

## **SECTION '2' – Applications meriting special consideration**

**Application No :** 17/03291/FULL1

**Ward:**  
**Cray Valley East**

**Address :** 5 - 7 Mountfield Way, Orpington  
BR5 3NR

**OS Grid Ref:** E: 547319 N: 168173

**Applicant :** Ms T Patel

**Objections :** YES

### **Description of Development:**

Retrospective installation of roller shutters.

Key designations:

Areas of Archeological Significance  
Biggin Hill Safeguarding Area  
London City Airport Safeguarding  
Smoke Control SCA 26

### **Proposal**

The application relates to the retrospective installation of roller shutters at the commercial unit 5-7 Mountfield Way.

The newsagents and post office is a combined unit situated to the east of Mountfield Way. The roller shutters form part of the front elevation facing Mountfield Way. The property lies within a local shopping parade with residential units above accessed from Mountfield Way.

The application was previously heard by Planning Sub-Committee 4 on the 14<sup>th</sup> September, appearing on List 4. It was confirmed at the meeting that the application shall be deferred to be considered at a later committee to appear on List 2. Apart from an updated consultee section, this report replicates that as previously considered and there are no other changes.

### **Consultations**

Nearby owners/occupiers were notified of the application and over 230 comments of support were received. The letters made the same points which can be summarised as:

- The plain fronted shutters do not have a negative effect on the appearance of the parade
- The shutters are colour coded and match the signage
- The shutters are not down for long periods given the opening hours
- The shutters are always kept clean

- It is important from a security perspective not to allow people to see through the shutters during the hours of darkness

Highways - No objections

## **Planning Considerations**

The application falls to be determined in accordance with the following policies of the Unitary Development Plan and the London Plan:

BE1 Design of New Development

BE19 Shopfronts

BE20 Security Shutters

Draft Local Plan (2016)

The Council is preparing a Local Plan. The submission of the Draft Local Plan was made to Secretary of State on 11th August 2017. These documents are a material consideration. The weight attached to the draft policies increases as the Local Plan process advances.

The following policies are most relevant:

Draft Policy 37 General Design of Development

Draft Policy 101 Shop fronts and shutters

Supplementary Planning Guidance 1 General Design Principles

Supplementary Planning Guidance 2 Residential Design Guidance

The application falls to be determined in accordance with the following policies of the London Plan:

7.2 An Inclusive Access

7.4 Local Character

7.6 Architecture

The National Planning Policy Framework is also a key consideration in the determination of this application. The above policies are considered to be consistent with the principles and objectives of the National Planning Policy Framework.

## History

14/04258/FULL1 - Proposed 2 no. illuminated fascia signs, new shopfront, roller shutters and 3 no. condensing units to the rear- Permitted

## **Conclusions**

The main issue in this case is to judge the level of harm that the proposed roller shutters would cause to the appearance of the host building and streetscene. Consideration should also be given to accessibility and any highways issues.

The application is retrospective in nature. Roller shutters were approved to be installed under application ref: 14/04258/FULL1 with the details of the appearance subject to a pre-commencement condition. On submission of the details in May 2017, it was found that the installed shutters were not in compliance with those approved in 2014, being solid in appearance, and therefore a retrospective application was sought.

No objections have been raised by the highways officer with regarding to vehicular or pedestrian safety.

Policy BE20 states when considering applications for security shutters, the Council will resist solid shutters, or those shutters that give the appearance of being solid. It will normally permit shutters of an open type where:

- (i) shutter boxes are not over dominant, are contained within the shopfront and do not project from the face of the building; and
- (ii) both shutter boxes and shutters are not of untreated metal and are colour co-ordinated to match the shopfront.

Paragraph 6.51 of the above policy states that the design of shop fronts has a critical role to play in the creation of attractive and vibrant town centres. They are frequently replaced and altered as tenants change. As the character and appearance of a shopping parade or street is determined by its individual components, it is important that any proposals are viewed in respect of the wider environment as well as the individual unit. It goes on to state that good design can make a positive contribution to urban character. It is vital that designs and materials of shopfronts are sympathetic to the scale and existing features of the host building and its surroundings. In particular the standardisation of shop design is often at odds with the traditional scale of the buildings. The original character and individual qualities of buildings in shopping centres should be preserved.

The area is characterised by several commercial properties on Mountfield Way, some have solid roller shutters installed and which it is stated within the Applicants planning statement, are not known to have planning history. Officers would agree with this statement.

Policy BE20 is explicit in stating that the Council will resist solid shutters or those of a solid appearance. The shutters which are sited upon the commercial premises are considered contrary to Policy BE20, and whilst examples of solid shutters are found within the street scene these, as previously stated, have been erected without the benefit of planning permission and are not a reason to allow the development. The shutters appearance allows for a 'deadening effect' along the parade of shops and do not allow for views through to the shop front when pulled down adversely impacting the appearance of the street scene.

The security shutter box projects from the face of the building and therefore is contrary to policy requirements. However, the box is painted to match the wider shop front and Members may consider that this works within the context of this particular shopfront and does not appear to be too visually intrusive within the street scene or have a significant detrimental impact on the character and appearance of the area and therefore in this particular instance may not be considered unacceptable.

The Applicant has submitted a planning statement which references the requirement to have a solid shutter based on continuing crime at the commercial premises. Several crime reference numbers have been provided in evidence including instances of burglary and robbery. The Applicant states that the replacement shutters are like for like to the previous installation (however no evidence to this effect has been submitted), are an essential crime deterrent, are a necessity to keep insurance premiums at a minimum, are in keeping with the existing shop front and improve the visual quality of the row of shops as a whole.

While the Council is aware of the mitigating circumstances advanced, it is considered that these do not outweigh the material harm that the proposal would have on the character and appearance of the street scene in general. The shopfront is wider than most in the surrounding area, and the resultant visual impact of an expanse of solid shutters would be unacceptable, resulting in a deadening of the retail frontage and lending an uncompromising and visually intrusive appearance to a wide frontage. Having had regard to the above, Members may consider that the roller shutter is considered to be of an unsympathetic design which harms the appearance of the wider street scene of which the mitigating circumstances raised do not outweigh the harm as a result of the installation.

Background papers referred to during production of this report comprise all correspondence on the file ref(s) 17/03291/FULL1 and 14/04258/FULL1 as set out in the Planning History section above, excluding exempt information.

## **RECOMMENDATION: APPLICATION BE REFUSED**

**The reasons for refusal are:**

- 1 The proposed shutters, by reason of their design and solid appearance, would have a seriously detrimental impact on the visual amenities and character of the locality thereby contrary to Policies BE1 and BE20 of the Unitary Development Plan and SPG1.**