

SECTION '2' – Applications meriting special consideration

Application No : 10/03016/FULL3

Ward:
Chislehurst

Address : 45 High Street Chislehurst BR7 5AF

OS Grid Ref: E: 543865 N: 170782

Applicant : Mr Williams

Objections : YES

Description of Development:

Single storey extension to rear of Nos. 43 and 45 for use as dining and kitchen area ancillary to restaurant at No. 43

Key designations:

Conservation Area: Chislehurst

Locally Listed Building

London Distributor Roads

Retail Shopping Frontage

Proposal

The proposal involves extending the restaurant (A3) use of No 43 by way of providing a rear extension to the rear of both Nos. 43 and 45 High Street which would be accessed via frontage at No 43. Most of the retail area of No 45 would be retained.

Location

The site is located along High Street Chislehurst which forms the main local shopping area.

Comments from Local Residents

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

- property at No. 45 has been vacant for 10 years due to high rental price and could have been let out several times already.
- intention will be to subsequently convert the front of the premises to a restaurant use
- sufficient number of A3 uses already exist in the area

Comments from Consultees

No technical highways or environmental health objections have been raised

Planning Considerations

Policies BE1 (Design of New Development), BE10 (Locally Listed Buildings), BE11 (Conservation Areas), S4 (Local Centres) and S9 (Food and Drink Premises) of the Unitary Development Plan apply to the development and should be afforded due consideration.

Planning History

It should be noted that a single storey extension was granted for No. 45 under ref. 08/02300, although this did not incorporate a Class A3 use. As such, no objection is raised, in principle, to the erection of a single storey rear extension. Permission was also granted to extend the restaurant area at No. 43 under ref. 09/02615, although this too remains unimplemented.

Under application ref. 06/00764 planning permission for a change of use of ground floor from retail (A1) to restaurant and bar (A3/A4) at these premises was refused on the following ground:

The proposal would result in the unacceptable loss of a Class A1 retail unit, which would be harmful to the retail character of this Local Town Centre, and the proposed Class A3/A4 use would contribute to an overconcentration of similar uses, thereby contrary to Policy S.3 of the adopted Unitary Development Plan and Policies S4 and S7 of the second deposit draft Unitary Development Plan (September 2002).

The 2006 application was subsequently dismissed at appeal, the Appeal Inspector considering that 'on balance, both national guidance and development plan policy objectives weigh against the proposal. An additional establishment of the type proposed would add to the concentration of similar uses in this part of the town centre and, in conjunction with the restaurants either side of the site, would harm the retail character of this sensitive location.'

In assessing the appeal premises, the Inspector noted that these are 'located in a fairly central position in the town centre' and that in 'this part of the High Street, between Sainsburys in the north and the public car park at the southern end, are more than 30 ground floor units, with A1 uses substantially outnumbered by premises in other uses. There are restaurants either side of the appeal property and a further five A3 uses to the south. Elsewhere in the centre uses in Classes A3, A4 and A5 are well represented.' The Inspector also considered that 'the centre contained a limited range of shops selling comparison goods. Food sales were focused overwhelmingly on a single supermarket, which I consider emphasises the importance of protecting the vitality and viability of other retailing in the centre. Along an important section of the High Street, in the vicinity of the appeal site, there is now a large majority of non-retail uses, including a substantial

number of restaurants. With regard to the previous appeal site [at 31 High Street], this was not... flanked by other restaurant uses.'

More recently, under ref. 09/02617 an application for a single storey rear extension and change of use of basement, first and second floors and rear part of ground floor from retail (Class A1) to restaurant (Class A3) was refused on the following ground:

The proposal would result in the further proliferation of A3 uses in this part of Chislehurst High Street and would result in the loss of part of an A1 use, thereby harmful to the retail character of this local centre, and contrary to Policies S4 and S9 of the Unitary Development Plan.

Conclusions

The main issues relating to the application are the effect that it would have on the retail character of the area and the impact that it would have on the amenities of the occupants of surrounding residential properties.

In contrast to the earlier applications it is now intended to retain much of the existing retail area at No. 45 (up to and including the stairwell) and for the area to the rear (including the as-yet-to-be implemented rear extension) to be utilised as an extended restaurant area for No. 43. The retained retail (A1) area would be larger than the area proposed previously under ref. 09/02617 and a mixed A1/A3 hybrid use at No. 45 would therefore be avoided. Members should consider whether the retained retail unit will be of adequate size or layout to justify the loss of the rear part to an A3 use, or whether this development will result in the further proliferation of A3 uses within this part of Chislehurst High Street and would result in the unacceptable loss of part of an A1 retail floor space. Members should have particular regard to the retail vitality and viability of the local shopping area and the 2006 appeal decision.

Background papers referred to during production of this report comprise all correspondence on files refs. 06/00764, 09/02615, 09/02617 and 10/03016, excluding exempt information.

as amended by documents received on 11.02.2011

RECOMMENDATION: MEMBERS' VIEWS ARE REQUESTED

- | | | |
|---|-----------------|--|
| 0 | D00002 | If Members are minded to grant planning permission the following conditions are suggested: |
| 1 | ACA01
ACA01R | Commencement of development within 3 yrs
A01 Reason 3 years |
| 2 | ACC04
ACC04R | Matching materials
Reason C04 |
| 3 | ACJ10
ACJ10R | Ventilation system for restaurant/take-a
J10 reason |
| 4 | ACK01 | Compliance with submitted plan |

Reason: In order to ensure that the restaurant use does not encroach into the designated retail area of No 45 High Street so as to safeguard the retail vitality of High Street Chislehurst, in accordance with Policy S4 of the Unitary Development Plan.

Reasons for permission:

In granting permission the Local Planning Authority had regard to the following policies of the Unitary Development Plan:

BE1 Design of New Development
H8 Residential Extensions

The development is considered satisfactory in relation to the following:

- (a) the appearance of the development in the street scene;
- (b) the relation of the development to the adjacent property;
- (c) the character of the development in the surrounding area;
- (d) the impact on the amenities of the occupiers of adjacent and nearby properties;
- (e) the impact of the development on the retail vitality of the area

and having regard to all other matters raised.

D00003 If Members are minded to refuse planning permission the following grounds are suggested:

- 1 The proposal would result in the further proliferation of A3 uses in this part of Chislehurst High Street and would result in the loss of part of an A1 use, thereby harmful to the retail character of this local centre, and contrary to Policies S4 and S9 of the Unitary Development Plan.

Reference: 10/03016/FULL3

Address: 43 High Street Chislehurst BR7 5AF

Proposal: Single storey extension to rear of Nos. 43 and 45 for use as dining and kitchen area ancillary to restaurant at No. 43



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