

Section '3' - Applications recommended for PERMISSION, APPROVAL or CONSENT

Application No : 18/03283/FULL1

Ward:
Chislehurst

Address : 72 High Street Chislehurst BR7 5AQ

OS Grid Ref: E: 543748 N: 171005

Applicant : Miss T Tran

Description of Development:

Change of use of ground floor from retail (Class A1) to nail salon (sui generis) with ancillary retail of nail and skin products (Class A1)

Key designations:

Conservation Area: Chislehurst
Biggin Hill Safeguarding Area
Biggin Hill Safeguarding Area
London City Airport Safeguarding
London City Airport Safeguarding
Retail Shopping Frontage Chislehurst
Smoke Control SCA 16

Proposal

It is proposed to change the use of this vacant Class A1 retail shop to a nail salon with ancillary retail of nail and skin products (part Class A1/sui generis). The proposed opening hours would be between 9.30am-6.30pm on Mondays to Fridays, and between 11am-4pm on Sundays.

The application was supported by the following documents:

- Planning, Design and Access Statement
- Marketing Report

Location and Key Constraints

These shop premises lie at the northern end of Chislehurst Local Shopping Centre which stretches from Prince Imperial Road in the south to Albany Road in the north. It contains 70 separate units with a mix of mainly retail, estate agents and restaurant uses.

The premises, which also lie within Chislehurst Conservation Area, were previously used as a boutique on the ground floor, and the upper floors are used as an office with separate access from the High Street.

Comments from Local Residents and Groups

Nearby owners/occupiers were notified of the application and representations were received, which can be summarised as follows:

Objections

- Permission was recently granted for a nail salon at No.14 High Street so why is there a need for another?
- Will reduce the variety of shops available in the High Street
- Inadequate marketing of the property for retail use
- There are already 10 nail/beauty salons nearby
- Increased pressure on parking
- Increased competition would lead to empty units.

Support

- Other High Streets support two or more nail salons and they often seem able to survive longer than retail shops.

Local Groups:

The Chislehurst Society

- Proposed nail salon is unlikely to increase footfall, but would not harm the retail character of the frontage
- The proposals would have a neutral impact on residential amenity
- The proposal would not result in a concentration of similar uses within the northern end of the High Street, but would be operating within a potentially challenging local market
- No evidence is submitted to suggest that the nail salon would attract new visitors to the local centre
- The proposals would not complement the shopping function of the High Street as there are a number of other salons in the local area which offer nail treatments.

Chislehurst Town Team

- Undesirable loss of a Class A1 retail unit
- There are plenty of hair and beauty salons in the near vicinity that offer nail services
- The supporting information makes no reference to the recent permission for change of use to a nail salon at No.14 High Street
- Insufficient marketing has taken place
- There is retail interest in the property.

The application has been called in to committee by a Ward Councillor.

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.

The National Planning Policy Framework was published on 24th July 2018. According to paragraph 48 of the NPPF decision takers can also give weight to relevant policies in emerging plans according to:

- a) The stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given);
- b) 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
- c) The degree of consistency of the relevant policies in the emerging plan to the policies in the NPPF

The Council is preparing a Local Plan. The submission of the Draft Local Plan was subject to Hearings from 4th December 2017 and the Inspectors 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

2.15 Town Centres

4.8 Supporting a Successful and Diverse Retail Sector

Unitary Development Plan

S4 Local Centres

BE11 Conservation Areas

Emerging Local Plan

41 Conservation Areas

95 - Local Centres

Supplementary Planning Guidance

SPG for Chislehurst Conservation Area
NPPF

Planning History

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

Permission was granted in 1983 (ref.83/00175) for change of use from restaurant to retail shop.

Permission was refused in 2008 (ref.08/01139) for change of use of the ground floor from retail (Class A1) to beauty salon on the following grounds:

- 1 The proposal would result in the unacceptable loss of a retail unit and given the proliferation of non-retail uses in the area would harm the retail character and function of the centre, contrary to Policy S4 of the Unitary Development Plan.
- 2 In the absence of evidence to support a long-term vacancy or lack of demand for A1 use, the proposed change of use would be contrary to Policy S4 of the Unitary Development Plan.

Considerations

The main issues to be considered in respect of this application are:

- Impact on the Local Shopping Centre
- Heritage impact
- Neighbouring amenity
- Sustainability
- CIL

Impact on the Local Shopping Centre

Policy S4 of the Unitary Development Plan states that within local shopping centres, such as Chislehurst High Street, a change of use from Class A1 retail to another use would be permitted so long as it would:

- (i) not harm the retail character of the shopping frontage
- (ii) have no adverse impact on residential amenity
- (iii) would not create a concentration of similar uses
- (iv) attract visitors during shopping hours
- (v) complement the shopping function of the centre.

Within the Local Centre as a whole, 44% of units are in Class A1 retail use, 17% in Class A2 financial and professional services use, and 24% in Classes A3/A4/A5 food and drink use. A total of 9% of units are currently vacant (including the

application site), and 6% are in other non-retail uses such as a chiropodists and a dentists.

The application site lies at the northern end of the Local Centre, and within this part there is a relatively high proportion of Class A1 retail units (10 out of 18 units - 11 if you include the application site). The non-retail units comprise restaurants, takeaways and a veterinary practice, all of which support the local community.

The proposed use of this property as a nail salon with ancillary retail sales of nail and beauty products would attract visitors during shopping hours, and would not harm the retail character of the shopping frontage as there are a number of Class A1 retail units in the close vicinity, and the nail salon would also provide an element of retail sales.

A nail salon would provide a useful service to the local community, and whilst permission has recently been granted to change the use of the small unit at No.14 High Street into a nail salon, this property is located more than 200m away, and even if this were implemented, the proposals would not result in a concentration of similar uses but would complement the shopping function of the centre.

Local residents and businesses have raised concerns about the introduction of a nail salon into this area where there are a number of nail treatments already being provided within existing hair and beauty salons. However, there are only 3 hair salons and no beauty salons within the 70 units making up this Local Centre, and even if all offered nail treatments, the addition of a further nail salon (or two if the permission is implemented at No.14) is not considered to result in an over-proliferation of such uses within a shopping centre of this size.

In relation to the history of the site, permission was refused in 2008 (ref.08/01139) for the change of use of the ground floor from retail (Class A1) to a beauty salon on grounds relating to the unacceptable loss of the retail unit, given the proliferation of non-retail uses in the area, and the absence of evidence to support a long-term vacancy or lack of demand for A1 use. However, it has been demonstrated that the current proposals would not harm the retail character of the shopping frontage, and Policy S4 of the UDP only requires an assessment to be made of the lack of demand for Class A1 uses where the premises are located outside the retail frontages of the Local Centre, which is not the case here.

The proposals are not, therefore, considered to be contrary to Policy S4 of the UDP.

Heritage Impact

The NPPF sets out in section 16 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.

Paragraph 196/197 state where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use. The effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset

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 proposals would not have a detrimental impact on the character and appearance of this part of Chislehurst Conservation Area.

Neighbouring amenity

Policy BE1 of the UDP seeks to protect existing residential occupiers from inappropriate development. Issues to consider are the impact of a development proposal upon neighbouring properties by way of overshadowing, loss of light, overbearing impact, overlooking, loss of privacy and general noise and disturbance.

The proposed use of the premises as a nail salon operating within normal shop hours would not cause harm to the amenities of nearby residential properties.

Sustainability

The NPPF requires Local Planning Authorities to adopt proactive strategies to mitigate and adapt to climate change. London Plan and Draft Local Plan Policies advocate the need for sustainable development. All new development should address climate change and reduce carbon emissions.

Policy 5.3 Sustainable Design and Construction of the London Plan states that the highest standards of sustainable design and construction should be achieved in London to improve the environmental performance of new developments and to adapt to the effects of climate change over their lifetime.

Policy 5.2 Minimising Carbon Dioxide Emissions of the London Plan states that development should make the fullest contribution to minimising carbon dioxide

emissions in accordance with the hierarchy; Be Lean: use less energy; Be clean: supply energy efficiently and Be green: use renewable energy.

CIL

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

Conclusion

The proposals are not considered to have a detrimental impact on the retail character of the shopping frontage of this Local Centre, nor on the amenities of nearby residential properties. Furthermore, the character and appearance of this part of Chislehurst Conservation Area would be adequately protected.

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: PERMISSION

Subject to the following conditions:

- 1 The development to which this permission relates must be begun not later than the expiration of 3 years, beginning with the date of this decision notice.**

Reason: To comply with Section 91, Town and Country Planning Act 1990.

- 2 The use shall not operate before 09.30 hours and after 18.30 hours on Mondays to Saturdays, nor before 11.00 hours and after 16.00 hours on Sundays.**

Reason: In order to comply with Policy S4 of the Unitary Development Plan and in the interest of the amenities of the area.