

Borough Green **560885 157330** **7 December 2011** **TM/11/02135/FL**
Borough Green And
Long Mill

Proposal: Erection of security shutter and blind canopy (retrospective)
Location: 33 High Street Borough Green Sevenoaks Kent TN15 8BT
Applicant: Tastes Like More

1. Description:

- 1.1 A security shutter and canopy blind have been erected on the shop front at 33 High Street. The security shutter comprises a perforated metal roller shutter, which is finished in yellow. When the shutter is raised, it is contained in a metal framed shutter box mounted above the shop window.
- 1.2 Due to the perforations within the shutter, when viewed from directly in front of the premises, it is possible to see elements of the shop front through it, particularly when the lights are switched on within the premises. However, due to the small size of the perforations, when viewed obliquely the shutters have a visually solid appearance.
- 1.3 A retractable canopy blind is positioned above the security shutter box. This extends 1.54m beyond the shop front. A distance of 2.35m exists between the ground floor and the lowest point of the canopy blind.
- 1.4 Planning permission is sought for the retention of the security shutter and canopy blind.

2. Reason for reporting to Committee:

- 2.1 Authorisation is sought to take enforcement action to bring about the removal of the security shutter.

3. The Site:

- 3.1 The application site comprises a ground floor unit situated on the north-western side of the High Street within Borough Green, located within the District Retail Centre and confines of Borough Green. It is considered that the permitted use of the premises is Use Class A1 (shops): the applicants were informally advised in 2008 that the use of the premises as a retail delicatessen with the limited and ancillary sale of hot soup and coffee would fall within this Use Class. However, it has become apparent that hot food is being prepared and consumed on the premises: such use falls within Use Class A3 (restaurants and cafes). My Enforcement Officers are presently seeking the submission of a planning application for this change of use.

3.2 The site is located within a terrace of 3 storey buildings which contain retail and service units at ground floor with residential properties at first and second floors. In contrast to a number of other shop fronts to the units along the High Street, the shop front of the application site is of a modern design and appearance.

3.3 The site falls within the High Street Area of the Borough Green Character Areas SPD. The SPD details that “Locally Distinctive Positive Features” within this character area include:

- Retention of late 19th Century character and traditional shop fronts;
- Retention of architectural details on 19th Century buildings;
- A terrace of shops on the western side (i.e. within which 33 High Street is located) is a prominent feature enhancing the sense of arrival at the centre, enclosure and rhythm;
- Generally high quality street and pavement surfacing and street furniture.

4. Planning History:

TM/79/11400/FUL Grant with Conditions 26 March 1979

Erection of new shop front and fascia.

TM/87/11354/ADV Grant with Conditions 22 January 1987

Internally illuminated fascia and projecting signs.

5. Consultees:

5.1 PC: No objections.

5.2 Kent Police: I have been in touch re: the situation in Borough Green and will report any detailed response in a Supplementary Report.

5.3 Private Representations (10/0X/0R/0S) and Article 13 Site Notice: No representations were received.

6. Determining Issues:

6.1 The planning policy which needs to be taken into account in the consideration of this application includes:

- National planning guidance: The draft National Planning Policy Framework was subject to a period of consultation from 25 July 2011 – 17 October 2011. It is

for the decision making authority to determine how much weight to be attached to the draft Framework. The national planning guidance relevant to this application is considered to be that contained in PPS1 and PPS4;

- TMBCS: Policies CP1 and CP12;
- MDE DPD: Policy SQ1;
- TMBLP: Saved Policy P4/13.

6.2 In August 2011 following the national riots, a letter was issued to Chief Planning Officers by DCLG. This letter stated that in respect of new security shutters *“it is important to ensure that a balance is struck between security and protecting the look and character of our high streets. In addition, the overall street scene should be a welcoming environment at night”*. It also details that LPAs may wish to consider granting Local Development Orders in order to grant automatic planning permission for the installation of security shutters and that the government proposed to consult on whether security shutters should be permitted development.

6.3 A further letter was issued by DCLG to Chief Planning Officers in February 2012. This letter explains the contents of the August 2011 letter, detailing that since August *“there has been some local debate and comment about how security is best planned for and managed within neighbourhoods”* and that it has been suggested *“that the existing legislative position has been seen to be effective dealing with the post-riot works, and that changes would not be beneficial”*.

6.4 The chief considerations are the impact which the retention of the canopy and security shutter will have on the character of the street scene and appearance of the area, together with any need to provide security for the business including in terms of the LA’s responsibilities to consider matters of the Prevention of Crime and Disorder in its overall decision making.

6.5 Annex PA4/13 of the TMB LP provides clear guidance on canopies and shuttering:

- New canopies should be appropriate in scale, design and materials to the shop front and building;
- Retractable blinds are acceptable so long as they are capable of being retracted easily on a daily basis into a blind box which fits flush with the fascia;
- Blinds should be at ground floor level;
- Blinds should only bear the name and trade of the shop;
- The headroom below the lowest point of any blind should not normally be less than 2.3 metres;

- Security shutters will only be permitted where a special need can be demonstrated and should be lattice shutters of an appropriate colour rather than solid roller shutters;
 - Shutter boxes should be hidden within the structure of the shop front.
- 6.6 A number of the service and retail units along the High Street have fabric canopies. The design and size of the canopy blind at the application site is in keeping with those on other shops. It can be easily retracted on a daily basis. I am of the opinion that the retention of the blind, in itself, will not harm the character of the area.
- 6.7 When deployed, the headroom between the pavement and the bottom of the canopy would be 2.3m, which accords with the advice provided in Annex PA4/13 and would provide sufficient headroom for pedestrians to walk underneath.
- 6.8 Security shuttering has been installed at a number of other properties on the High Street and Western Road in Borough Green, mainly without planning permission. However, following investigation, it is apparent that the majority of these are immune from enforcement action due to the length of time which the shutters have been in place.
- 6.9 Members may recall that planning permission was refused for the retention of a security shutter at 68 Western Road (red solid metal roller shuttering) under reference TM/11/00517/FL on 07 June 2011 and an Enforcement Notice was served which took effect on 23 August 2011 and required the shutter to be removed by 23 October 2011. No appeal was lodged against the Enforcement Notice. The shutter remains in place at present whilst discussions continue with the shop owner regarding its removal.
- 6.10 At 42 High Street (“Lloyds Pharmacy”), internal perforated roller shuttering has been installed. Such internal shuttering does not require planning permission and in my view perforated internal shutters (or indeed internal lattice shutters) represent the most appropriate way in which to provide security to shopping units whilst protecting the character and amenity of an area, although it has to be recognised that such shutters do not prevent window glass being broken but they do not obscure shop fronts from view from the street (including any architectural detail).
- 6.11 In my view that the installation of roller-shuttering along the High Street has had an increasingly “fortifying” effect on the Street during the evenings and at night.
- 6.12 The security roller shutter which has been installed at 33 High Street is finished in yellow to match the shop front. The use of a roller shutter design (rather than a portcullis grille/lattice design shutter) is contrary to both Policy P4/13 and the advice in Annex PA4/13. The roller shutter, when closed, serves to “fortify” the appearance of the building and contributes to the overall increasingly “reinforcing”

effect on the character of the High Street which has occurred as a result of the roller shuttering already installed at other premises.

- 6.13 Having regard to the above, it is considered that the retention of the shuttering would be detrimental to the character and visual amenities of the High Street and is contrary to the adopted Development Plan policies associated with such considerations.
- 6.14 The applicants have indicated that they consider it is necessary for such shuttering at the premises as a considerable amount of money has been invested in equipment, cash can be kept in the shop, and they are aware of 5 instances over the preceding 3 1/2 years where High Street shop windows and doors have been broken, together with 2 break-ins and 2 robberies to banks. However, I consider that the case put forward does not amount to sufficient justification to overcome the harm to the character which would be caused through the retention of the *type of security shutters as installed*. In my view adequate security could be provided by an internal shutter – a much more sensitively designed shutter which would serve the same security function.
- 6.15 A far more appropriate means to provide security shuttering would be through the provision of internal perforated shutters, which reflect the example used at Lloyds Pharmacy – a user that, of course, has some high risk materials held on site. For this reason I recommend that planning permission be refused and enforcement action undertaken to secure the removal of the shutter.
- 6.16 While the retention of the canopy blind would be acceptable, since it forms part of the planning application together with the security shutter, it is not possible to issue a split decision. Should Members agree with my assessment of the impact of the blind then retrospective planning permission for the canopy blind would have to be refused but no consequent enforcement action should be taken in respect of the blind.
- 6.17 In reaching my recommendation as set out below, and in accordance with the requirements of Section 17 of the Crime and Disorder Act 1998, I have given due regard to the effect which the refusal of planning permission will have in terms of potentially preventing crime and disorder within the Borough. Given the level of harm to visual amenity and the character of the area, it is my opinion that this harm outweighs the potential benefits through making the shop unit more secure.

7. Recommendation:

7.1 Refuse Planning Permission for the following reason:

1. The retention of the security shutter, due to its design, is detrimental to the character and visual amenities of the locality, serves to make the street scene unwelcoming at night and is contrary to Policy CP1 of the Tonbridge and Malling Borough Core Strategy, Policy SQ1 of the Tonbridge and Malling Borough

Managing Development and the Environment Development Plan Document and Saved Policy P4/13 of the Tonbridge and Malling Borough Local Plan.

Informative

The applicant is invited to discuss alternative approaches to store security with Council Officers before seeking to make any physical alternative arrangements.

7.2 An Enforcement Notice **be issued** as set out below and copies **be served** on all interested parties:

- The Notice to take effect not less than 28 days from the date of service, subject to:
 - The concurrence of the Chief Solicitor, he being authorised to amend the wording of the Enforcement Notice as may be necessary.
 - In the event of an appeal against the Notice the Secretary of State and the appellant to be advised that the Local Planning Authority is not prepared to grant planning permission for the development the subject of the Enforcement Notice.
- **Breach of planning control alleged:** without planning permission, a security shutter has been installed at the front of the premises;
- **Reasons for issuing the Notice:** A breach of planning control has occurred within the last 4 years. The security shutter, due to its design, is detrimental to the character and visual amenities of the locality and serves to make the street scene unwelcoming at night. The installation and retention of the shutter is therefore contrary to Policy CP1 of the Tonbridge and Malling Borough Core Strategy, Policy SQ1 of the Tonbridge and Malling Borough Managing Development and the Environment Development Plan Document and Saved Policy P4/13 of the Tonbridge and Malling Borough Local Plan. The Enforcement Notice is necessary to alleviate the harm and detriment to character and amenity resulting from the unauthorised development. The Council has refused planning permission for the retention of the shutter because planning conditions could not overcome these objections.
- **Requirement:** Remove the security shutter and its housing installed on the frontage of 33 High Street, Borough Green.
- **Period for compliance:** Three calendar months from the date that the notice takes effect.

Contact: Steve Baughen