

4.1 - SE/15/02653/FUL Revised expiry date 15 January 2016

PROPOSAL: Replace the glass panels above the Link, take down and removal of existing single canopies at street level.

LOCATION: New Ash Green Shopping Centre, The Row, New Ash Green, Kent

WARD(S): Ash And New Ash Green

#### ITEM FOR DECISION

This application has been referred to Development Control Committee at the request of Councillors Clark and Pearsall on the basis that removing the canopies would have a detrimental impact on services and facilities provided in the village centre; does not support the viability and vitality of the shopping centre or encourage good design and; would fail to ensure that the village centre retains its role in meeting local needs contrary to policies LO7 of the core Strategy, TLC4 of the Allocations and Development Management Plan and the National Planning Policy Framework.

RECOMMENDATION: That planning permission be GRANTED subject to the following conditions:-

1) The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

In pursuance of Section 91 of the Town and Country Planning Act 1990.

2) The development hereby permitted shall be carried out in accordance with the following approved plans: PAT-DWG-036-0002, PAT-DWG-036-0003 and PAT-DWG-036-0004

For the avoidance of doubt and in the interests of proper planning.

3) No development shall be carried out on the land until samples of the materials to be used to replace the glass panels in The Link hereby permitted have been submitted to and approved in writing by the Council. The development shall be carried out using the approved materials. The Local Planning Authority is satisfied that it is fundamental to the development permitted to address this issue before development commences and that without this safeguard planning permission should not be granted.

To ensure that the appearance of the development enhances the character and appearance of the area as supported by Policy EN1 of the Sevenoaks Allocations and Development Management Plan.

4) No development shall be carried out on the land until a method statement for the removal of the canopies and restoration of the affected shop fronts and paving, including a programme of implementation has been submitted to and approved in writing by the Local Planning Authority. The removal and restoration

shall be carried out in accordance with the approved details.

To ensure that the appearance of the development enhances the character and appearance of the area as supported by Policy EN1 of the Sevenoaks Allocations and Development Management Plan.

### **Note to Applicant**

In accordance with paragraphs 186 and 187 of the NPPF Sevenoaks District Council (SDC) takes a positive and proactive approach to development proposals. SDC works with applicants/agents in a positive and proactive manner, by;

- Offering a duty officer service to provide initial planning advice,
- Providing a pre-application advice service,
- When appropriate, updating applicants/agents of any small scale issues that may arise in the processing of their application,
- Where possible and appropriate suggesting solutions to secure a successful outcome,
- Allowing applicants to keep up to date with their application and viewing all consultees comments on line ([www.sevenoaks.gov.uk/environment/planning/planning\\_services\\_online/654.asp](http://www.sevenoaks.gov.uk/environment/planning/planning_services_online/654.asp)),
- By providing a regular forum for planning agents,
- Working in line with the NPPF to encourage developments that improve the improve the economic, social and environmental conditions of the area,
- Providing easy on line access to planning policies and guidance, and
- Encouraging them to seek professional advice whenever appropriate.

In this instance the applicant/agent:

- 1) The application was considered by the Planning Committee where the applicant/agent had the opportunity to speak to the committee and promote the application.

### **Description of Proposal**

- 1 The application relates to shop units on the South side of The Row, the East and West Side of The Link and the covering over the access into The Link.
- 2 The application seeks permission to replace the glass panels to the covering above the access into The Link and to remove the canopies to the shop units at street level.

## **Description of Site**

- 3 The site in question is New Ash Green Shopping Centre.
- 4 New Ash Green Shopping Centre was purpose built to a unique design in the 1960's. It is located centrally within New Ash Green in an area where there are no site specific constraints.
- 5 The units to which the application relates are brick built. For the most part the ground floor feature shopfronts with tile hanging above ground floor level. The areas outside of the shop units are paved.
- 6 The canopies and covering over The Link comprise metal frames (some painted) with what appear to be a form of plastic sheeting such as polycarbonate. A number of coverings are missing entirely and for the most part those that remain are damaged and in a generally poor state of repair.

## **Constraints**

- 7 The centre is located in an area where there are no site specific constraints restricting development of the nature proposed.

## **Policies**

### *Core Strategy*

- 8 Policies - SP1, SP8, L07

### *Allocations and Development Management Plan (ADMP)*

- 9 Policies - EN1, EN2, TLC4

### *Other*

- 10 National Planning Policy Framework
- 11 Planning Practice Guidance

## **Relevant Planning History**

- 12 The site has a lengthy planning history.
- 13 The original shopping centre was allowed on appeal in the 1960's.
- 14 The features the subject of this application were a later addition to the shopping centre and were granted planning permission under application reference SE/86/00418.
- 16 SE/86/00418 Alterations to sub-divide existing shop units, change of use from toilets and alterations to form new shop units. Provision of covered walkways and canopies within shopping and car-parking areas. Granted 27.06.86.

## Consultations

### *Parish Council*

- 17 The Parish Council object to this application stating:
- 18 The Parish Council strongly objects to the removal of single canopies at street level as their removal would be against the best interests of shoppers.
- 19 The replacement glass panels above the Link should be to the original safety glass specification.
- 20 The Parish Council would prefer the restoration of the canopies with the original safety glass.

### Other Consultees

#### *Communities, Business and Property*

- 21 I have no objections to the proposal.

## Representations

- 22 1 letter supporting the application on the following grounds:
- The canopies are dilapidated and a major source of complaint.
  - The canopies are not part of the original design for the shopping centre which was completed by Eric Lyons and Ivor Cunningham.
  - The canopies are stylistically intrusive.
  - The original material to the canopies has been replaced over the years by inappropriate materials which have been poorly maintained.
  - Removal of the canopies would restore the original architectural integrity.
  - There is sufficient shelter around the shopping centre without the canopies.
  - Support the decision to retain and repair the link.
  - The Council should consider appropriate conditions including securing the removal of the canopies and ensuring that the frontages are made good and that the materials used to repair the link are suitable.
- 23 The following is a summary of comments that have been received from Local Ward Member Cllr Clark:
- The application is submitted pursuant to a Section 215 Notice.
  - The Town Team's consensus is that the canopies should be retained and repaired in accordance with the Section 215 Notice.

- The canopies serve a useful function, offering protection from adverse weather for users of the village centre and help the shopkeepers to display their wares in order to attract additional business.
- The application is contrary to policy TLC4 of the ADMP.
- The removal of the canopies would have a negative impact on the village centre and fail to support the viability and vitality of the centre in accordance with paragraphs 23 and 56-57 of the NPPF.
- The canopies should be repaired using appropriate materials.
- If approved conditions should be applied requiring the use of Georgian wired glass to repair the link and a method statement should be submitted to ensure the satisfactory removal of the canopies and repair of the affected shopfronts and paving.

## History

- 24 On the 17 August 2015 the Council served a Section 215 Notice requiring the following steps to be taken to remedy the condition of the land at New Ash Green Shopping Centre:
- a) Replace all the cracked and broken glass panels above The Link.
  - b) Replace the garage door in the corner of the yard.
  - c) Replace the missing polycarbonate roof of the canopy above the Parish Council notice board in The Link.
  - d) Reinststate the exterior white cladding to the former restaurant at the Clocktower Gym.
- 25 Parts b and d of the Notice have been complied with.
- 26 This application, if approved and subsequently implemented in full, would address parts a and c above noting that any repairs could be carried out without planning permission.

## Principal Issues

- 27 The principal issues to consider in the determination of this application are:
- Visual impact and the impact on the function of New Ash Green Shopping Centre.

## Chief Planning Officer's Appraisal

- 28 The NPPF states that the Government 'attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people.' It also states that it is important to plan positively for the achievement of high quality and inclusive design for all development including individual buildings, public and private spaces as well as wider area development schemes (Para 56-57).

- 29 Amongst other things, policy SP1 of the Sevenoaks Core Strategy states that development should be designed to a high quality and should respond to the distinctive local character of the area in which it is situated.
- 30 Policy EN1 (Design Principles) of the ADMP requires high quality design and lists a number of criteria against which proposed development will be considered, including requiring the form of development to respond to the scale, height, materials and site coverage of the area.
- 31 Core Strategy policy L07 states that New Ash Green village centre will be regenerated so that it better meets the needs of the local community whilst respecting the distinctive character of the settlement. The preamble to policy SP8 of the Core Strategy indicates that support will be given to the principle of intensification and regeneration of existing sites where necessary to better meet modern business needs. The main policy SP8 supports economic development and does not relate directly to this proposal.
- 32 Officers accept that the canopies provide a function and this is not in dispute. However, the key issues are whether the removal of these would demonstrably harm visual amenity and whether it would adversely impact upon the centres function.

#### *Impact on Visual Amenity*

- 33 The canopies and covering over The Link comprise metal frames. The metal frames to the canopies located at ground floor level are painted Green. I am advised that the original coverings set within the frames were constructed using Georgian wired glass but this appears to have been replaced some time ago with a form of plastic sheeting such as polycarbonate. Some of the canopies have no covering at all and for the most part those that do are damaged and generally in a very poor state of repair.
- 34 As stated in the preceding paragraphs, the canopies the subject of this application are later additions to the original shopping centre which was granted planning in the 1960s. Consequently, they did not form part of the original design concept and are not original features. Whilst the canopies provide a function, in officers view their contribution to design and character if they were in a reasonable state is neutral and their loss is not considered to adversely impact upon the distinctive character and appearance of either the units to which they are affixed or the centre as a whole. In fact, in their current form their removal would be of benefit to visual amenity and to the regeneration of the centre as a whole. This would comply with policy L07 and the preamble to SP8 of the Core Strategy. Furthermore, even if the canopies were in a reasonable state of repair which unfortunately is not the case, there is an argument to suggest that their removal would go some way to restoring the integrity of the original 1960s' design.
- 35 In contrast to the above it could also be argued that the retention and repair of the canopies is regenerative, however, for reasons such as the fact that I find no visual harm in their removal and for other reasons which I will

expand upon below, I find no policy justification for insisting that the canopies are retained and repaired.

- 36 The replacement of the glass panels above The Link is welcome and subject to the use of appropriate materials, which can be secured by condition, officers have no objection to this.
- 37 Accordingly, the proposal would comply with policy EN1 of the ADMP and policy L07 and the preamble to policy SP8 of the Core Strategy.

### *Impact on Function*

- 38 Although I saw no evidence of it at the time of my site visit, so far as their contribution to the services, facilities, vitality and viability of the shopping centre is concerned, officers do not dispute that the canopies have or do provide a function meeting the needs of both retailers and consumer users by providing covered space to display goods and by providing shelter generally.
- 39 In the case of retailers, most if not all of the units have large shop fronts where goods could continue to be displayed in close proximity to the pedestrian walkways and in good view for consumers. In the case of shelter for consumers, the original design for the centre incorporates numerous overhangs and covered spaces (including in The Link) and so if the canopies were removed users would not be without opportunities to shelter from the elements should they need to do so. As such, I do not consider that the removal of the canopies would compromise the needs of the local community to a degree which causes demonstrable harm through loss of a facility.
- 40 As has been made clear, the canopies were added later and despite their presence, regrettably, in recent years the centre has declined. I have not been presented with any evidence which attributes either the success or decline of the centre to its general state of repair or which substantiates that the existence of the canopies (irrespective of their state of repair) has any direct impact on the previous, existing or continued viability and vitality of the affected retail units and it should be noted that there is no policy requirement to provide such information.
- 41 Policy TLC4 of the ADMP also applies to the village centre and this policy seeks to retain a suitable mix of uses within neighbourhood and village centres such as New Ash Green. The policy sets out specific criteria against which to assess applications for changes of use between shopping and service uses, seeks to allow additional retail or service units where appropriate and seeks to encourage residential, business or community uses in the upper floors of units within neighbourhood and village centres where there will be no adverse impact on the functioning of the ground floor retail or community use. The application before me does not relate to an application for change of use, additional retail or service unit and is not a residential, business or community use relating to the upper floor, consequently, in officers view there is no criteria within policy TLC4 which is directly relevant to the determination of an application of this nature or

which would enable officers to insist upon the retention and repair of the canopies.

### *Planning Balance*

- 42 In light of the above it is my view that policy TLC4 of the ADMP is not directly relevant to the proposal the subject of this application.
- 43 However, policy LO7 and the preamble referred to in policy SP8 is relevant and I find that either the retention and repair of the canopies or their removal could justifiably be policy compliant from a regenerative point of view. However, there is no evidence before me that suggests that the canopies have any direct link to the vitality or viability of the centre and neither is such evidence required. For the reasons set out above it is my view that the centre can continue to meet the need of the local community without the canopies and that their removal would not harm the distinctive character of the area.
- 44 The applicant is seeking to remove the canopies rather than retain and repair them and for the reasons set out above I find no justifiable policy grounds to refuse this request based on either their contribution to design or to the function, viability or vitality of the centre itself.
- 45 Consequently, I find no conflict with the relevant local plan policies or the National Planning Policy Framework.

### *Impact on Amenity*

- 46 Paragraph 17 of the NPPF identifies a set of core land use planning principles that should underpin decision making. One of these principles is that planning should always seek to secure a good standard of amenity for all existing and future occupants of land and buildings.
- 47 Policy EN2 of the ADMP requires that any development should not have an adverse impact on the amenities of neighbours and also ensures a satisfactory environment for future occupants.
- 48 For clarification, the proposed development would not impact upon the residential amenity of residential properties.

### **Other Matters**

- 49 Conditions have been recommended requiring the canopies to be removed with one month of the date of the decision if approval is granted.
- 50 The works applied for as part of this application are beyond the scope of the Section 215 Notice which requires repair rather than removal of the canopies. Consequently, it would neither be reasonable or appropriate to apply such conditions.
- 51 If granted approval and not implemented then the Council would have the Section 215 Notice in place to fall back on which is sufficient to secure a suitable outcome.



## Conclusion

52 It is recommended that this application should be approved as it conforms to the relevant Development Plan policies and there are no other overriding material considerations to suggest otherwise.

## Background Papers

Site and Block Plan

Contact Officer(s): Claire Marchant Extension: 7367

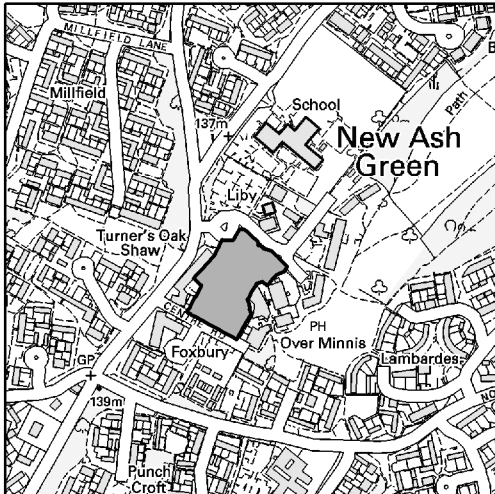
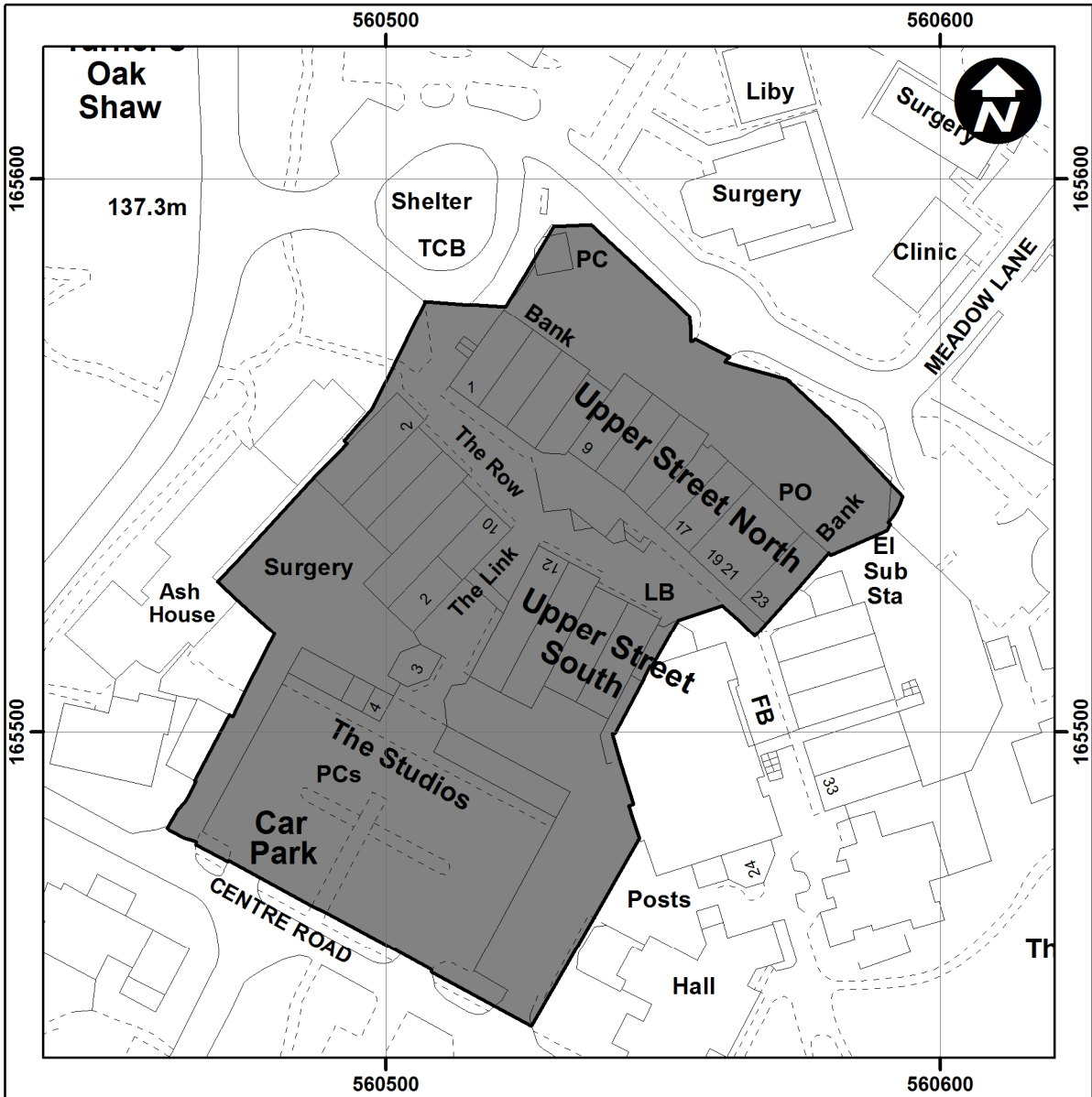
**Richard Morris**  
**Chief Planning Officer**

Link to application details:

<http://pa.sevenoaks.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=NTFBXUBK0L000>

Link to associated documents:

<http://pa.sevenoaks.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=NTFBXUBK0L000>



# Site Plan

Scale 1:1,250

Date 16/12/2015



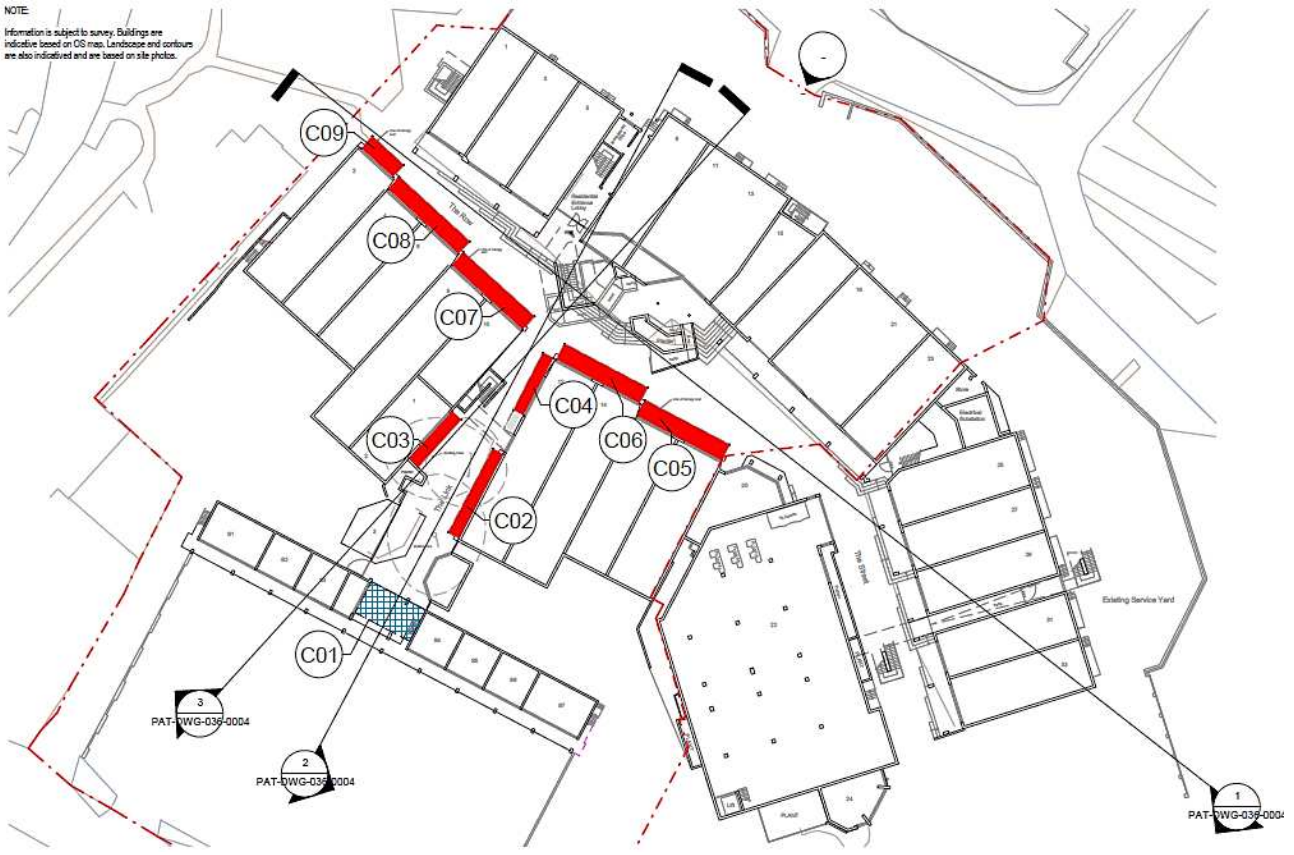
## Sevenoaks


DISTRICT COUNCIL

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Ordnance Survey 100019428.

# Block/Ground Floor Plan

NOTE  
Information is subject to survey. Buildings are  
indicative based on CO maps. Landscape and contours  
are also indicated and are based on site photos.



 CANOPIES TO BE REMOVED

 PANELS TO BE REPLACED