

Section '3' - Applications recommended for PERMISSION, APPROVAL or CONSENT

**Application No :** 14/03338/FULL2

**Ward:**  
**Biggin Hill**

**Address :** 16 - 18 Rosehill Road Biggin Hill TN16  
3NF

**OS Grid Ref:** E: 541352 N: 158757

**Applicant :** Mr Roger Spikesman

**Objections :** YES

**Description of Development:**

Change of Use application from Class D2 (Fitness Centre / Gym) to Class A1 (Retail Use)

Key designations:

Biggin Hill Safeguarding Birds  
Biggin Hill Safeguarding Area  
London City Airport Safeguarding  
Open Space Deficiency

**Proposal**

- The unit is a double-fronted commercial unit, with a current lawful use of Class D2 (fitness centre/gym).
- The proposal seeks change of use from Use Class D2 to Use Class A1 to provide a retail use. The units were historically in retail use, and in February 2001 permission was granted under ref. 00/03365 from retail (Class A1) to fitness centre (Class D2).
- The current application is therefore seeking to return the units to their original Use Class A1 (Retail) use.

**Location**

The application site is located within a parade of commercial units accessed from the northern side eastern side of Rosehill Road and the flank elevation of the unit can also be accessed via the eastern side of Kings Road.

**Comments from Local Residents**

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

- fitness centre has become a very useful facility to the local community over the years;
- changing the use to retail like they were before will add nothing to the area - there are already empty shops that can't be let;
- previous retail use failed due to insufficient custom and stood empty for 5 to 6 years;
- the gym at Charles Darwin School is only open to the public before and after school hours and is half the size of the application site;
- presence of a gym at this site with a glass frontage prevents anti-social behaviour and provides a sense of security for evening shoppers;
- local residents use the gym for health reasons;
- if this use was lost it may lead to a strain on local social services due to people being unable to maintain their health at the gym;
- question what type of retail unit will move into this site;
- would be a shame to see this gym forced to close just because of the change of use application;
- no objection provided it does not try to sell the same items as other shops in this parade;
- the premises in question has issues of access and parking;
- before the gym occupied the site, the unit was empty and derelict, boarded up with all that is associated with such a condition - graffiti, squatting, etc.

### **Comments from Consultees**

Council's Highways Engineer stated that the site is within a low PTAL area (2), there is no parking associated with the site, and it is not clear where the servicing will take place for the site.

Clarification was sought from the Agent regarding these matters and the response provided can be summarised as follows:

#### **Servicing of the Shop Units**

The shop units along the subject section of the precinct - i.e. shops 12, 14, 16 and 18 Rosehill Road have use of Kings Road and the rear service area behind the shops for delivery purposes.

Please see photograph (Figure 1) in document (on the main planning file).

16 and 18 Rosehill Road has use of these locations for delivery purposes.

#### **Parking Provision**

Parking facilities are located on both Rosehill Road and Kings Road within the immediate vicinity of the shopping precinct.

Please see the map (on the main planning file).

Shops within the precinct have approximately 10 spaces along Rosehill Road for public use and on street parking on Kings Road.

Photographs have been enclosed to show these locations.

Bus services start and finish adjacent to the shopping precinct on Kings Road which provides further transport for shoppers.

A number of customers will also visit the shops on foot given the proximity of a large number of households.

There will therefore be a limited number of visitors to the location which are car borne.

### **Planning Considerations**

The application falls to be determined in accordance with the following policies of the Unitary Development Plan

- BE1 Design of New Development
- T3 Parking
- C1 Community Facilities
- C4 Health Facilities

The National Planning Policy Framework

Planning History

The units were originally in Class A1 (retail) use. In 2001, planning permission was granted for the change of use of the premises from Class A1 to fitness centre (Class D2) under ref. 00/03365.

### **Conclusions**

There are a number of small shops and a take-away restaurant located in the immediate vicinity of the site. Whilst it is acknowledged that many local residents believe the existing gym use to be a thriving business and of much benefit to the local community, the application has been submitted to reinstate the previous, and original, use of the unit as an A1 retail use and it therefore must be assessed on the basis of adopted policy.

The agent has confirmed that there will be no changes to the external appearance of the property, the proposal does not involve any increase in the current building floor area, and that the proposal is purely changing the use of the unit back to its historical use as it was prior to 2001. Therefore the proposed use is not considered to have a detrimental impact upon the character or vitality of the area.

No car parking provision is provided as part of this proposal, but this represents no change from the existing position. There are some public car parking spaces to the

front of the site along Rosehill Road, and there is also on-street car parking provision along Kings Road.

The proposal will not alter the elevations of the property, so there would be no impact upon the character of the host building nor upon the streetscene as a whole, and it is also not expected to have an adverse effect on neighbouring residential amenities.

In terms of Policy S4 regarding local centres, it is considered that the proposed change of use to a retail unit would complement the shopping function of the area, and is therefore acceptable.

Background papers referred to during production of this report comprise all correspondence on the files refs. 00/03365 and 14/03338 set out in the Planning History section above, excluding exempt information.

### **RECOMMENDATION: PERMISSION**

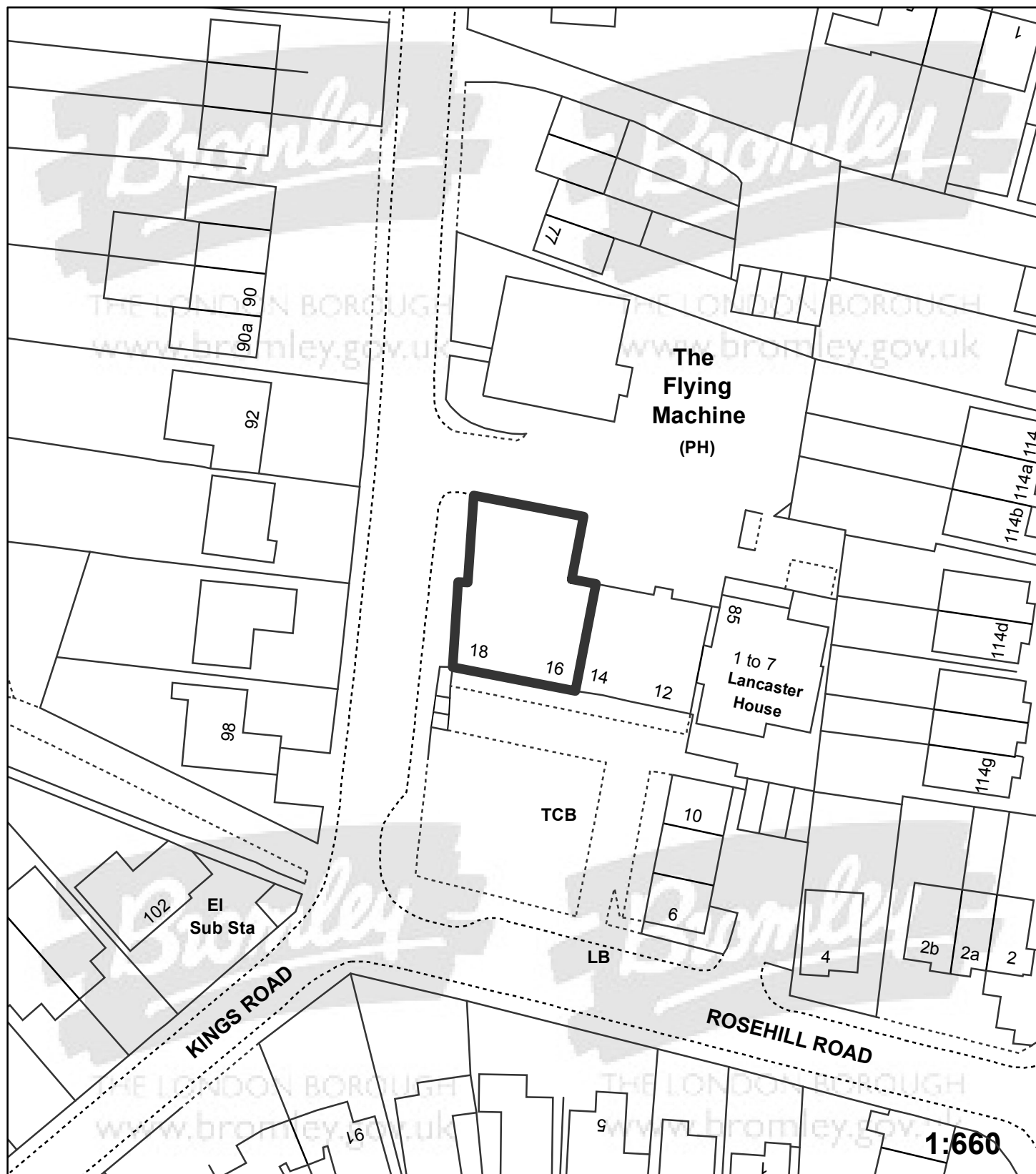
Subject to the following conditions:

- 1      ACA01          Commencement of development within 3 yrs  
         ACA01R        A01 Reason 3 years
- 2      ACK01          Compliance with submitted plan  
         ACK05R        K05 reason
- 3      The use shall not operate before 06:00 hours and after 23:00 hours Monday to Saturday and before 0700 hours and after 2100 hours Sundays and Bank Holidays.  
         ACJ06R        J06 reason (1 insert)                      BE1

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"This plan is provided to identify the location of the site and should not be used to identify the extent of the application site"

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