

<b>Committee Date</b>	6 <sup>th</sup> August 2020	
<b>Address</b>	27 High Street Chislehurst BR7 5AE	
<b>Application Number</b>	20/01457/FULL3	<b>Officer</b> - Lawrence Stannard
<b>Ward</b>	Chislehurst	
<b>Proposal</b>	Change of use to coffee shop / café (Mixed Use Class A1/A3) and elevational alterations.	
<b>Applicant</b>	<b>Agent</b>	
Mr F Worman	Mr Joe Alderman	
27 High Street, Chislehurst BR7 5AE	303 Downe House High Street Orpington BR6 0NN	
<b>Reason for referral to committee</b>	Significant Objections	<b>Councillor call in</b> No

<b>RECOMMENDATION</b>	Permission
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<p>KEY DESIGNATIONS</p> <p>Conservation Area: Chislehurst Biggin Hill Safeguarding Area London City Airport Safeguarding Smoke Control SCA 17</p>
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<b>Representation summary</b>	<ul style="list-style-type: none"> <li>• A site notice was displayed from the 15<sup>th</sup> May for 21 days.</li> <li>• Neighbour notification letters were sent on the 5<sup>th</sup> May.</li> <li>• A press ad was published on the 13<sup>th</sup> May.</li> </ul>
Total number of responses	160
Number in support	31
Number of objections	129

## SUMMARY OF KEY REASONS FOR RECOMMENDATION

- The development would not result in a harmful impact on the character and appearance of the area.
- The character and appearance of the Conservation Area would be preserved
- The development would not adversely affect the amenities of neighbouring residential properties
- The loss of the A1 retail unit would not harm the retail function of Chislehurst High Street, nor result in an over concentration of A3 uses within the local centre.

## 1 LOCATION

- 1.1 The application site is located on the western side of High Street, Chislehurst, and forms a primary retail frontage.
- 1.2 The site is located within the Chislehurst Conservation Area, and the host building is Locally Listed.

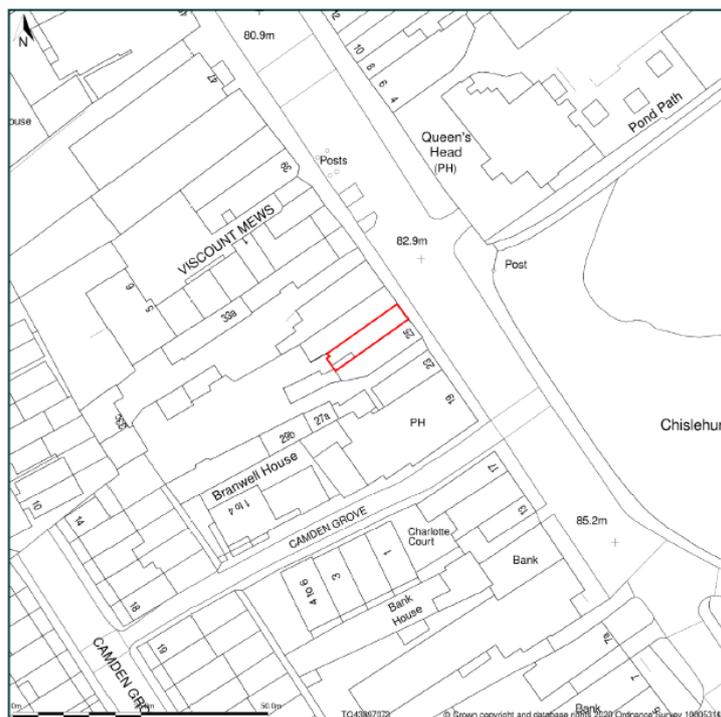


Figure 1: Site Location Plan

## 2 PROPOSAL

- 2.1 Planning permission is sought for the change of use of the existing vacant retail shop (A1) to coffee shop / café (Mixed Use Class A1/A3).
- 2.2 It is proposed to use the unit as a bespoke coffee shop / deli / café.
- 2.3 The application also seeks elevational alterations consisting of the addition of four conservation style rooflights in the flank roofslopes of the building (two on either flank).

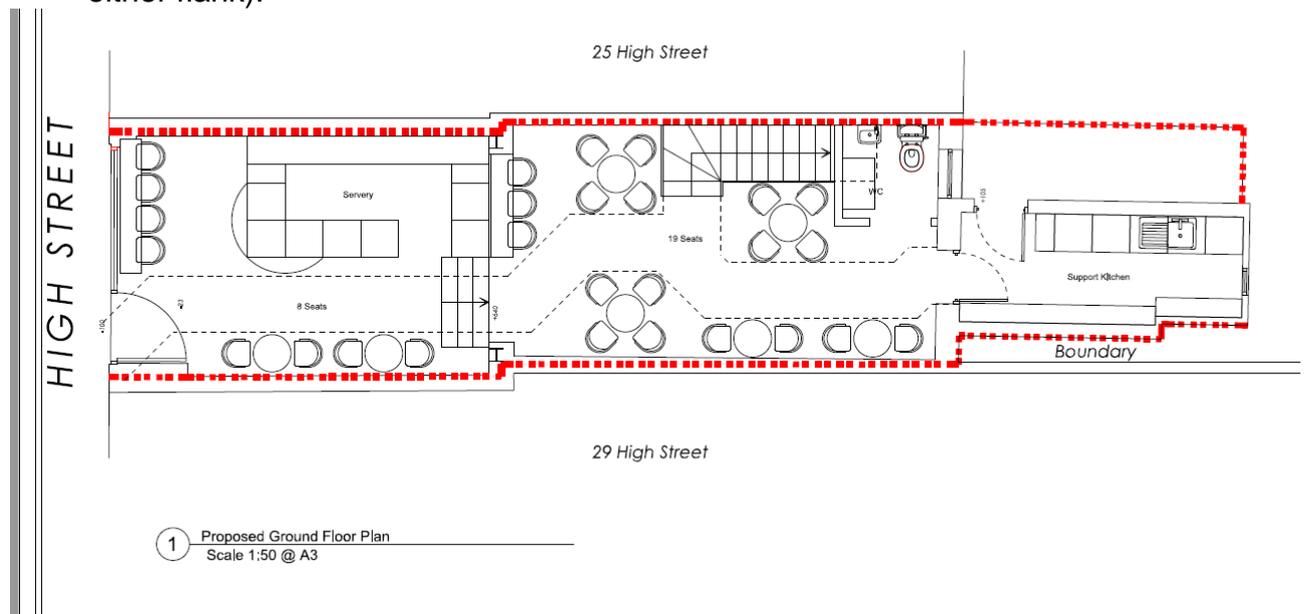


Figure 2: Proposed Ground Floor Layout

## 3 RELEVANT PLANNING HISTORY

- 3.1 The application site has no previous planning history.

## 4 CONSULTATION SUMMARY

- 5.1 It is noted that revised plans were submitted on the 14<sup>th</sup> July following initial consultation which removed the front terrace and retained the existing chimneys.

### A) Statutory

#### Highways Officer

- In terms of trip generation, there are already a number of coffee shops / cafes nearby. I appreciate this is marketed as an independent shop but the majority of customers are likely to divert from the other nearby premises as many of the objectors suggest. I don't think there is any survey information available but it is unlikely that the overall number of customers making new trips is going to be significant. There is pay and display parking available in the High Street which I appreciate there is a heavy demand for and is often fully occupied. There are also three car parks along the High Street.

- If there is limited rear access deliveries will have to be taken over the pavement. This will be the same for any occupier of the premises. It is also the same for a number of properties in Chislehurst High Street which do not have rear access. It would be difficult to refuse on these grounds .
- The construction phase may be difficult particularly if all materials have to go in from the front. I would suggest that if it gets permission a construction management plan condition is included. They may also need to cordon off a parking bay or two but that would be something to arrange with the Parking section once everything else is in place.

## **B) Local Groups**

### The Chislehurst Town Team

- Understand this common change of use is permitted on a temporary basis for up to two years and therefore they could open as a coffee shop tomorrow under permitted development regulations.
- No quotas or guidelines on the number of types of business on a high street.
- High Streets are changing rapidly and struggling to attract retail outlets.
- Before lockdown cafes were all busy and supported and therefore can argue there is sufficient demand.
- The offering is a positive addition that embraces and develops the High Streets emerging café culture.
- It is independent and the owner is known as a responsible and supportive business owner on the High Street.
- No cooking of hot food using raw ingredients which we feel is significant.
- Premises has been empty since 2017 and we must encourage and support positive investment and regeneration in the High Street.
- Veranda / first floor terrace is a lovely addition which along with elevational alterations are sympathetic to the surroundings and add to the long term café culture of the High Street.

### The Chislehurst Society (Observations)

- Consider the change of use would not harm the character of appearance of the heritage building nor adversely affect the character an appearance of the Conservation Area.
- Society has previously raised concerns over potential nuisance arising from first floor terraces in the High Street- there are issues relating to the proposed terrace that we consider should be addressed.
- No information on the first floor use / occupation of adjoining premises.
- Privacy side screens may limit daylight into front windows of adjoining units and would not shield these occupiers from noise nuisance.
- No mention of any lighting on the open front terrace.

## **C) Adjoining Occupiers**

### Objections

#### Comments relating to the proposed use (Addressed in para 6.1 and 6.5)

- Too many coffee shops already / Balance in trades within the High Street should be considered.
- Adverse impact on existing cafes in the area.
- Doesn't make sense to have another coffee shop / café between two others and next door to one.
- Another coffee shop / deli has recently been approved.
- Footfall would not support current businesses and community.
- Another food outlet whilst removing an empty shop will spread thinner the business available for current providers and risk them closing.
- Could lead to a full A3 use in the near future (for which this property is unsuitable).
- Concerns how building materials, suppliers and waste will be delivered and removed during construction and long term.
- High Street is missing specialist shops / alternative shops should be provided / A1 retail is needed.
- Under the impression only so many of the same sorts of shops on the high street were allowed.
- Plans are with a roof terrace overlooking the pond when quite frankly it would be overlooking the pub.
- By my judgement only one space for a disabled customer to sit at a table in their wheelchair.
- No space for appropriate ventilation.

#### Impact on the area (Addressed in para 6.2 and 6.3)

- Works not in keeping with other properties.
- Overdevelopment of the premises utilising ground and first floors with outside terrace seating.
- Plans are repugnant and the frontage would have zero if no kerb appeal.

#### Disruption of works / safety (Addressed in para 6.5)

- Danger to pedestrians and parked cars if deliveries have to go through the front across the pavement and traffic congestion as no suitable parking available.
- Impact on other businesses due to noise, scaffolding and disruption.
- Risk of health and safety issues due to lack of fire exits and cars coming to / from side entrance.

#### Parking (Addressed in para 6.5)

- Parking is already a problem.

#### Impact on amenities (Addressed in para 6.4)

- Loss of light to upstairs room of our property due to covered terrace with high dividing structure.
- Top floor of No.25 is enjoyed by customers for light and peaceful and private environment – light lost and noise impact from terrace will disturb customers.

- Concerns whether an alcohol licence will be sought after as terrace use is also being asked.

### **Comments In Support**

- Excited to have a roof terrace and small business coffee shop to support
- Style and layout is perfect for the building and sustainability of the high street.
- Can see no logical or planning reasons why this application should not be granted planning permission.
- It will suit the needs of the high street and local residents.
- Very few places where you can sit outside and enjoy a coffee.
- Will open a vacant shop on our high street.
- Provides an opportunity to enjoy the nature on view at the nearby pond.
- Support for it being an independent shop rather than a chain.
- A welcome addition to the area as there isn't enough places to socialise.
- Design is attractive to look at.
- Enhance the amenities of the High Street and offers people choice.
- Different to what is offered on the High Street already so won't impact detrimentally on existing businesses.
- Always a demand for more coffee shops, eateries etc.
- Work environment is changing which will result in a café culture becoming more necessary for social and business occasions.

## **5 POLICIES AND GUIDANCE**

5.1 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.

5.2 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.

5.3 The development plan for Bromley comprises the London Plan (March 2016) and the Bromley Local Plan (2019). The NPPF does not change the legal status of the development plan.

5.4 The 'Intend to Publish' version of draft London Plan (December 2019) is a material consideration in the determination of this planning application. Paragraph 48 of the NPPF states that decision makers may give weight to relevant policies in emerging plans according to: (1) the stage of preparation of the emerging plan; (2) the extent to which there are unresolved objections to relevant policies in the emerging plan; and (3) the degree of consistency of relevant policies to the policies in the Framework.

- 5.5 The draft New London Plan was submitted to the Secretary of State (SoS) on 9 December 2019, following the Examination in Public which took place in 2019. This was version of the London Plan which the Mayor intended to publish, having considered the report and recommendations of the panel of Inspectors.
- 5.6 The London Assembly considered the draft new London Plan at a plenary meeting on 6 February 2020 and did not exercise their power to veto the plan.
- 5.7 After considering the 'Intend to Publish' Plan, on 13 March 2020 the Secretary of State for Housing, Communities and Local Government wrote to the Mayor identifying directed changes to a number of policies in the draft plan. The SoS considered these changes were necessary to address concerns regarding inconsistencies with national policy. The Mayor cannot publish the New London Plan until the directed changes have been incorporated, or until alternative changes to address identified concerns have been agreed with the SoS. This could affect the weight given to the draft plan with regard to the directed policies.
- 5.8 At this stage, the Council's up-to-date Local Plan is generally considered to have primacy over the draft London Plan in planning determinations. However, where no modifications have been directed the draft London Plan policies are capable of having significant weight (as seen in a recent SoS call-in decision in the Royal Borough of Kensington and Chelsea). Where specific draft London Plan policies have been given particular weight in the determination of this application, this is discussed in this report.
- 5.9 The application falls to be determined in accordance with the following policies:-

#### **5.10 National Policy Framework 2019**

#### **5.11 The London Plan**

6.13 Parking

7.4 Local character

7.5 Public realm

7.6 Architecture

7.8 Heritage assets and archaeology

#### **5.12 Draft London Plan**

D1 London's form and characteristics

D4 Delivering good design

D5 Inclusive design

#### **5.13 Bromley Local Plan 2019**

6 Residential Extensions

21 Opportunities for Community Facilities

30 Parking  
37 General Design of Development  
41 Conservation Areas  
95 Local Centres  
98 Restaurants, Pubs and Hot Food Takeaways  
123 Sustainable Design and Construction

#### 5.14 Bromley Supplementary Guidance

Supplementary Planning Guidance 1 - General Design Principles  
Supplementary Planning Guidance 2 - Residential Design Guidance

## 6 ASSESSMENT

### 6.1 Principle - Acceptable

- 6.1.1 The submitted Design and Access Statement indicates that the existing site is vacant and has been for some time.
- 6.1.2 The existing unit was last used as an Optician. The Land Use Gazetteer classifies Opticians (dispensing) and Opticians shops as A1. An Opticians surgery which is separate from the shop and ophthalmologist's surgery are usually classed as D1, however, if there were such activity on the site it is likely to have been ancillary in nature to the main A1 use.
- 6.1.3 There are currently two other opticians within the vicinity of the site and therefore no concerns are raised in terms of the loss of the opticians.
- 6.1.4 The site is located within the Chislehurst Local Parade. Policy 95 states that a change of use from A1 to other uses within a Local Centre will only be permitted if the proposal does not harm the retail character of the shopping frontage, has no adverse impact on residential amenity, does not create a concentration of similar uses, attracts visitors during shopping hours, and complements the shopping function of the centre.
- 6.1.5 It is noted that the unit is located close to other A3 uses within the parade, including one adjacent to the application site, and that there are a number of other A3 uses within the parade. However, the number of A1 use units significantly exceeds the number of A3 uses within Chislehurst High Street. It is considered that the loss of one A1 unit would affect the main function of the local centre remaining as A1 retail, nor result in an over concentration of A3 uses within the local centre when considered as a whole.
- 6.1.6 Furthermore, it is considered that the proposed use would attract visitors to the centre during shopping hours and the change of use is therefore considered to comply with Policy 95 and would be acceptable in principle.
- 6.1.7 Notwithstanding the above which has been assessed under the current policy, from September the 1<sup>st</sup> 2020 shops, cafés, restaurants and ophthalmologists surgery which have previously fallen into the A1, A3 and D1 use class will fall

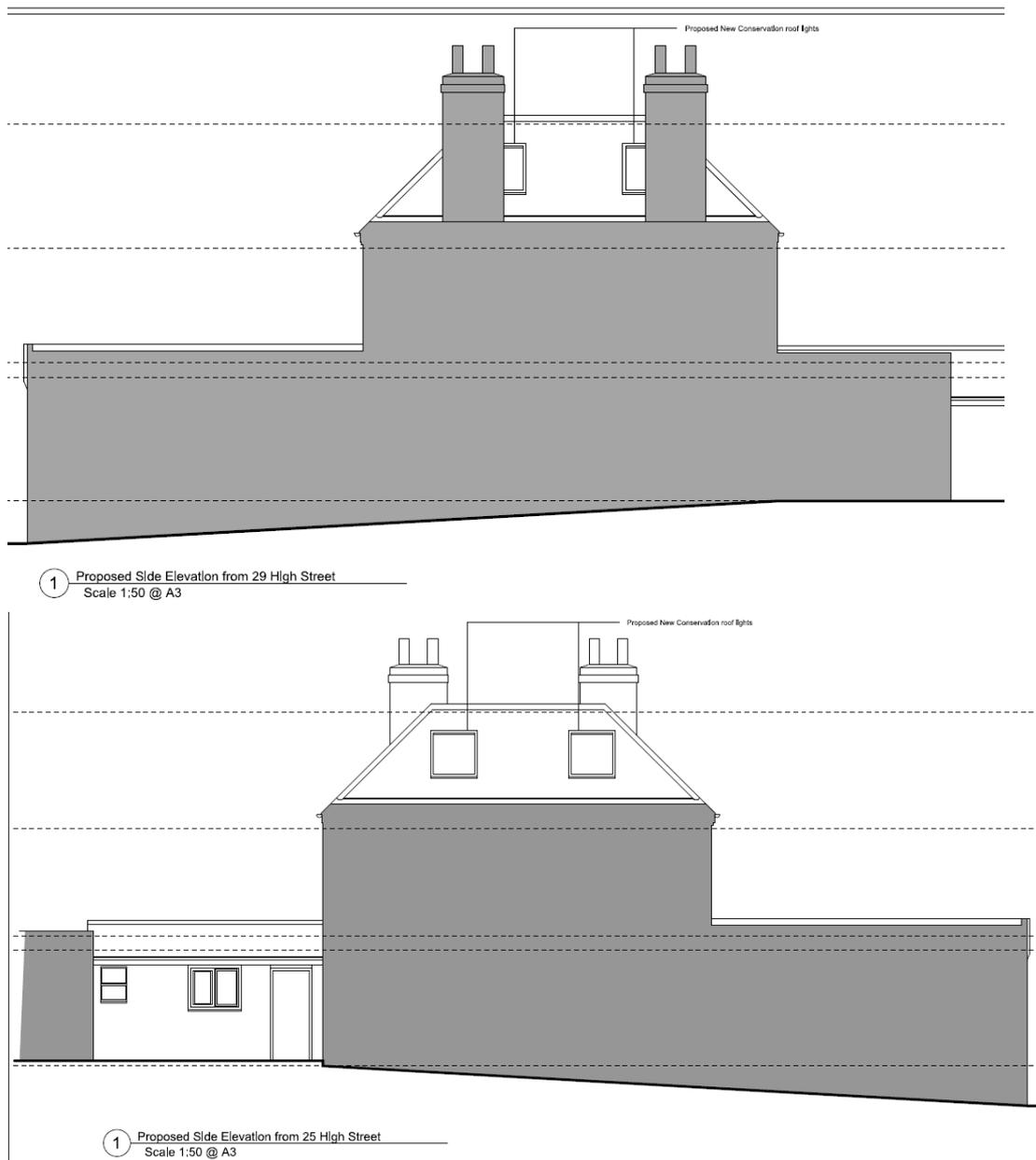
into the same use class which has been designated Class E. Planning consent will not be required to go between an A1, A3 and D1 from 1<sup>st</sup> September 2020 as it will not be considered to be development.

## 6.2 Design – Layout, scale – Acceptable

6.2.1 The proposed development would include elevational alterations to the property consisting of the addition of four conservation style rooflights in the flank roofslopes of the building (two on either flank).

6.2.2 It is not considered that these alterations would significantly alter or harm the appearance of the host building, nor would they appear overly prominent within the streetscene.

6.2.3 Having regard to the *scale, siting and design of the rooflights* it is considered that they would complement the host property and would not appear out of character with surrounding development or the area generally.



**Figure 3: Proposed Flank Elevations**

### 6.3 Conservation – Acceptable

6.3.1 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.

6.3.2 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.

6.3.3 The Conservation Officer has reviewed the application and has no objection to the impact of the proposed conservation style rooflights to the flank roofslopes of the building.

6.3.4 It is therefore considered that the development would preserve the setting of the locally listed host building and the character and appearance of the Chislehurst Conservation Area.

#### 6.4 Residential Amenity – Acceptable

6.4.1 The proposed development would not result in the enlargement of the host building and would not result in any loss of light, outlook or visual amenities to nearby residents.

6.4.2 The only external alterations would be the addition of the conservation style rooflights to the flank roofslopes. Given their siting and the proposed use of the unit it is not considered that this would result in any loss of privacy to nearby residents.

6.4.3 The proposed use would not be considered to result in any significant noise and disruption to nearby residents.

#### 6.5 Highways – Acceptable

6.5.1 It is not considered that the overall number of customers making new trips to the premises would significantly increase trip generation within the High Street given that the majority of customers are likely to diver from other nearby premises.

6.5.2 There is pay and display parking with the High Street and three additional car parks along the High Street that would provide provision for parking.

6.5.3 If rear access for deliveries is limited then these would have to be taken over the pavement, however this is the same for any occupier of the premises and the change of use would not alter this impact. Furthermore, this is the same for a number of other properties within the High Street and therefore any impact of this would not warrant refusing the application.

6.5.4 Highways Officers have recommended a construction management plan condition to ensure no issues are caused during the construction phase of the works. However, it is considered on balance that this is not reasonable given the limited works involved which would be limited to internal works and the addition of rooflights only.

## **7 CONCLUSION**

7.1 Having regard to the above, the development in the manner proposed is acceptable in that it would preserve the character and appearance of the

Conservation Area and not harm the amenities of neighbouring residential properties.

7.2 Conditions are recommended to secure the use of the unit and the opening hours.

**RECOMMENDATION:** Application Permitted

**Subject to the following conditions:**

- 1. Standard time limit of 3 years**
- 2. Standard compliance with approved plans**
- 3. Matching materials**
- 4. Opening Hours 07:00 to 19:00 any day.**

**Any other planning condition(s) considered necessary by the Assistant Director of Planning**