

# DEVELOPMENT MANAGEMENT COMMITTEE 16<sup>th</sup> September 2024

**Case No:** 24/01173/S73

**Proposal:** Variation of Condition 2 (Development in Accordance with Plans for 23/01189/FUL (Retrospective))

**Location:** 62 High Street, Ramsey, PE26 1AA

**Applicant:** Mr S Kochhar

**Grid Ref:** (E) 528759 (N) 285053

**Date of Registration:** 4<sup>th</sup> July 2024

**Parish:** Ramsey

---

## RECOMMENDATION - APPROVE

This application is referred to the Development Management Committee (DMC) in accordance with the Scheme of Delegation as the recommendation of approval is contrary to that of the Town Council.

### 1. DESCRIPTION OF SITE AND APPLICATION

- 1.1 62 High Street is a business premises located within the Ramsey Spatial Planning Area and the area defined as Ramsey Town Centre and a Primary Shopping Area under Policies LP7 and LP21 of Huntingdonshire's Local Plan to 2036. The site lies within the Ramsey Conservation Area (CA) and there are a number of Grade II Listed Buildings in the vicinity.
- 1.2 This application seeks retrospective permission for the installation of 1 window and 1 door to the ground floor rear (north-west) elevation and the omission of 2 windows to the ground floor side (south-west) elevation which were not part of the approval under application reference 23/01189/FUL.

### 2. NATIONAL GUIDANCE

- 2.1 The National Planning Policy Framework (December 2023) (NPPF 2023) sets out the three objectives – economic, social and environmental – of the planning system to contribute to the achievement of sustainable development. The NPPF 2023 at paragraph 10 provides as follows: ‘So that sustainable development is pursued in a positive way, at the heart of the Framework is a presumption in favour of sustainable development (paragraph 11).’

2.2 The National Planning Policy Framework (December 2023) (NPPF 2023) sets out the Government's planning policies for (amongst other things):

- delivering a sufficient supply of homes;
- building a strong, competitive economy;
- achieving well-designed, beautiful and safe places;
- conserving and enhancing the natural, built and historic environment

2.3 Planning Practice Guidance and the National Design Guide 2021 are also relevant and material considerations.

For full details visit the government website [National Guidance](#)

### **3. PLANNING POLICIES**

3.1 Huntingdonshire's Local Plan to 2036 (Adopted 15th May 2019)

- LP2: Strategy for Development
- LP7: Spatial Planning Areas
- LP11: Design Context
- LP12: Design Implementation
- LP14: Amenity
- LP34: Heritage Assets and their Settings

3.2 Supplementary Planning Documents (SPD) and Guidance:

- Huntingdonshire Design Guide Supplementary Planning Document 2017
- Huntingdonshire Landscape and Townscape SPD (2022)
- Cambridgeshire and Peterborough Minerals and Waste Local Plan (2021)
- Ramsey Conservation Area Character Assessment (2005)

The National Design Guide (2021)

- C1 - Understand and relate well to the site, its local and wider context
- I1 - Respond to existing local character and identity
- I2 - Well-designed, high quality and attractive
- I3 – Create character and identity

Local For full details visit the government website [Local policies](#)

### **4. RELEVANT PLANNING HISTORY**

4.1 23/01189/FUL – Proposed new window openings (one retrospective) replacement doors and replacement flat covering including roof lights. (Approved)

## **5. CONSULTATIONS**

### 5.1 Ramsey Town Council recommend refusal:

“Ramsey Town Councillors Voted 6 for 4 against 1 abstention to object to this application. The objection is on the grounds of overlooking and loss of privacy. The Councillors objecting also felt that the breach of the original plans was unacceptable.

## **6. REPRESENTATIONS**

### 6.1 None received at the time of determination.

## **7. ASSESSMENT**

7.1 The Planning Practice Guidance (PPG) notes that there are instances where new issues may arise after planning permission has been granted, which require modification of the approved proposals. It advises where these modifications are fundamental or substantial, a new planning application will be required. Where less substantial changes are proposed a non-material amendment application can be submitted, or a minor material amendment (S73 application) where there are relevant conditions that can be varied. There is no statutory definition within the PPG of a 'minor material amendment' but it states that it is likely to include any amendment where its scale and/or nature results in a development which is not substantially different from the one which has been approved.

7.2 The PPG advises that "Where an application under section 73 is granted, the effect is the issue of a new planning permission, sitting alongside the original permission, which remains intact and unamended. A decision notice describing the new permission should be issued, setting out all of the conditions related to it. To assist with clarity decision notices for the grant of planning permission under section 73 should also repeat the relevant conditions from the original planning permission unless they have already been discharged".

7.3 As a section 73 application cannot be used to vary the time limit for implementation, this condition must remain unchanged from the original consent. All conditions imposed in permission reference 23/01189/FUL will be repeated, apart from those to be varied or which have been discharged.

7.4 Condition 2 of application reference 23/01189/FUL reads: “The development hereby permitted shall be carried out in accordance with the approved plans listed in the table above.”

7.5 The main issues to consider in the determination of this application are:

- The principle of development
- Design and visual amenity
- Impact on heritage assets
- Residential amenity

### **The principle of the development**

7.6 The application site lies within the Ramsey Spatial Planning Area as defined under policy LP7 of the Local Plan. LP7 supports proposals for business development where it is appropriately located within a built-up area of an identified Spatial Planning Area Settlement. In this case, the building is clearly located within a built-up area of the Spatial Planning Area and supports the continued use of the site for business purposes. The development is therefore considered to be acceptable in principle subject to compliance with other relevant policies and considerations.

### **Design and Visual Amenity**

7.7 The approved plans for application reference 23/01189/FUL (amongst other additions) showed two windows in the side (south-west) elevation of the single storey section to the rear and two doors in the rear (north-west) elevation. Under this scheme the two side windows are omitted and an additional door and window has been added to the rear. The design of the doors also appear to have changed in design.

7.8 For the purposes of this assessment it should be acknowledged that by virtue of Schedule 2, Part 7, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) the applicant would be able to insert these windows and doors (were it not within the Conservation Area) with no prior engagement with the LPA. Therefore, whilst in this case (given the location within the CA), it is not suggested that this is permitted development, this clear 'fallback position' (in design terms) and the fact that it is simply not permitted development due to the requirement for the LPA to assess harm to the designated heritage assets should be given weight when the design matters are discussed in the proceeding sections of this report.

7.9 The proposed additions are located to the rear of the building in an area which has a modern and utilitarian appearance. Given its location to the rear of the large-scale buildings forming the High Street and Great Whyte, it would not be a prominent feature. Many of these buildings have modern additions in terms of windows and do little to enhance the character or appearance of the area. This commercial nature is punctuated by residential

development in the form of access to flat above commercial premises and Hildred Court which has the appearance of an early 1990s housing development. Thus, there is no key theme or pattern of development evident.

- 7.10 Having regard to the above, it is therefore concluded that this minor alteration to the approved scheme which utilises materials which match those which are already in place on the building will not cause visual harm to the character or appearance of the area and therefore accords with Policies LP11 and LP12 of the Huntingdonshire Local Plan to 2036. For the same reasons, the minor amendments to the doors (not part of this application but referenced for completeness) are not considered to be harmful.
- 7.11 Officers note that Ramsey Town Council object on the grounds that the works should have been undertaken in accordance with the approved plans. Whilst the planning permission was granted on the basis it would be carried out in accordance with the approved plans, in the event that the applicant does not accord with conditions imposed (e.g. accordance with approved plans) this may leave them exposed to enforcement action. In this case, whilst there has clearly been a breach of condition, this application is an attempt to seek to regularise the breach. Officers and Members must consider and determine the planning application before them on its planning merits only, and its retrospective nature can have no bearing on the way it is assessed or determined.

### **Impact on Heritage Assets**

- 7.12 As detailed in the preceding sections of this report the site lies within the Ramsey CA and there are a number of Grade II Listed Buildings within (though not immediate adjacent to) the application site. No part of the development subject to this application is visible in context with the Listed Buildings.
- 7.13 Section 72 of the Planning (LBCA) Act 1990 states that special attention shall be paid to the desirability of preserving or enhancing the character or appearance of a Conservation Area.

Section 66 of the Planning (LBCA) Act 1990 states that in considering whether to grant planning permission for development which affects a listed building or its setting, the Local Planning Authority shall 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.

Para. 205 of the NPPF sets out that 'When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any

potential harm amounts to substantial harm, total loss or less than substantial harm to its significance'.

Para. 206 states that 'Any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification'

Local Plan policy LP34 aligns with the statutory provisions and NPPF advice.

- 7.14 In this case, whilst the application is not accompanied by a Heritage Statement, as can be established by the assessment in the preceding sections of this report, the addition of one window and door to the rear of the building and the omission of two windows (approved but not implemented) are not harmful to the character or appearance of the area or the wider Conservation Area. The building (especially to the rear) makes a very limited contribution to the Conservation Area and as such it would not be harmed by these minor amendments.
- 7.15 Having regard to the above, it is considered that the development broadly accords with Policy LP34 of the Huntingdonshire Local Plan to 2036, the NPPF (2023) and the Planning (Listed Buildings and Conservation Areas Act) 1990 in this regard.

### **Residential Amenity**

- 7.16 Policy LP14 of the Local Plan to 2036 states that “a proposal will be supported where a high standard of amenity is provided for all users and occupiers of the proposed development and maintained for users and occupiers of neighbouring land and buildings.”
- 7.17 In having regard to the above it is not considered that the amendments given their nature would give rise to overbearing impacts, overshadowing or loss of light. Naturally a key consideration is overlooking and loss of privacy which is the basis of the objection from Ramsey Town Council.
- 7.18 In assessing the above, attention is again drawn to the provisions of the GPDO as a ‘fallback position’ were it not within the CA. The door and window are located at ground floor level adjacent to the earlier approved doors. It is acknowledged that these additions are in close proximity to the dwellings forming Hildred Court. Those to the south-west would not receive direct views from these additions and the omission of the side windows (whilst not harmful given their location at ground floor level and boundary treatment in place) is a betterment in terms of perceived overlooking. Numbers 11 and 12 Hildred Court are

located diagonally from the application site meaning that no direct views would be afforded. A site visit also confirms that there is a tall (assumed 1.8 or 2 metre) close boarded fence forming the south-western boundary and so no views are afforded from this door or window. There is also a boundary wall to the north-west limiting views towards number 14 Hildred Court. In any event, were this wall not in place there is a separation distance of approx. 32 metres between the two properties and the standard for a direct window to window relationship (generally considering first-floor windows and above) is 21 metres.

- 7.19 Further to the above, it should be noted that Hildred Court is something of a thoroughfare (unclear if formally established) with access from High Street, Great Whyte and Mews Close and is located to the north and west of two of the main shopping areas of Ramsey. Therefore, foot traffic is commonplace and views of all ground floor windows of these properties are available to anyone passing as is expected of such locations. Therefore, having regard to the above assessment, the development is considered to be acceptable in terms of residential amenity and accords with Policy LP14 of the Huntingdonshire Local Plan to 2036 in this regard.

**8. RECOMMENDATION – APPROVAL subject to conditions to include the following:**

- Retention in accordance with approved plans
- Materials retained

If you would like a translation of this document, a large text version or an audio version, please contact us on 01480 388424 and we will try to accommodate your needs.

**CONTACT OFFICER: Kevin Simpson**  
Enquiries [kevin.simpson@huntingdonshire.gov.uk](mailto:kevin.simpson@huntingdonshire.gov.uk)

---

**From:** DevelopmentControl  
**Sent:** 26 July 2024 15:25  
**To:** DevelopmentControl  
**Subject:** Comments for Planning Application 24/01173/S73

## Comments summary

Dear Sir/Madam,

Planning Application comments have been made. A summary of the comments is provided below.

Comments were submitted at 26/07/2024 3:25 PM from Mrs LISA Renfree.

### Application Summary

Address:	Shop 62 High Street Ramsey Huntingdon PE26 1AA
Proposal:	Variation of Condition 2 (Development in Accordance with Plans) for 23/01189/FUL
Case Officer:	[REDACTED]

[Click for further information](#)

### Customer Details

Name:	[REDACTED]
Email:	[REDACTED]
Address:	[REDACTED]

### Comments Details

Commenter Type:	Town or Parish Council
Stance:	Customer objects to the Planning Application
Reasons for comment:	
Comments:	Ramsey Town Councillors Voted 6 FOR 4 AGAINST 1 ABSTENTION to object to this application. The objection is on the grounds of over looking and loss of privacy. The Councillors objecting also felt that the breach of the original plans was unacceptable.

Kind regards



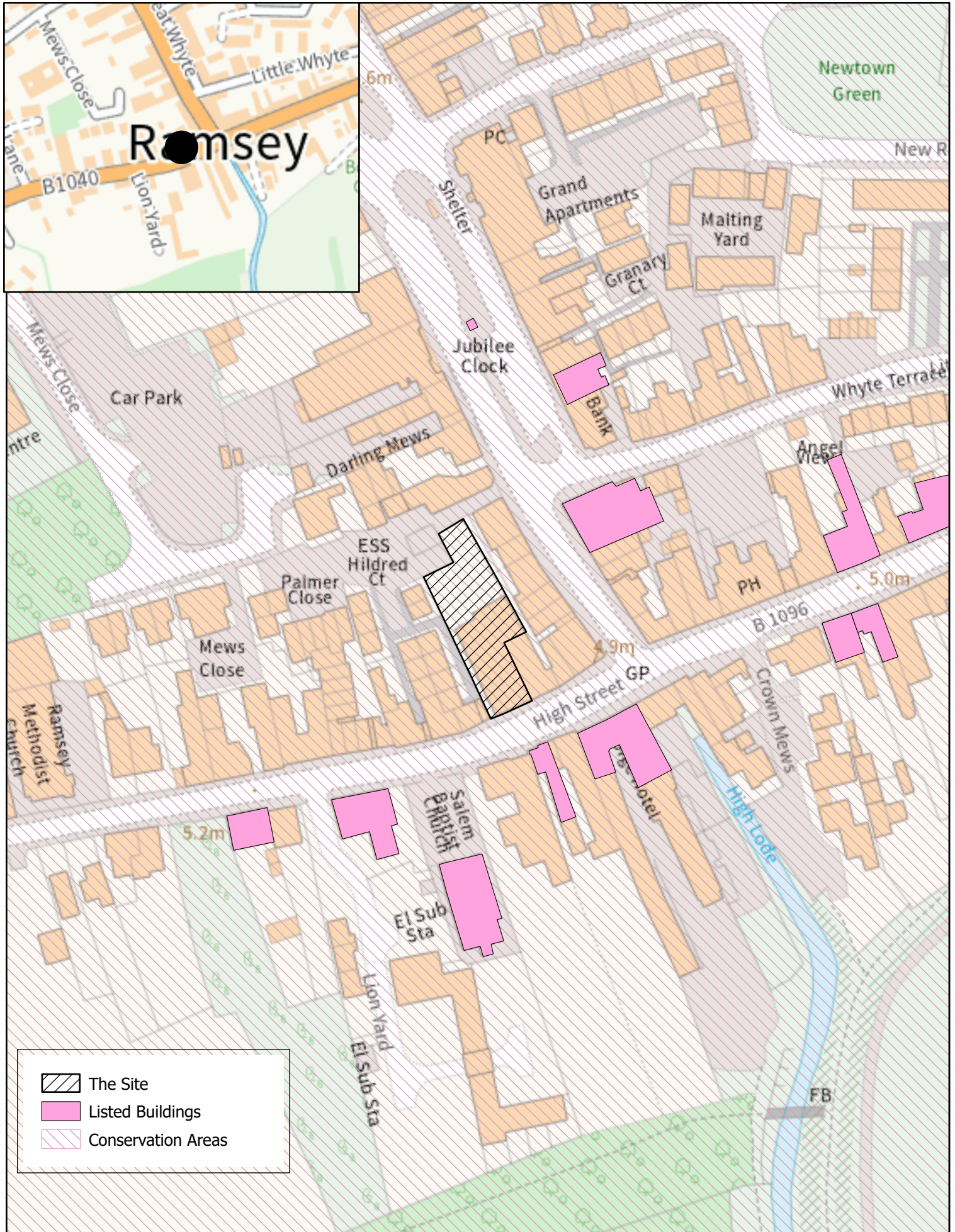
# Development Management Committee

Application Ref: 24/01173/S73



Scale = 1:1,250

Date Created: 03/09/2024



# Location Plan

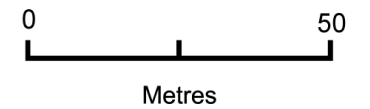
Site Address: Ramsey Community Arcade And Indoor Market, Shop, 62, High Street, Ramsey, PE26 1AA

Date Produced: 27-Jun-2023

Scale: 1:1250 @A4



Planning Portal Reference: PP-12256686v1



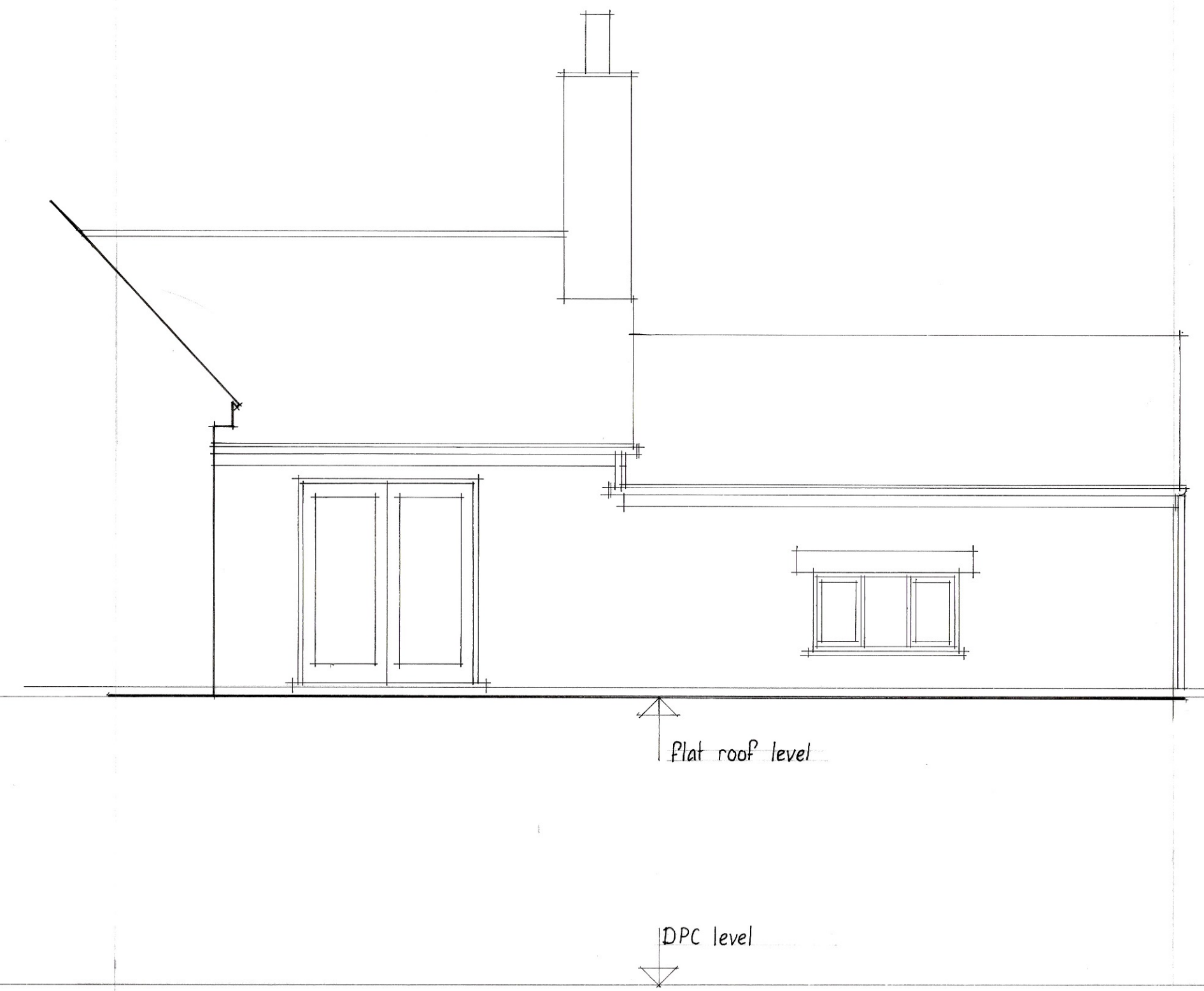


revisions:

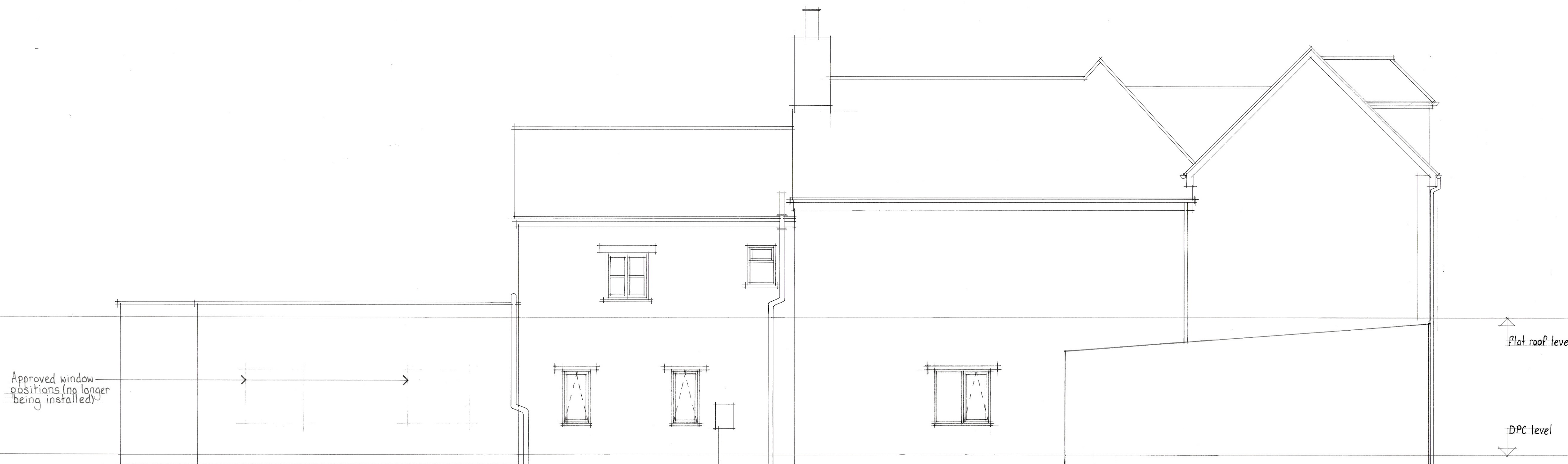
- A.27:07:2023 existing window added to N.W. elevation D.H.
- B.03:07:2024 window/door openings added and removed for retrospective R/H



NORTH WEST ELEVATION AS PROPOSED



NORTH EAST ELEVATION AS PROPOSED



SOUTH WEST ELEVATION AS PROPOSED

David Hartley Associates  
Architectural Design Services

22 High Street  
Stilton  
Peterborough  
PE7 3RA  
Tel 01733 244849  
Mob 07748 154279  
Email davidhartleyads@gmail.com  
Website davidhartleyarchitecture.co.uk

client:  
Ramsey Flats Ltd  
62 High Street  
Ramsey  
Huntingdon  
PE26 1AA

Proposed new window openings, replacement doors & replacement flat roof covering

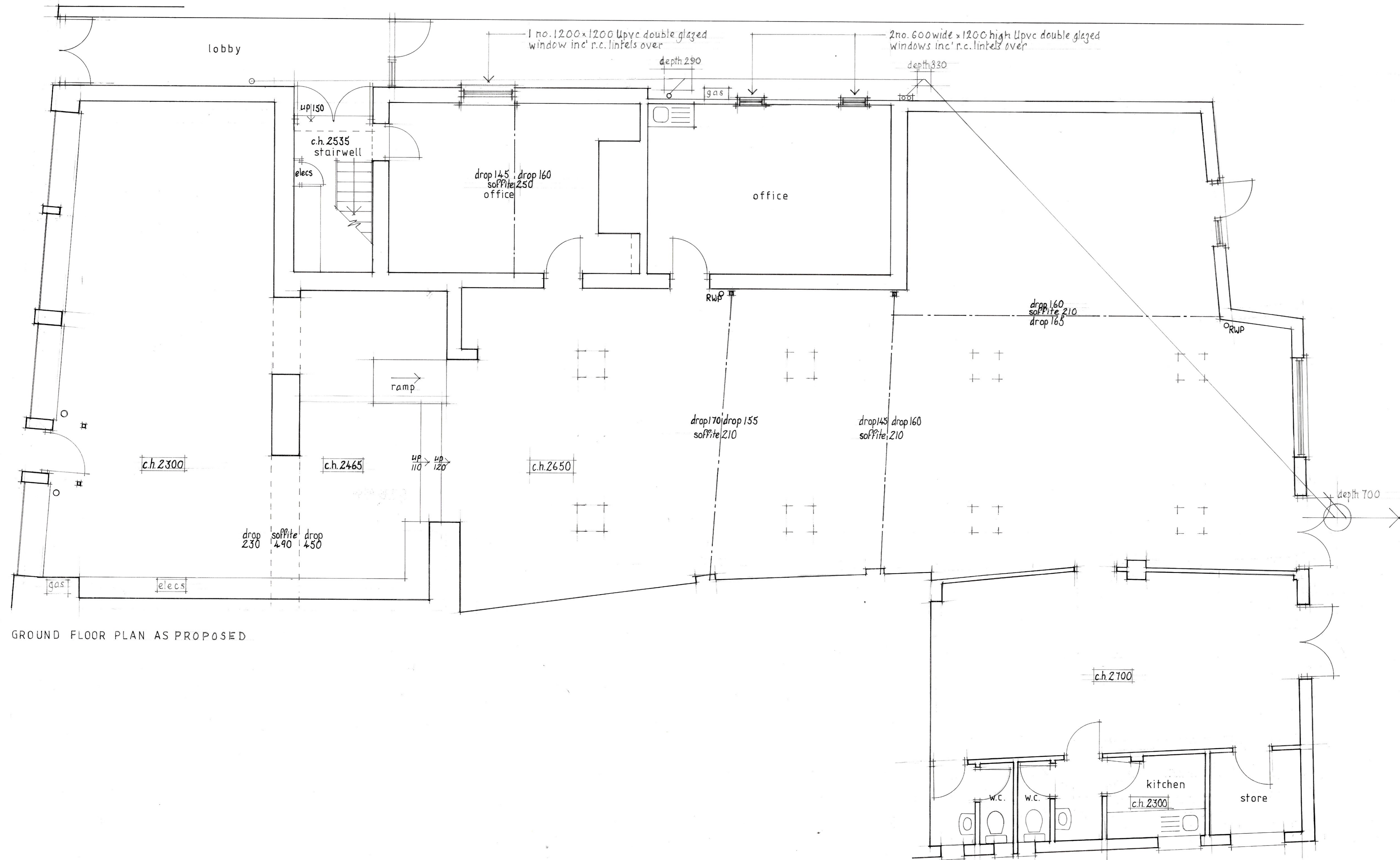
drawing:

Elevations as proposed

scale: 1/50 @  
date: 20:06:2023  
drawn by: D Hartley  
drawing no.: RFL 62/4B



revisions:  
A:03:07:2024 window/door openings added and removed for retrospective P/B



++ denotes 8 no. velux flat roof tunnels, 600x600 ref. TCF 0K14 0062  
 ++ Note: replace existing flat roof covering in single ply rubber based covering inc. all perimeter roof light upstands.

GROUND FLOOR PLAN AS PROPOSED

A2 = 350 m<sup>2</sup>

**David Hartley Associates**  
Architectural Design Services

22 High Street  
Stilton  
Peterborough  
PE7 3RA  
Tel 01733 244849  
Mob 07748 154279  
Email davidhartleyads@gmail.com  
Website davidhartleyarchitecture.co.uk

client:  
Ramsey Flats Ltd  
62 High Street  
Ramsey  
Huntingdon  
PE26 1AA

Proposed new window openings, replacement doors & replacement flat roof covering  
drawing:

Ground floor plan as proposed

scale: 1/50 @ A1  
date: 20:06:2023  
drawn by: S. Hartley  
drawing no.: RFL 62/3A