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| Committee Date | 12 th October 2023 | |
| Address | 14 - 16 High Street Chislehurst BR7 5AN | |
| Application Number | 22/01109/FULL1 | Officer - Lawrence Stannard |
| Ward | Chislehurst | |
| Proposal | Replacement shop front (Retrospective Application) | |
| Applicant | Agent | |
| Vogue Dental | Mr Peter Hadley | |
| 14-16 High Street Bromley Chislehurst BR7 5AN | Robinson Escott Planning Downe House 303 High Street Orpington BR6 0NN United Kingdom | |
| Reason for referral to committee | Call In | Councillor call in |
| | Call In | Yes – Cllr Alison Stammers: “For the decision to be decided at Planning Committee as the recommendation for refusal by the Conservation Officer is being contested”. |

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| RECOMMENDATION | Refused |
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| <p>KEY DESIGNATIONS</p> <p>Article 4 Direction Chislehurst Conservation Area Biggin Hill Safeguarding Area London City Airport Safeguarding Retail Shopping Frontage Smoke Control SCA 16</p> |
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| Representation summary | <ul style="list-style-type: none"> • Neighbour notification letters were sent on the 22nd March 2022. • A Press Ad was published on the 30th March 2022. • The site notice was displayed on the 11th May 2022. |
| Total number of responses | 0 |
| Number in support | 0 |
| Number of objections | 0 |

UPDATE

This application was reported for consideration by Members on Thursday 29th September 2022.

The application was deferred without prejudice by Members in order to seek further consideration on mitigation measures to offset the heritage objection to the new shopfront on the basis of too much unbroken glazing, by the enlargement of stall riser and more traditional entrance door.

No revised plans have been submitted following the deferral.

The report considered by Members is repeated below to enable further consideration, and updated necessary to refer to updated planning policy.

1 SUMMARY OF KEY REASONS FOR RECOMMENDATION

- The application would result in a detrimental impact upon the character and appearance of the host building which is located within the Chislehurst Conservation Area, causing less than substantial harm to the designated heritage asset (the Conservation Area) to which there would be no public benefits.
- The proposed replacement shop front would neither preserve or enhance the character and appearance of the Chislehurst Conservation Area within which it lies.
- The proposal is therefore contrary to the aims and objectives of Section 16 of the National Planning Policy Framework (2023), Policies D1, D4, HC1 and SD6 of the London Plan and Policies 37, 41 and 101 of the Bromley Local Plan, as well as the Chislehurst Conservation Area SPG and Urban Design Supplementary Planning Document (July 2023).

2 LOCATION

- 2.1 The application relates to a ground floor unit within the commercial parade located on the east side of High Street Chislehurst, with the site located within a Local Centre.
- 2.2 The unit was previously in use as a bookmakers / betting shop but has recently been changed to a dental surgery following the granting of a Lawful Development Certificate under ref: 22/01106/PLUD.
- 2.3 The application site also lies within the Chislehurst Conservation Area.



Figure 1: Site Location Plan

- 2.4 The Council's Urban Design Guide Supplementary Planning Document (Adopted July 2023) outlines that "the character and appearance of Bromley's local, district and town centre shopping streets contribute significantly to the distinctive character and identity of the borough as a whole. Shopfronts are an important element of local High Streets. Well-designed shopfronts can contribute positively to the streetscape both aesthetically and commercially, however, poorly designed shopfronts can negatively impact on the character, appearance and vitality of the street and its wider surroundings."



Figure 2: Pre-Existing Shop Front



Figure 3: Proposed Shop Front (As currently built)

3 PROPOSAL

- 3.1 The application seeks retrospective permission for the replacement of the shopfront.
- 3.2 The existing shopfront would be removed and replaced with a new shopfront fabricated from 18mm marine grade ply and exterior grade plaster with new glazing and doors.
- 3.3 The shop front design would include decorative mouldings from hard wood to be primed and painted to match the shop front. The skirting is proposed to be of black marble.



Figure 4: Pre-Existing Front Elevation

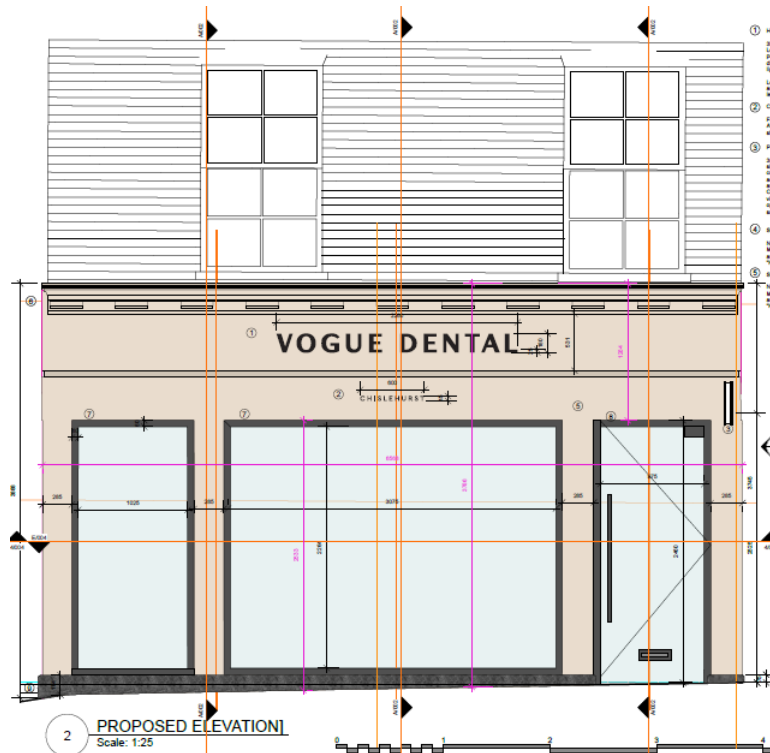


Figure 5: Proposed Front Elevation

4 RELEVANT PLANNING HISTORY

4.1 The application site has the following relevant planning history;

- 03/03768/FULL2 - Change of use of car showroom to restaurant (Class A3) and new shopfront and ventilation ducting at rear 14-16 High Street, Chislehurst - Permitted
- 05/02545/FULL2 - Change of use from car showroom to Class A2 of the Use Class Order - Permitted
- 21/02395/ELUD Confirmation of use of unit as falling with Class E - Existing use is not lawful
- 22/01106/PLUD - Change of use of vacant ground floor premises last in use as a bookmakers/betting shop (sui generis use) to a Dental Surgery (Class E use) subject to the condition that, before beginning the development, the developer provides written notification to the local planning authority of the date on which the use of the building will change. – Proposed use is lawful

4.2 The application site is also currently the subject of a further application for advertisement consent under ref: 22/01105/ADV for an internally illuminated shop front fascia sign and projecting sign to serve 'Vogue Dental'. The application is currently pending consideration.

5 CONSULTATION SUMMARY

A) Statutory

Conservation Officer:

- Object.
- I would have no in principle objection to the replacement the existing shop front however there would be a strong heritage objection to the new shopfront/signage which shows far too much unbroken glazing with no mullions or transoms and a large glazed door.
- I consider that this would cause harm at a less than substantial harm level to the designated heritage asset (the CA) In the wording of the NPPF.
- The Chislehurst shop front guide adopted in 2014 is relevant in this instance.
- The cumulative harm argument made in the PPG paragraph 13 is also relevant in my view in relation to adjacent shopfronts. This specifically says that when assessing any application which may affect the setting of a heritage asset, local planning authorities may need to consider the implications of cumulative change. They may also need to consider the fact that developments which materially detract from the asset's significance may also damage its economic viability now, or in the future, thereby threatening its ongoing conservation.

APCA:

- No objection in principle but we think it important to add a stall riser.

B) Local Groups

No comments were received from local groups.

C) Adjoining Occupiers

No comments were received from local residents.

6 POLICIES AND GUIDANCE

6.1 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.

6.2 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.

6.3 The development plan for Bromley comprises the London Plan (March 2021) and the Bromley Local Plan (2019). The NPPF does not change the legal status of the development plan.

6.4 The application falls to be determined in accordance with the following policies:-

6.5 **National Policy Framework 2023**

6.6 **The London Plan**

- D1 London's form and characteristics
- D4 Delivering good design
- D5 Inclusive design
- HC1 Heritage conservation and growth
- SD6 Town centres and high streets

6.7 **Bromley Local Plan 2019**

- 37 General Design of Development
- 41 Conservation Areas
- 101 Shopfronts
- 123 Sustainable Design and Construction

6.8 **Bromley Supplementary Guidance**

- Urban Design Supplementary Planning Document (July 2023)
- Chislehurst Conservation Area SPG

7 ASSESSMENT

7.1 Impact on Conservation Area/Heritage Impact, and Design – Unacceptable

7.1.1 The main issue in this case is to judge the level of harm that the proposed shopfront would cause to the appearance of the host building and street scene and whether or not it would preserve or enhance the character or appearance of the Conservation Area within which the property lies.

7.1.2 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.

- 7.1.3 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.
- 7.1.4 Policy HC1 of the London Plan states that development proposals affecting heritage assets, and their settings, should conserve their significance, by being sympathetic to the assets' significance and appreciation within their surroundings. The cumulative impacts of incremental change from development on heritage assets and their settings should also be actively managed. Development proposals should avoid harm and identify enhancement opportunities by integrating heritage considerations early on in the design process.
- 7.1.5 Policy 41 of the Bromley Local Plan states that proposals for development in Conservation Areas should preserve and enhance its characteristics and appearance by respecting or complementing the layout, scale, form and materials of existing buildings and spaces; respecting and incorporating in the design existing landscape or other features that contribute to the character, appearance or historic value of the area; and using high quality materials.
- 7.1.6 Policy 101 (Shopfronts) states that when considering applications for shopfronts and security shutters the Council will resist the removal of shop fronts of architectural or historic merit; proposals for new shop fronts or alterations need to demonstrate a high quality which complements the original design, materials and surrounding street scene and building of which it forms. Blinds, canopies or shutters where acceptable in principle must be appropriate to the character of the shop front and its setting.
- 7.1.7 The site is located within High Street, Chislehurst, which also lies within the Chislehurst Centre Conservation Area. It is noted that High Street Chislehurst encompasses a variety of shop fronts in terms of materiality, glazing pattern and stall riser depth, though most appear traditional in their design with stall risers a common feature.
- 7.1.8 Whilst there are some more modern shop fronts with large areas of uninterrupted glazing and no stallrisers within the High Street, including the adjacent property, these appear to have been installed for some time.
- 7.1.9 The agent has outlined that they consider the application acceptable as they are not replacing an historical shop front and that they consider the proposed design a significant enhancement compared to the pre-existing shopfront design.
- 7.1.10 Whilst those points are noted, the Shopfront Design guidance within the Councils Urban Design Guide Supplementary Planning Document (Adopted July 2023) outlines that it is important that traditional shopfronts with historic and/or architectural significance are retained, restored and enhanced.
- 7.1.11 It further outlines that "Traditional shopfronts (mid to late 19th Century to the early 20th Century) are based on a classical design. This style was particularly successful in achieving harmony between the shopfront and the building as a whole. Traditional shopfronts are well proportioned and comprise of pilasters, cornel brackets, cornice, fascia, clerestory, and a shopwindow divided with mullion and a stallriser".

- 7.1.12 In particular, the guidance outlines that “Stallrisers provide a solid base to the shopfront, reduce the dominance of glazing and help to visually balance the fascia and cornice above.”.
- 7.1.13 The proposed shopfront would be altered to provide even more unbroken glazing compared to the existing shopfront and would also result in the loss of the existing low stall riser. Whilst it would include a lower stall riser element than existing, it is not considered that this would preserve its appearance and a larger stallriser would be considered more appropriate. As such, given that the development would not reinstate or replace similar original features it is considered that it would not comply with the guidance as set out in the design guide, and would detract from the appearance of the host building.
- 7.1.14 The Principal Conservation Officer has raised a strong heritage objection to the new shopfront / signage as they consider that it shows far too much unbroken glazing with no mullions or transoms, and a large glazed door. They consider that it would cause harm at a less than substantial harm level to the designated heritage asset (the Conservation Area).
- 7.1.15 The proposed development would also result in an increased and unacceptable level of cumulative harm, as outlined in PPG paragraph 13 which specifically says that when assessing any application which may affect the setting of a heritage asset, local planning authorities may need to consider the implications of cumulative change. They may also need to consider the fact that developments which materially detract from the asset’s significance may also damage its economic viability now, or in the future, thereby threatening its ongoing conservation.
- 7.1.16 Having regard to the above, and the design of the proposed shopfront, it is considered that the development would not preserve or enhance the character of the Conservation Area, and would have an increased adverse cumulative harm to its character.
- 7.1.17 The proposal is therefore contrary to the aims and objectives of Section 16 of the National Planning Policy Framework (2021), Policy HC1 of the London Plan and Policy 41 and 101 of the Bromley Local Plan, as well as the Chislehurst Conservation Area SPG and The Council’s Urban Design Guide Supplementary Planning Document (Adopted July 2023).

7.2 Residential Amenity – Acceptable

- 7.2.1 The proposed replacement shopfront would not result in the enlargement of the host building and would therefore not impact detrimentally upon adjacent residential properties by way of loss of light, outlook or visual amenity.
- 7.2.2 Furthermore, the additional glazing and design would not result in any additional opportunities for overlooking towards other properties.
- 7.2.5 Having regard to the scale of the development it is therefore considered that it would not result in any unacceptable loss of amenity with particular regard to light, outlook, prospect and privacy.

8 CONCLUSION

- 8.1.1 Having regard to the above, the proposed shopfront is considered to result in an unsympathetic and prominent form of development which would fail to respect or complement the character, appearance, proportions and rhythm of the existing building and street scene in general and would not preserve or enhance the character and appearance of the CA within which it lies.
- 8.1.2 Whilst the harm would be less than substantial, as stated within paragraph 202 of the NPPF, this harm should be weighed against the public benefits of the proposal, of which there are considered to be none.
- 8.1.3 The application would therefore be contrary to Policies 37, 41 and 101 of the Bromley Local Plan, Policies D1, D4, HC1 and SD6 of the London Plan, the aims and objectives of Section 16 of the NPPF, and the Urban Design Guide Supplementary Planning Document (Adopted July 2023).
- 8.2 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 refused

For the following reasons;

The design of the replacement shopfront fails to respect or complement the character, appearance, proportions and rhythm of the existing building and would not therefore preserve or enhance the character and appearance of the Conservation Area, being contrary to Chapters 16 of the NPPF; Policies D1, D4, HC1 and SD6 of the London Plan (2021), Policies 37, 41 and 101 of the Bromley Local Plan (2019) and the Urban Design Guide Supplementary Planning Document (Adopted July 2023).