, South Holland District Council

INTERESTED PERSONS

Mr G J Hawkins	-	Councillor, Central Ward, South Holland District Council

DOCUMENTS

Document 1	-	List of persons present at the Hearing.
Document 2	-	Council's letter of notification of the Hearing.
Document 3	-	Letter received in response to 2 above.
Document 4	-	Appendices to appellant's statement.
Document 5	-	Appendices to Council's statement.
Document 6	-	Extract from Statutory List relating to 14 Market Place, Spalding.
Document 7	-	Copy of Notice of Prohibition of Driving and Waiting, relating to the Market Place, Spalding.

Document 8	-	Copy of appeals decision letter. References T/APP/E3905/A/93/219739/P4 and T/APP/E3905/E/93/809698/P4, submitted by the Council.
Document 9	-	Council's list of suggested planning conditions.

PLANS

Plan A	-	Location Plan, forming part of applications.
Plan B	-	Drawing AL1497, forming part of applications.
Plan C	-	Drawing AL1745, submitted by appellant.
Plan D	-	Plan illustrating boundaries of Spalding Conservation Area.
Plan E	-	Plan illustrating distribution of listed buildings in the conservation area.
Plan F	-	Plan illustrating proposed environmental improvements in the Market Place, Spalding, submitted by the Council.