



..... Planning Board

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Report Subject	517 Christchurch Road
Proposal	Alterations and installation of roller shutter to replace existing
Application Number	7-2015-1419-S
Applicant	Mr M Hinton
Agent	Horsey Lightly Finn
Application Valid	19.01.15
Status	Public
Ward	BW
Service Director	Planning Transport and Regulation
Meeting date	16.03.15
Report author	Julie Allington, Planning Officer  01202 451323  planning@bournemouth.gov.uk
Recommendation	Refusal
Reason for Planning Board Decision	<p>At the request of Councillor Wakefield for the following reasons:</p> <ul style="list-style-type: none"> • The removal of the shutter would compromise the ability of the company to continue in its current location • The area has comparatively high levels of crime with theft, anti-social behaviour and violent crime recorded • This secondary shopping area has high levels of shop vacancy • The National Planning Policy Framework requires local authorities to support economic growth and that development should seek to create safe and accessible environments where crime and disorder and the fear of crime do not undermine community cohesion • The Council's policy 4.21 is aimed at historic shopfronts and therefore carries little weight in decision making

Previous Relevant Planning Applications and Appeals

1. Following a complaint received by the Planning Enforcement Team about the installation of an unauthorised roller shutter, a letter was sent to the proprietor on 8th January 2013 of the premises advising him that the shutter was unauthorised and that unless a planning application were to be submitted, enforcement action would be taken. The letter also advised the owner that it was unlikely that an application for the shutter as installed would be supported but that a more suitable lattice style shutter would be more likely to be supported, or that he may wish to install the shutter inside the shop window which would not require planning permission.
2. It should be noted that the owners of other properties with unauthorised roller shutters which had been in place for less than 4 years were also contacted in relation to the same complaint. These have now been removed or a suitable replacement agreed with the local planning authority.
3. A Planning Contravention Notice was served on 4th March 2013. The Notice required the recipient to provide the Council with information relevant to the town planning breach. As no action was taken by the applicant to either remove the unauthorised shutter or apply for planning permission, an Enforcement Notice was served on 17th April 2013 requiring the owner to remove the shutter within 1 month of the notice taking effect. It was open to the recipient to appeal to The Planning Inspectorate against the requirements of the Enforcement Notice. However, an appeal was not lodged before the date for compliance (19th June 2013).
4. The Council again wrote to the owner on 15th August 2013 advising that if the roller shutter was not removed within 14 days, the Council would have no choice but to take legal action against the owner.
5. On 23rd August 2013 an application for the 'Installation of a roller shutter (Existing unauthorised)' (ref 7-2013-1419-Q) was submitted. During the process of this application the applicant was advised that a lath style shutter which enabled a suitable level of visibility would be acceptable and the determination of the application was delayed to enable negotiations.
6. However, as a suitable solution could not be agreed, the application was refused on 24th December 2013 as the shutter installed was considered to constitute poor design resulting in an unattractive and hostile environment and a harmful impact on the character of the area and visual amenities of the street scene.

7. A letter was sent to the owner on 24th January 2014 advising him that if he did not comply with the Enforcement Notice within 21 days, legal proceedings would commence. Legal proceedings were delayed several times and a further application was submitted on 2nd October 2014. This application was no different from the previous one and therefore the circumstances had not changed. The local planning authority therefore decided to exercise its right to decline to determine the application as set out within the Localism Bill 2011.
8. The matter of the enforcement notice was finally taken to court in January 2015 and the defendant was found guilty of non-compliance and find with costs awarded to the Council.
9. Throughout the process consistent advice has been given to the applicant that if he wishes to have an external roller shutter then a lath style shutter with a minimum of 40% visibility is likely to be considered acceptable and that this is considered to represent a suitable compromise that has been accepted at other premises within the area.

Summary of Proposal

10. The current application seeks consent for replacement of the existing unauthorised shutter with a replacement shutter which would be of a lath style allowing 25% visibility.
11. The proposed shutter would have a solid 30cm section at the bottom and would span the width of the shop window (4.9m).

Relevant Policies

12. Applications for planning permission must be considered having regard to the provisions of the Development Plan and any other relevant material considerations. The key document being the Bournemouth Local Plan.
13. Various Development Plan Documents (DPD) make up the Local Plan, the Bournemouth Local Plan: Core Strategy (October 2012) (CS) being the overarching document. The Core Strategy has superseded the Bournemouth District Wide Local Plan (DWLP) as the strategic policy framework for the Borough although various policies in the DWLP have been retained as 'saved' policies. The Core Strategy covers the period 2006 to 2026.
14. The National Planning Policy Framework (NPPF) sets out the Government's planning policies for England and is a material consideration in planning decisions.

15. The following Policies are considered relevant to the current application:

Core Strategy

- Policy CS41 – Quality Design

Bournemouth District Wide Local Plan

- Policy 4.21 – Shopfronts
- Policy 5.20 – Secondary Shopping Areas

National Planning Policy Framework

- Paragraph 56 – states that the Government places great importance on good design and advises that development should contribute positively to making places better for people.
- Paragraph 64 – states that permission should be refused for development of poor design which fails to take opportunities to improve the character and quality of an area and the way it functions

Other documents

- Bournemouth Borough Council's Guidance Document 'Shopfronts'
- National Government Guidance 'Safer Places: The Planning System and Crime Prevention',
- 'Boscombe Commitment and Action Plan'

Issues

16. The issues to consider in my opinion are whether the proposal complies with the relevant policies set out above and other material planning considerations which are set out below.

Impact on the character of the area:

17. The application site is located within a section of Christchurch Road which has an established commercial character. The premises is one of a terrace of properties located to the west of the main shopping centre of Boscombe with shop/other commercial uses at ground floor and residential uses above and to the rear.
18. The unit has a shop frontage addressing Christchurch Road and is located within the designated secondary shopping frontage. There is a mix of uses within the vicinity of the site including a number of shops, restaurants, a public house and financial and professional services, all of which are characteristic of a shopping centre.

19. It is recognised that there are existing roller shutters within the Boscombe area, many of which have been in situ for some considerable time. However, those which have been granted planning permission in recent years have been of the lath style, which retain a minimum of 40% visibility. This is because the more solid type shutters are considered to have a negative impact on the street scene and create an unnecessarily unwelcoming and hostile environment for pedestrians.
20. The Council through its planning policy has sought to improve the environment of shopping areas requiring that roller shutters should respect and enhance the character of an area and that only shutters which allow visibility through should be considered acceptable. The Council's 'Shopfront' guidance advises that the use of internal link chain screens is preferable, combined with laminated glass, but that shutters on the outside of premises may be acceptable where the shutter is of a mesh, grille, perforated or other type which allow the shopfront behind to be visible when the shutter is down.
21. This is reiterated through national government guidance in the document 'Safer Places: The Planning System and Crime Prevention', which states at page 36:

'Roller-shutter blinds provide a high level of security, but can have a negative effect on the street scene, are susceptible to graffiti and do not reflect light in the way that windows do. Alternatives such as open grilled designs or internal shutters should be considered'
22. Therefore it is considered that both national and local policy recognise that whilst there may be a need for security measures for businesses, the form that these take can have a big impact on the character and appearance of an area and should be carefully considered.
23. Question has been raised in the Councillor Call-in request as to the relevance of Policy 4.21 of the Bournemouth District Wide Local Plan in this case due to the reference within the policy to historic and traditional shopfronts. However, whilst the first part of the policy does specifically relate to historic/traditional shopfronts and seeking their retention, the second part of the policy is considered to relate more generally to all shopfronts and be relevant to the application:

'Proposals for new shopfronts or alterations to existing shopfronts will be permitted provided that:

- i) any existing features of historic or architectural merit are retained;*
- ii) the design, proportions and scale of the shopfront relate to the building of which it is part, and to adjoining properties;*
- iii) any security measures do not harm the appearance of the shopfront or the street scene'.*

24. Policy CS41 of the Core Strategy also requires development to be designed to respect the site and its surroundings and contribute positively to the appearance and safety of the public realm, improving the character and distinctiveness of an area. It also states that development which by virtue of its design would be detrimental to the built environment should be refused.

25. It is considered that the installation of shutters with only 25% visibility would represent a poor design solution and would have a harmful impact on the character and appearance of the area and be detrimental to the built environment. Whilst the shutters would not be visible during the day, they would have a significant impact on the character and appearance of the area in the evenings and result in a hostile environment which would create the perception of an unsafe and uninviting place to be.

26. In 2013 an appeal for a similar shutter at 553 Christchurch Road was dismissed. In his decision the Planning Inspector made reference to the National Planning Policy Framework as follows:

'whilst seeking to promote economic development, also attaches great importance to good design'.

27. The Inspector shared the Council's view that a solid style shutter with limited permeability would have a very harsh and forbidding appearance when closed and would create an oppressive environment. He stated within his decision that:

'such a design also fails to take the opportunity available for improving the character and quality of the street scene' and that 'to allow the retention of an inappropriate design purely on the basis of what has gone before would frustrate the Council's efforts to improve the public realm and night-time economy'.

28. The Inspector also commented that whilst he understood the security needs of the appellant, there are other means such as mesh or slatted shutters, internal shutters and laminated glazing, by which these needs might be addressed.

29. The Boscombe Commitment and Action Plan 2012-2015 sets out a number of objectives which the Boscombe Regeneration Team in Partnership with Dorset Police and a number of other partners from the Boscombe area including improving public spaces and the quality of the environment. The use of solid or low level visibility shutters is considered to be contrary to this aim and represent a detrimental step in the wider regeneration aspirations of the area. If these type of shutters were to be allowed on premises generally within the Boscombe area then this would create a rather hostile and unwelcoming environment.
30. No evidence has been provided to demonstrate that the use of shutters with 40% visibility or higher are any less secure than the more solid style shutters and you will generally find that the open lath style shutters with 40% visibility or more are commonplace within shopping centres and do not represent any greater security risk.
31. No evidence has been provided to suggest that there is a history of break-ins with security shutters in the local area and there seems no reason why an exception should be made in this case. The owner has been advised of alternative solutions such as internal grilles, laminated windows or a 40% visibility shutter which would enable security whilst protecting the visual amenities of the local area.

Representations

32. One letter of objection has been received from the Boscombe Regeneration Team raising the following issues:
 - The Council has offered a compromise of allowing shutters with 40% visibility
 - There is no evidence provided of increased crime or loss of security for 40% visibility shutters compared with 25% shutters
 - 40% visibility would soften the appearance of the shutter
 - Solid or low level visibility shutters can send message that levels of crime are high in an area and also encourage graffiti
 - Would not want to set a precedent for this for other shutters in the area
 - This would be contrary to the positive changes which are currently being made through partnership with the Police and local businesses as part of the Boscombe Commitment and Action Plan 2012-2015'
33. These issues have been considered within the report and these views are shared by the planning officer.

Conclusion

34. Having regard to the pattern of existing development in the area and relevant provisions of the Development Plan it is considered that the development would not be in accordance with the Development Plan, including the NPPF and would materially harm the character and appearance of the area.

Recommendation: Refusal

Short Reasons for Refusal:

- 1. Poor Design**
- 2. Harmful to the character and appearance of the local area**
- 3. Visual amenities**
- 4. Contrary to Policy 4.21 of the Bournemouth District Wide Local Plan; Policy CS41 of Bournemouth Local Plan: Core Strategy; the Council's guidance document 'Shopfronts' and paragraphs 56 and 64 of the National Planning Policy Framework.**

Full Reasons for Refusal:

35. The installation of a roller shutter with only 25% visibility is considered to represent poor design that fails to take opportunities to improve the area or contribute positively to the appearance and safety of the public realm. The proposed development is considered to be harmful to the visual amenities of the local area and detrimental to the built environment.
36. Therefore for the reasons above, it is considered contrary to the aims of Policy 4.21 of the Bournemouth District Wide Local Plan, Policy CS41 of the Core Strategy, the Council's guidance document 'Shopfronts' and paragraphs 56 and 64 of the National Planning Policy Framework.

Statement required by National Planning Policy Framework

37. In accordance with paragraphs 186 and 187 of the NPPF the Council, as Local Planning Authority, takes a positive and proactive approach to development proposals focused on solutions. The Council works with applicants/agents in a positive and proactive manner by offering a pre-application advice service, and as appropriate updating applicants/agents of any issues that may arise in the processing of their application and where possible suggesting solutions.

38. The applicant was advised of the unsuitability of the proposed shutters prior to the submission of the application and was invited to consider alternatives and submit amended details accordingly. The applicant has been consistently advised that the local planning authority consider shutters with a minimum of 40% visibility are more likely to be considered favourably. The applicant/agent chose not to take this advice and therefore the application has been refused.



Site Location Plan: 517 Christchurch Road

Scale 1/1250

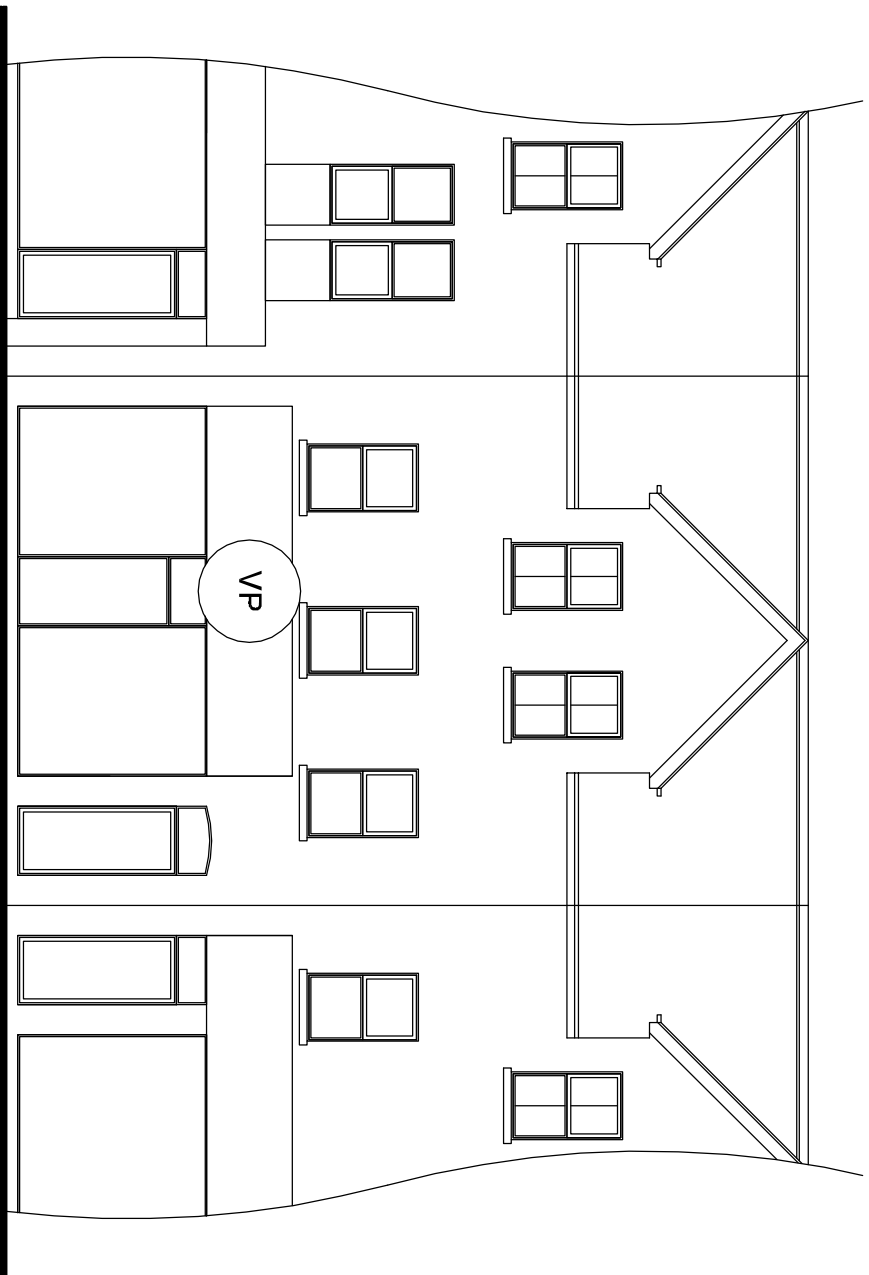
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Date 5/3/2015

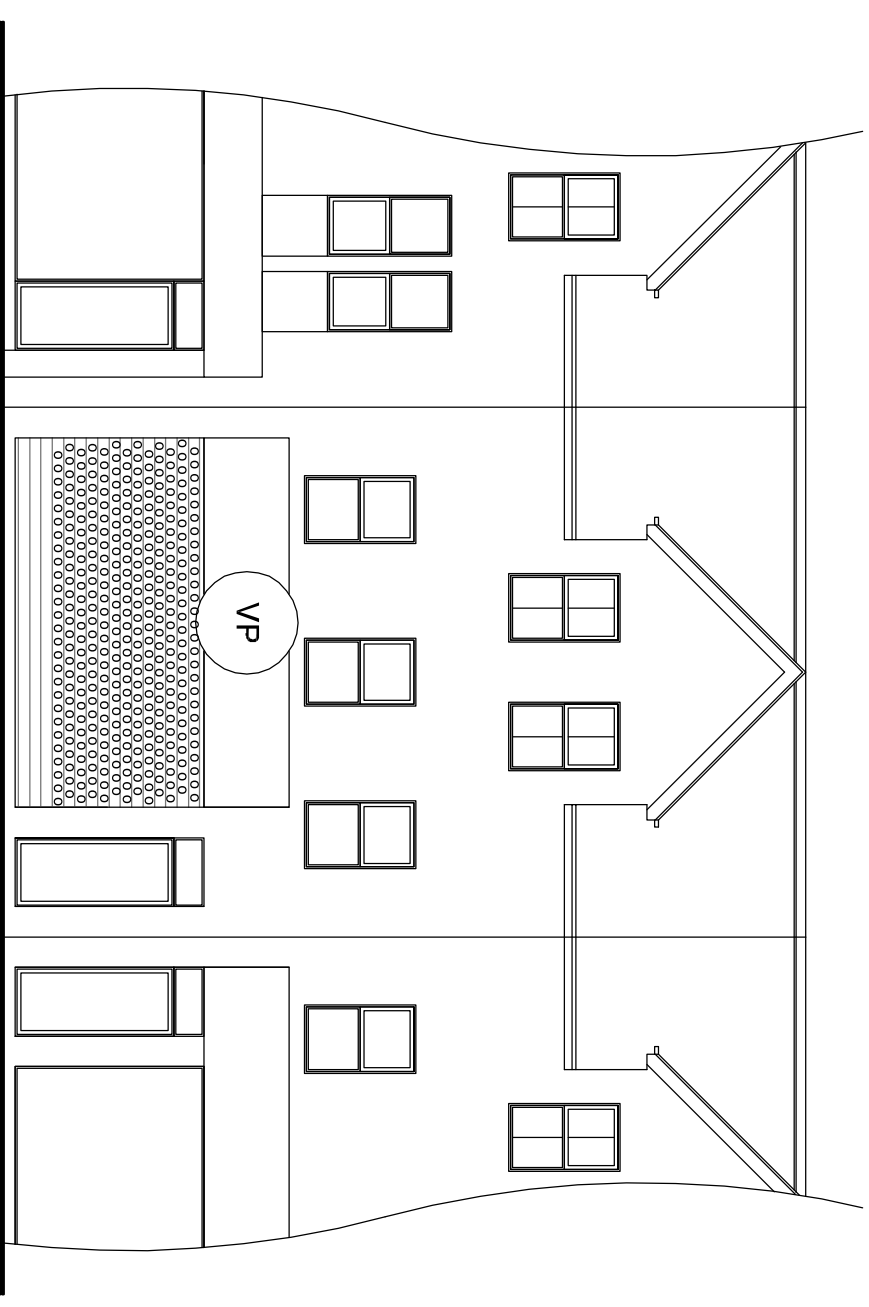


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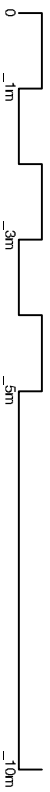
The scale indicated on this drawing is approximate only and should not be used for taking accurate measurements.



ROLLER SHUTTER OPEN (FRONT ELEVATION)
SCALE 1:100@A3
SCALE 1:50@A1



ROLLER SHUTTER CLOSED (FRONT ELEVATION)
SCALE 1:100@A3
SCALE 1:50@A1
Material to be 152mm x 25mm on 203mm Pitch punched lath
Bottom 7 solid



These drawings are for planning application purposes only and may require additional details prior to a building notice application. All dimensions to be checked on the prior to commencement of work. If in doubt, ask.

