

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

**Application No :** 18/01286/FULL1

**Ward:**  
**Bromley Town**

**Address :** 1 - 3 Market Square, Bromley BR1 1NA

**OS Grid Ref:** E: 540219 N: 169342

**Applicant :** .

**Objections :** YES

### **Description of Development:**

Alterations to the shopfront including installation of new sliding entrance door with associated works to site and elevational alterations.

Key designations:

Conservation Area: Bromley Town Centre  
Areas of Archaeological Significance  
Biggin Hill Safeguarding Area  
Bromley Town Centre Area  
London City Airport Safeguarding  
Primary Shopping Frontage  
Smoke Control SCA 5

### **Proposal**

Planning permission is sought for the installation of a new sliding entrance door and alterations to the shopfront. The proposals can be summarised:

- Repainting of existing stall risers, masonry and window frames in white/khaki green respectively.
- Redecoration of all window frames including external reveals.
- Existing door to be replaced by an automatic single sliding entrance door which would be finished in khaki green to match the painted ground floor window frames. The existing recessed porch would be removed (albeit with the decorative surround retained to the external elevation) and the proposed doors would be positioned closer to the front elevation than at present.

The application is a resubmission following a previous refusal of planning permission under reference 18/00126. The external appearance of the sliding door has been amended to include a curved profile to the top of the door and a horizontal bar positioned above stallriser height.

### **Location and Key Constraints**

The application site comprises a double unit established A3 hot foot restaurant with takeaway.

The building lies within the Bromley Town Centre Conservation Area, within a terrace of commercial buildings. The upper storey of the building is also in Class A3 use.

### **Comments from Local Residents and Groups**

Nearby owners/occupiers were notified of the application and no representations were received.

### **Local Groups - Bromley Business Improvement District**

“We would like to support the planning application to replace the current entrance door with sliding doors to increase access for customers with mobility needs and remove the recess at the entrance.

In our opinion there would be minimal adverse affect to the conservation area and that the benefits to increasing mobility access far outweigh these minimal conservation issues.”

### **Comments from Consultees**

APCA: Objection - loss of the architectural feature of the recessed existing doorway.

Conservation Officer: Concern remains regarding the loss of the recessed door entrance which is a traditional feature of the shopfront and contributes to the character and appearance of both the building and this part of the Conservation Area.

### **Policy Context**

Section 70(2) of the Town and Country Planning Act 1990 (as amended) sets out that in considering and determining applications for planning permission the local planning authority must have regard to:

- (a) the provisions of the development plan, so far as material to the application,
- (b) any local finance considerations, so far as material to the application, and
- (c) any other material considerations.

Section 38 (6) of the Planning and Compulsory Purchase Act (2004) makes it clear that any determination under the planning acts must be made in accordance with the development plan unless material considerations indicate otherwise.

According to paragraph 216 of the NPPF decision takers can also give weight to relevant policies in emerging plans according to:

- The stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given);

- The extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and
- The degree of consistency of the relevant policies in the emerging plan to the policies in the NPPF, the greater the weight that may be given).

The Council is preparing a Local Plan. The submission of the Draft Local Plan was subject to an Examination in Public which commenced on 4th December 2017 and the Inspector's report is awaited. These documents are a material consideration. The weight attached to the draft policies increases as the Local Plan process advances.

The development plan for Bromley comprises the Bromley UDP (July 2006), the London Plan (March 2016) and the Emerging Local Plan (2016). The NPPF does not change the legal status of the development plan.

#### London Plan Policies

- 7.4 Local Character
- 7.6 Architecture
- 7.8 Heritage Assets and Archaeology

#### Unitary Development Plan

- BE1 Design of New Development
- BE11 Conservation Areas

#### Emerging Local Plan

- 37 General Design of Development
- 41 Conservation Areas

#### Supplementary Planning Guidance

- SPG1 General Design Principles
- Bromley Town Centre Conservation Area SPG

### **Planning History**

The relevant planning history relating to the application site is summarised as follows:

Application Number	Description	Decision
05/03163/FULL1	New shopfront	Permission
12/01993/FULL1	Replacement shopfront	Refused
12/03000/FULL1	Replacement shopfront	Permission

16/04740/FULL1 Refurbishment of shopfront to include repainting of window frames, stall risers and masonry walls Permission

18/00126/FULL1 Installation of new sliding entrance door with associated works to site and elevations. Refused

"The removal of the existing feature doorway and the design of the proposed glazed door would be detrimental to the appearance of the host building which is considered to make a positive contribution to the character and appearance of the Conservation Area, thereby contrary to Policies BE1 and BE11 of the Unitary Development Plan, Policies 37 and 41 of the draft Local Plan and Policies 7.4 and 7.8 of the London Plan."

18/00613/FULL1 Replacement windows to existing shopfront. Refused

"The replacement of the existing timber window frames with aluminium frames as proposed would be detrimental to the appearance of the host building which is considered to make a positive contribution to the character and appearance of the Conservation Area, thereby contrary to Policies BE1 and BE11 of the Unitary Development Plan, Policies 37 and 41 of the draft Local Plan and Policies 7.4 and 7.8 of the London Plan."

## **Considerations**

### Resubmission

The current scheme attempts to overcome the ground for refusal in respect of 18/00126/FULL1:

"The removal of the existing feature doorway and the design of the proposed glazed door would be detrimental to the appearance of the host building which is considered to make a positive contribution to the character and appearance of the Conservation Area, thereby contrary to Policies BE1 and BE11 of the Unitary Development Plan, Policies 37 and 41 of the draft Local Plan and Policies 7.4 and 7.8 of the London Plan."

The application has been amended in that:

- The design of the sliding door itself has been amended to include a horizontal panel/bar and a curved upper feature.

The applicant's agent was advised of the detailed ground for refusal which included the removal of the existing feature doorway in addition to the design of the proposed glazed door and responded:

*"We have discussed these concerns with our client and architect and can confirm that whilst the recess will be reduced from 1700mm to 430mm - There will be a recess, as the columns are being retained."*

*We believe that the current positioning of the door and recess would have been introduced to ensure that the swing door met DDA compliance and did not swing into the Highway, rather than an historic recess of that depth.*

*The swing door currently leads to a number of safety issues and on a number of occasions push chairs have been entering the restaurant and as someone left the restaurant, backing on to the road. This is a bottleneck and a sliding door would significantly improve the overall operations at the entrance.*

*The design has been amended to ensure that the overall appearance will be minimally impacted.*

*We would respectively request that you review the new application on the above comments, which we believe highlight the benefits to the business and the negligible impact on the building, within the surrounding area."*

### Impact of the proposal on the character and appearance of the Bromley Town Centre Conservation Area

The NPPF sets out in section 12 the tests for considering the impact of a development proposal upon designated and non-designated heritage assets. The test is whether the proposed development will lead to substantial harm to or total loss of significance of a designated heritage asset and whether it can be demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits. A range of criteria apply.

Within or adjacent to a Conservation Area:

Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 places a requirement on a local planning authority in relation to development in a Conservation Area, to pay special attention to the desirability of preserving or enhancing the character or appearance of that area.

Interpretation of the 1990 Act in law has concluded that preserving the character of the Conservation Area can not only be accomplished through positive contribution but also through development that leaves the character or appearance of the area unharmed.

The NPPF also states that great weight should be given to the conservation of heritage assets (para.132).

The application site lies in a prominent position within the Bromley Town Centre Conservation Area. It falls to consider whether the proposals would preserve or enhance the character and appearance of the conservation area.

The works include repainting of the shopfront using colours that would link to the commercial branding of the premises, without the replacement of existing external fixtures or masonry detailing that it is considered to contribute to the appearance of the host building and the character and appearance of the wider conservation area.

These works are not considered to raise planning concerns, comprising the repainting of existing frames/features rather than their replacement.

The removal of the existing door and its replacement with a sliding electric door falls to be carefully considered in the context of the visual amenities and character of the conservation area. It is noted that the actual doorway is recessed, set back behind a decorative masonry pediment/a deep reveal. This set back would be largely removed, with the proposed sliding door positioned towards the shopfront, rather than at the rear of the recessed porch. The design of the sliding door itself, as currently proposed, represents an improvement over the previous proposal in that it includes decorative detailing that would broadly compliment the host building.

However, the existing front entrance has some charm, incorporating as it does decorative detailing which contributes to the overall quality of the shopfront and the appearance of this part of the conservation area. While the decorative external detailing would be retained, the deep reveal/internal porch which leads to the existing conventional door would be lost, removed and replaced by the proposed electronic sliding door which would be positioned immediately behind the entrance pillars. The loss of the original design feature of the recessed door would be detrimental to the appearance of the property. It is considered that the proposal would fail to preserve the character and appearance of the conservation area, being detrimental to the appearance of the host property which makes a positive contribution to a key area of the Bromley Town Centre conservation area, resulting in less than substantial harm to the designated heritage asset.

The comments received regarding the benefits associated with the proposal to the access arrangements to the property are noted. However, it is not considered that these outweigh the identified harm that the proposal would have upon the host building which lies within a conservation area. The pavement adjacent to the building is quite wide, the proposal does not widen the actual access point to the property and there may be other means of automated access to the premises that would not harm the appearance of the building.

### CIL

The Mayor of London's CIL is a material consideration. CIL is not payable on this application.

### **Conclusion**

The proposal would have no significant impact on residential amenity and the repainting of the existing window frames, stall risers and masonry would not be harmful to the character and appearance of the conservation area. However, the removal of the existing recessed front entrance and the replacement of the existing door with a sliding door would be harmful to the appearance of the host building which is prominently sited and is considered to make a positive contribution to the character and appearance of the conservation area.

Background papers referred to during production of this report comprise all correspondence on the files set out in the Planning History section above, excluding exempt information.

**RECOMMENDATION: APPLICATION BE REFUSED**

**The reasons for refusal are:**

- 1 The removal of the existing feature doorway and its replacement by a sliding door would be detrimental to the appearance of the host building which is considered to make a positive contribution to the character and appearance of the Conservation Area, thereby contrary to Policies BE1 and BE11 of the Unitary Development Plan, Policies 37 and 41 of the draft Local Plan and Policies 7.4 and 7.8 of the London Plan.**