

## **SECTION '2' – Applications meriting special consideration**

**Application No :** 15/03298/FULL1

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

**Address :** 228 Main Road Biggin Hill TN16 3BD

**OS Grid Ref:** E: 542338 N: 158491

**Applicant :** Mr Larry Cuddon

**Objections :** YES

### **Description of Development:**

Conversion of ground floor commercial premises to enable an additional 2-bedroom flat to be provided in association with implemented residential planning permission ref 14/01474 currently under construction.

Key designations:

Biggin Hill Safeguarding Birds  
Biggin Hill Safeguarding Area  
London City Airport Safeguarding  
London Distributor Roads  
Open Space Deficiency  
Retail Shopping Frontage Biggin Hill  
Smoke Control SCA 24

### **Proposal**

The proposal seeks the provision of one additional 2-bedroom flat within the ground floor of the application premises in lieu of a retail shop which was originally incorporated into the design of this development – as originally permitted under reference 14/01474.

### **Location**

The site is situated at eastern end of the Biggin Hill local centre within the defined Retail Frontage.

### **Consultations**

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

- no objection in regard to proposed additional residential unit which will provide a valuable contribution to housing stock
- very little shopping footfall along this part of the road
- granting planning permission would prevent possible fast food outlet occupying the site

From a Highways perspective, the previous application included the retention of the ground floor retail unit. This proposal is to replace that with a 2 bed flat giving 4 flats in total. The sightline to the right from the access is substandard but there is no increase in parking spaces on the site and so there is unlikely to be a significant increase in trips from the site. There will be one parking space for each flat.

No technical Drainage of Thames Water objections have been raised.

### **Planning Considerations**

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

- BE1 Design of New Development
- H7 Housing Density and Design
- S4 Local Centres
- S5 Local Neighbourhood Centres, Parades and Individual Shops
- S10 Non-Retail Uses in Shopping Areas
- T3 Parking

London Plan – Policy 3.5

### **Planning history**

Under reference 13/01485 planning permission was refused in respect of the provision of single storey rear and first floor front, side and rear extensions to enable formation of 2 two-bedroom flats and 1 one-bedroom flat and retention of ground floor commercial premises. The application was refused on the following grounds:

*“The depth of projection proposed is excessive and the development would therefore seriously prejudice the amenities of the occupiers of the adjacent dwelling at No 230 by reason of loss of light and visual impact, thereby contrary to Policy BE1 of the Unitary Development Plan.”*

*“The proposal would, by reason of its depth and massing, constitute an overdevelopment of the site out of character with the locality and contrary to Policies H7 and BE1 of the Unitary Development Plan.”*

The proposal was subsequently dismissed at appeal, the Planning Inspector commenting that the proposal would appear “overbearing” and result in an “enclosing effect” in respect of No 230; however, it was not considered that the proposal would result in a significant increase in overlooking in respect of that neighbouring property.

The Inspector considered that the proposal would have an acceptable impact on the streetscene when viewed from the east, or when viewed from the private access road at the rear. However:

*“when viewed from the west, the proposed increase in the size of the building would be significant, and the enlarged property would be particularly prominent in the street scene as it would be sited in front of the building line of the adjacent commercial properties. Whilst the Local Centre includes many buildings that are larger than the appeal property, from this viewpoint it would be observed in the context of smaller, lower level buildings. The resultant height and depth of the building would therefore be harmful to the character and appearance of the area in this transitional location.”*

Under reference 13/02791 a Lawful Development Certificate was granted in respect of a two-year change of use from retail (Use Class A1) restaurant/cafe (Use class A3). That proposal has not been implemented.

Under reference 14/01474 planning permission was granted in respect of the partial conversion and enlargement of the vacant retail unit and the formation of three self-contained flats within the extended building. The existing ground floor retail unit would be partially retained and a two-bedroom flat would occupy the remainder of that floor. Two additional flats would occupy the first floor (2 x 1-bedroom units). A total of 4 off-street parking spaces would be provided: 2 at the front and 2 at the rear which will be accessible via an access drive which serves the dwelling at No 226A, which is situated at the rear of the site. Work has commenced in implementing this permission.

## **Conclusions**

The principal consideration in this case relates to the use of the entire ground floor of the application premises for residential use in lieu of providing an element of retail floor space within this area of the development.

Under the terms of the planning permission granted under reference 14/01474 the Council took into consideration the fact that the scheme would retain an element of retail space at ground floor level and with a street frontage facing Main Road (albeit occupying a smaller area than the shop which previously existed at this site).

As noted above, the site is situated at the eastern end of the Biggin Hill local centre within the defined Retail Frontage. Accordingly, Policy S10, which advises that in retail frontages the Council, will not normally permit uses that do not offer a service to visitors unless:

- (i) there has been long term vacancy and a lack of demand for a retail or service use can be proven; and
- (ii) the proposed use is in premises where it would not undermine the retail viability of the centre.

In this case it is noted that the scheme permitted under reference 14/01474 is currently under construction and that the designated ground floor retail floorspace remains in an incomplete state. Given that this effectively forms a new development incorporating self-contained residential accommodation and modified

ground floor retail premises, it cannot be argued that there has been a proven long-term vacancy or that. Whilst a supporting statement has been provided by 'haart' estate agents, this says simply that 'the property was sold as a detached unit rather than a shop with flat as we felt that it would be very difficult to sell the property as a shop due to the past record of the business.' This does not constitute evidence of marketing.

Furthermore, given its location within the defined Retail Frontage this proposal will undermine the retail viability of the centre in the absence of providing a service to members of the public. Whilst concerns have been raised about the possibility that the premises could be used as a take-away, this scheme was the subject of a 'Prior Approval' application which concerned its use for such purposes for a two-year period and, for the time being, there is no prospect that this will be used as a take-away on a long-term basis, subject to Government changes to the planning system.

From a housing standard perspective, the nature of the accommodation including bedroom sizes has been assessed to be compliant with the objectives of the London Plan Housing SPG.

Having had regard to the above it is considered that the development in the manner proposed is unacceptable in that it would result in the loss of a retail unit in the Designated Retail Frontage, which will undermine the retail viability of the Biggin Hill local centre.

#### **RECOMMENDATION: APPLICATION BE REFUSED**

**The proposal would result in the unacceptable loss of a retail unit within Biggin Hill local centre and in the absence of marketing or other evidence to demonstrate long-term vacancy and a lack of demand for retail or service use, the proposal would undermine the retail viability of the area, contrary to Policies S4 and S10 of the Unitary Development Plan.**