



Report to South Area Planning Committee

Application Number:	PL/22/0463/FA
Proposal:	Change of shop front
Site location:	14 Station Road Gerrards Cross Buckinghamshire SL9 8EL
Applicant:	Mr Christopher Hall
Case Officer:	Jeanette Collins
Ward affected:	Gerrards Cross
Parish-Town Council:	Gerrards Cross Town Council
Valid date:	18 February 2022
Determination date:	5 September 2022
Recommendation:	Refuse permission

1.0 Summary & Recommendation/ Reason for Planning Committee Consideration

- 1.1 The application proposes a new shop front in connection with the change of use of a vacant shop to use as a bar. Change of use to a bar application given planning permission under reference PL/22/0467/FA.
- 1.2 The application site is within a Conservation Area and the shop unit is part of a building that is a Non-Designated Heritage Asset (NDHA).
- 1.3 The design of the proposed shop front would be modern in style and materials. It would detract from the traditional design of the other shopfronts that are part of the building. It would propose removing a centrally located recessed doorway that is a key feature of the traditional shop front and introducing a flush shop front that consists of a set of bi-fold doors and a main door. As such, it would fail to maintain the unity of the front elevation of the NDHA building and fail to preserve or enhance the appearance of the Conservation Area.
- 1.4 Whilst the opening of a vacant shop would add to the vitality and diversity of the town centre, the proposed shop front would result in less than substantial harm to both the Conservation Area and the NDHA building and the level of harm would outweigh any public benefits.
- 1.5 The application was called-in to planning committee by the 3 ward Councillors, Cllr Andrew Wood, Cllr Michael Bracken and Cllr Thomas Broom.

1.6 Recommendation – Refuse permission.

2.0 Description of Proposed Development

- 2.1 The application relates to a basement and ground floor shop unit that is currently vacant, last known use being a shoe shop, located on the south west side of Station Road, part of the Secondary Shopping Frontage in Gerrards Cross District Centre.
- 2.2 The application proposes a change to the shop front in connection with the change of use of the premises to a bar. A separate planning application reference PL/22/0467/FA, applied for the proposed change of use to bar. As there were no objections to the change of use in principle, planning permission was given on 8 August 2022, subject to conditions. The planning permission for change of use to a bar, did not purport to give any approval to proposed changes to the shop front, as applied for in this application.
- 2.3 The application is accompanied by:
- a) Heritage Statement received 18 Feb 2022
 - b) Photos received 18 Feb 2022
 - c) Supporting statement email from agent received 21 Apr 2022
 - d) Further supporting statement email from agent received 6 Jun 2022
 - e) Comments from applicant received 1 Aug 2022
- 2.4 In a meeting with the agent and applicant, to discuss heritage concerns, it transpired, that the originally submitted plans were not the shopfront design that the applicant had wished to apply for, that was to have included the option that the shop front would be able to be fully openable.
- 2.5 Given the above, amended plans were accepted that included the preferred shopfront design that would be able to be fully openable, with 3 bi-fold window panels that have the appearance of a stall riser and window panes, folding inward to the left and a single door, opening inward to the right. The amended plans also included some changes that intended to address some of the heritage concerns by reducing the height of the stall riser, together with the stated concession that the proposed signage would be located in a similar location to other units and that the shopfront security grill would be removed.
- 2.6 Subsequent, clarifying and corresponding amended plans were, requested and received.

3.0 Relevant Planning History

- 3.1 Relevant planning history for the site:
- PL/22/0467/FA, Change of use to Bar (Use Class E (B)) - Conditional Permission, 8 August 2022
 - PL/22/2706/AV, Non-illuminated fascia sign and non-illuminated glazed fanlight - pending consideration

4.0 Summary of Representations

- 4.1 Buckinghamshire Council's Heritage Team, objected to the proposed shop front as an insensitive design that fails to preserve or enhance the character or appearance of the Conservation Area or the building that it is within, which is a 'Non-Designated Heritage Asset' (NDHA). The parish council had no objections to the proposal. The three ward councillors called-in the application, to be considered at planning committee and eight

comments supporting the proposal have been received. A summary of consultation responses and representations made on the application, may be viewed in Appendix A

5.0 Policy Considerations and Evaluation

- National Planning Policy Framework (NPPF), February 2019.
- Planning Practice Guidance
- National Design Guidance, October 2019
- South Bucks Core Strategy Development Plan Document - Adopted February 2011
- South Bucks District Local Plan - Adopted March 1999 Consolidated September 2007 and February 2011;
- South Bucks District Local Plan Appendix 5 (Conservation Areas)
- Chiltern and South Bucks Townscape Character Study 2017
- Gerrards Cross Common and Centenary Character Appraisal, 2009

Principle and Location of Development

Core Strategy Policies:

CP11 (Healthy and viable town and village centres)

Local Plan Saved Policies:

S1 (District shopping centres (Beaconsfield and Gerrards Cross))

TC1 (Development in Beaconsfield (New Town, Burnham and Gerrards Cross))

- 5.1 The principle of the change of use to a bar, has received conditional planning permission under planning reference PL/22/0467/FA. This application considers proposed changes in connection with that change of use. The application site is part of the Secondary Shopping Frontage of the Centre Inset Area and District Shopping Area of Gerrards Cross. The principle of development is that, the redevelopment of sites may be considered acceptable, if they preserve the centre's vitality or viability, maintain an appropriate level of diversification and do not detract from the retail attractiveness.
- 5.2 Proposals should not involve the loss of A1 retail frontage on a visually prominent site in the secondary shopping frontage and redevelopments are required to maintain a shop front appropriate to the shopping area and comply with all other relevant Development Plan Policies.
- 5.3 The National Planning Policy Framework (NPPF) was first published on 27 March 2012 and updated on, 24 July 2018, 19 February 2019 and 20 July 2021. Whilst this replaced the previous Planning Policy Statements and Guidance Notes, it does not replace existing local policies that form part of the development plan. It does state however, that the weight that should be given to these existing local policies and plans, will be dependent on their degree of consistency with the NPPF. Therefore, the closer the policies in the development plan to the policies in the Framework, the greater the weight that may be given to them. The NPPF at Section 7, under the heading "Ensuring the vitality of town centres" sets out that planning policies and decisions should support the role of town centres and take a positive approach to their adaptation.
- 5.4 Policies CP11, TC1 and S1 seek to retain key uses and enhance the vitality and viability of the town centre and district shopping centres, where possible, strengthening the retail function whilst having an appropriate level of diversification. A mix of appropriate uses is encouraged, as long as it does not detract from the viability or retail

attractiveness of the centre. Policy S1 in particular, requires the proposal maintains a shop front appropriate to the shopping area.

- 5.5 The change of shop front design is in connection with the change of use to a bar that would bring into use a vacant shop unit, providing local employment and a leisure use that has the potential to contribute to improving the vitality of this part of Gerrards Cross town centre.

Historic environment (or Conservation Area or Listed Building Issues)

Core Strategy Policies:

CP8 (Built and historic environment)

Local Plan Saved Policies:

C1 (Development within a Conservation Order)

EP3 (The Use, Design and Layout of Development)

- 5.6 The site is also located within the Gerrards Cross Centenary Conservation Area and policies CP8 and C1 require that any proposed works would need to preserve or enhance the character and appearance of the building and its surrounding area.
- 5.7 The NPPF at Section 16, under the heading "Conserving and enhancing the historic environment" sets out in paragraph 189 that heritage assets are an irreplaceable resource and it is important to conserve them in a manner appropriate to their significance and in paragraph 199 that great weight should be given to the assets conservation regardless of level of harm. Paragraph 197 says in determining applications, account should be taken of the significance of the heritage assets, how they contribute to economic vitality and make a positive contribution to local character.
- 5.8 Policy EP3 of the South Bucks District Local Plan (1999) refers to the use, design and layout of development and states that development will only be permitted where its scale, layout, siting, height, design, external materials and use are compatible with the character and amenities of the site itself, adjoining development and the locality in general.
- 5.9 The property is part of a building known as 'Marsham Chambers' that currently comprises of 1 large shop unit (16 to 18 Station Road) and 2 smaller shop units (12 and 14 Station Road with two floors of flats above (16A, 16B, 16C and 16D Station Road).
- 5.10 The building is a Non-Designated Heritage Asset (NDHA), identified as a Positive Unlisted Building in the Conservation Area, in the adopted Gerrards Cross Common and Centenary Character Appraisal, 2009. The building is directly referred to in the character appraisal, indicating its "character is well preserved".
- 5.11 The Council's Heritage Team raised objections to the proposed new shop front in terms of its impact on both the Conservation Area and the NDHA.
- 5.12 The current shop fronts attached to the Marsham Chambers building are all of a traditional style, with a more centrally placed recessed door with shop display windows either side of the door. The shop fronts have low stall risers with taller glazing above. This traditional and matching style makes a positive contribution to the Conservation Area and maintains the unity of the front elevation of the NDHA building.
- 5.13 The buildings architectural quality, such as stepped brick work around the centrally located entrance doors, herringbone pattern brick inset panels, decorative corbel brackets, leaded windows, serve to highlight the features of the property that make it

a heritage asset and the original shop fronts would have been of similar quality in terms of their proportion, detailing and materials. The 1933 original plans for the building refer to 'block of shops and four flats', though no detail of the number of shops or their shop front is shown on the plans. Whilst the detailed plans of the shopfronts were unable to be located, a historic photograph of a neighbouring building in Station Road taken around 1950 indicates the style of the traditional shop front design (As seen in the reply from the Heritage Team received 19 Aug 2022).

- 5.14 The Heritage Team consider that the proposed shopfront needs to relate to the design of neighbouring shop fronts that make up the building as a whole, in order to maintain the unity of the front elevation. To reduce the scale of harm to the heritage asset, a proposed shopfront should have a more central doorway, recessed, though a reduction in the depth may be acceptable. It should be constructed of timber with a panelled stall riser and particular requirements would be needed should security shutters also to be proposed.
- 5.15 The proposed shop front design shows the main doorway re-located to the right hand side of the unit, flush to the front of the building line, rather than recessed as is the traditional style. The remainder of the shop front would seek to mimic the existing shopfront of low stall risers with tall glazing above. However, this part of the shopfront would in fact be a bi-fold door that would allow the frontage to be fully openable. The proposed material would be powder-coated aluminium with single glazed safety glass.
- 5.16 Given the change to the form and position of the entrance and bi-fold function of the shopfront, it would be a modern addition to a building that otherwise has a traditional style of shopfronts and would fail to maintain the external appearance and overall unity of the NDHA building. It is therefore, considered that, the proposed shop front would be out of keeping with the host building and would be detrimental to the character and appearance of the Conservation Area and the NDHA, resulting in less than substantial harm to these heritage assets.
- 5.17 Paragraph 199 of the NPPF states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance. As such, it is considered that, great weight should be given to the harm to the Gerrards Cross Centenary Conservation Area, which is a designated heritage asset. Furthermore, it is also considered that, significant weight should be attributed to the harm to the non-designated heritage asset.

Consideration of Public Benefits

- 5.18 Paragraph 202 of the NPPF indicates that, if a proposal would lead to less than substantial harm to the significance of a designated heritage asset, this harm, should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use. Paragraph 203 further indicates that, if a proposal would lead to less than substantial harm to the significance of a non-designated heritage asset, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.
- 5.19 The agent/applicant has submitted information in support of the application. This sets out that the shape, style and design of the existing shopfront, with a recessed centrally

located doorway, would limit floor space and capacity, disrupting the view and flow to the bar and would make the premises unviable. It is the view of the applicant that, given the size of the shop unit, a flat shop front with side door is crucial for the business model to succeed.

- 5.20 The agent/applicant also contend that, the shopfront itself is unattractive, unworkable and has no historic or architectural merits. Whilst respecting the heritage comments to retain certain design aspects, it is the agent/applicants view that it is unfair to constrain the proposal to match the design of the other shop unit (which is also vacant) when there is a mixture of existing shop fronts in the immediate vicinity, mainly modern of varying designs and colours. In addition, the two shop units on the right side of the building do not have symmetry with the one shop unit on other side of the building.
- 5.21 The agent/applicant make the case that the opening of this vacant shop, which is one of a growing number of vacant units within Gerrards Cross, will help to re-invigorate the town centre, providing a meeting place and point of interest and using local providers, local produce and employing local people. Whilst the change of use of the unit, has already been granted planning permission, the agent/applicant states that the shape, style and design of the existing shop front is not beneficial for the proposed layout and design features of the business. They state that the loss of floor space and the positioning of the recessed central door creates a deficit of approximately 6-10 seats (dependent on free standing tables and high bench seats). They also state that it affects the natural flow into the premises leading up to the new bar location. The view into the bar is disrupted for passers-by, who might be encouraged to come in. As such the applicant states that the retention of the existing shopfront would make the premises unviable. They point to this as a possible reason that the shop has remained empty and potentially why the occupiers of the neighbouring shop, moved across the street.
- 5.22 Taking the above into account, it is acknowledged that bringing the unit back into use for a business of the nature proposed would be beneficial to the vitality and viability of the town centre and it is considered that this can be given significant weight. However, this needs to be balanced with the contribution the existing building makes to the character and appearance of the Gerrards Cross Centenary Conservation Area.
- 5.23 The Council's Heritage Team advise that whilst appreciating that regeneration of the town centre area may be required, this should not be at the cost of harm to heritage assets. It is recognised by research carried out on behalf of the government that heritage contributes significantly to the economy of an area, its attractiveness and local distinctiveness. The heritage sector is itself, an important source of economic prosperity and growth. It was recognised in 2019 by Historic England, that the Gross Added Value of heritage was £5.3 billion, including 33.8m tourists each year. Shop fronts are a major feature of retail offer and it is important to ensure that their design is sympathetic and appropriate to the traditional buildings and the character and appearance of conservation areas.
- 5.24 Given the above, the benefits in the form of bringing the unit back into use and contributing to a level of vitality and viability of Gerrards Cross town centre are acknowledged. Whilst these benefits have been attributed significant weight, it is not considered that this is sufficient to outweigh the great weight given to the resulting

harm to the conservation area and significant weight given to the harm to the non-designated heritage asset.

5.25 The proposal is therefore contrary to Local Plan Policies C1 and EP3 and Core Policy 8 of the Core Strategy.

Transport matters and parking

Core Strategy Policies:

CP7 (Accessibility and transport)

Local Plan Saved Policies:

TR4 (Provision for those with special needs)

TR5 (Access, highways work and traffic generation)

TR7 (Traffic generation)

TR10 (Heavy goods vehicles)

5.26 Given the scale and nature of the proposed works it is not considered there will be any significant impacts on highways and parking.

Amenity of existing and future residents

Local Plan Saved Policies:

EP3 (The use, design and layout of development)

EP5 (Sunlight and daylight)

H11 (Alterations and extensions to dwellings)

5.27 Given the scale and nature of the proposed works It is not considered there will be any significant impacts to neighbouring amenities.

6.0 Weighing and balancing of issues / Overall Assessment

6.1 In determining the planning application, section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that proposals be determined in accordance with the development plan unless material considerations indicate otherwise. In addition, Section 143 of the Localism Act amends Section 70 of the Town and Country Planning Act relating to the determination of planning applications and states that in dealing with planning applications, the authority shall have regard to:

- a. Provision of the development plan insofar as they are material,
- b. Any local finance considerations, so far as they are material to the application (such as CIL if applicable), and,
- c. Any other material considerations.

6.2 As set out above it is considered that the proposed development would not accord with the development plan policies.

6.3 Paragraph 11 of the NPPF sets out the presumption in favour of sustainable development which for decision taking means approving development proposals that accord with an up-to-date development plan without delay; or where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless the application of policies in the NPPF that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.

- 6.4 However, Footnote 6 of para.11 of the NPPF does identify policies within the Framework that protect areas or assets of particular important, that if providing a clear reason for refusing a proposed development, prevent the tilted balance from being engaged.
- 6.5 Designated Heritage Assets, which include Conservation Areas, are included within the list of policies that protect areas or assets of particular importance, and which can provide a clear reason for refusing the proposed development.
- 6.6 In this instance, the proposal would result in less than substantial harm to the designated heritage asset (the conservation area) and 'less than substantial harm' to the non-designated heritage asset (Marsham Chambers building). Great weight is given to the harm identified in terms of the impact on the Conservation Area and substantial weight to the impact on the NDHA. Whilst public benefits of the proposal have been identified, it is considered that these are not sufficient to outweigh the harm identified to the heritage assets. As such, the Framework, as a material consideration, does provide a clear reason for refusing the development. Consequently, the presumption in favour of sustainable development, as envisaged by paragraph 11, does not apply in this case.

7.0 Working with the applicant / agent

- 7.1 In accordance with Paragraph 38 of the NPPF (2021) the Council approach decision-taking in a positive and creative way taking a proactive approach to development proposals focused on solutions and work proactively with applicants to secure developments.
- 7.2 The Council work with the applicants/agents in a positive and proactive manner by offering a pre-application advice service, and as appropriate updating applications/agents of any issues that may arise in the processing of their application.
- In this instance, amended plans were accepted that altered the design of the proposed changes to the shopfront. These did not however, address all the heritage concerns.

8.0 Recommendation: Refuse permission for the following reasons:-

1. The change to the form and position of the entrance and bi-fold function of the shop front would result in a modern addition to a building that otherwise has a traditional style of shopfronts and would fail to maintain the external appearance and overall unity of the building. It is therefore, considered that, the proposed shop front would be out of keeping with the host building and would be detrimental to the character and appearance of the Conservation Area and the existing building, which is a Non Designated Heritage Asset. The public benefits of the scheme do not outweigh the harm to these heritage assets. As such, the proposal is contrary to policy C1 of the South Bucks District Local Plan (adopted March 1999), Core Policy 8 of the South Bucks Core Strategy (adopted February 2011), and the provisions of the NPPF.

APPENDIX A: Consultation Responses and Representations

Councillor Comments

No comments received, though application called in by the 3 Ward Councillors.

Parish/Town Council Comments

Gerrards Cross Town Council reply received 15 Mar 2022 – “No objection”

Consultation Responses

Buckinghamshire Council Heritage consult replies received 5 Apr, 20 May and 19 Aug 2022. In summary, the proposed changes fail to preserve or enhance the character or appearance of the Gerrards Cross Centenary Conservation Area or the building, which is a ‘Non-Designated Heritage Asset’ (NDHA), therefore not complying with heritage policy of the South Bucks Local Plan, South Bucks Core Strategy and heritage advice in the NPPF.

Representations

8 comments have been received supporting the proposal. They are summarised as follows:

- concerns over number of empty shop units in Gerrards Cross
- empty shop units are themselves an eye sore and are harmful to the character of the area
- Gerrards Cross needs businesses and investment
- concerns over application delays, over something so trivial and contradictory decisions on planning in heritage terms
- Does not consider the tidying up of a ‘rather dull and scruffy looking shop front’ as significant when considered against large corporation shops that change the landscape of the entire town centre.
- For uniqueness and charm, the village needs small individual shops from local entrepreneurial investment.
- loss of revenue in vacant properties for the Council, leads to loss of local amenities, investment and community identity
- Businesses, should be supported rather than hindered.
- This shop not opening would be a detrimental loss to the residents of Gerrards Cross
- Would bring character to road, without being overbearing
- use will create vibrancy and increased footfall to this area
- may encourage the other vacant units to be brought into use
- Offers a public benefit, employment, being a venue that offers a social environment/social well-being
- Would function best with a modern shopfront, without the limitation of a recessed central doorway
- Opening of doors will deliver fresh air and a ‘continental vibe’ to enhance customer experience and maximise use-ability of space.
- Re-siting of central door to right, would likely reduce congestion with entrance to flats.
- Shopfronts similar to this at former Café Rouge and Pizza Express
- If Number 12 is occupied in future and wants a modern flush shopfront, a door on right can be applied to achieve unity of appearance
- Original plans reference Eton RDC Plans 6575 shows shop front as open, when in use as garage – presumed to have flat sliding doors. A central door does not reflect original design
- Consider vibrancy to the shopping area is sufficient planning reasons to outweigh any harm