

**SECTION '4' – Applications recommended for REFUSAL or DISAPPROVAL OF DETAILS**

**Application No : 11/00562/FULL3**

**Ward:  
Orpington**

**Address : 136 - 140 High Street Orpington BR6  
OJS**

**OS Grid Ref: E: 546335 N: 166477**

**Applicant : Mr Michael Bungar**

**Objections : NO**

**Description of Development:**

Change of use of part ground floor from retail (Class A1) to restaurant/cafe (Class A3) to form 1 retail unit and 1 restaurant with ventilation ductwork via chimney at rear. Alterations to means of escape and elevational alterations to front elevation

Key designations:

Areas of Archeological Significance  
Flood Zone 2  
London Distributor Roads  
Primary Shopping Frontage

**Proposal**

- The proposal would change the use of part of the ground floor from retail (Class A1) to a restaurant (Class A3). The resulting ground floor would therefore change from 2 retail units to 1 retail unit and one restaurant unit.
- The proposal includes the use of the existing chimney at the rear of the building to house a proposed ventilation ductwork, which will expel fumes at a height above eaves level.
- Elevational alterations include changes to the shopfront to provide a second access to the proposed restaurant unit.
- Means of escape alterations are proposed in order for both ground floor units to use the means of escape that was permitted under ref. 10/02831.

**Location**

The application site is located on the western side of High Street. The site comprises a terraced two storey structure comprising two ground floor retail units and a first floor restaurant. The area comprises two and three storey development

with a mix of ground floor commercial use and first floor residential/office uses. The site lies within a Primary Shopping Frontage and within Flood Zone 2.

### **Comments from Local Residents**

Nearby owners/occupiers were notified of the application and no representations were received.

### **Comments from Consultees**

Technical highways comments have been received stating that no significant increase in parking demand would be expected by such a proposal and no objections are raised.

No TfL observations are raised.

No technical drainage comments are made.

No Thames Water objections are raised, subject to an informative.

The Environment Agency raises no objections.

Environmental Health, Waste Services, English Heritage, Town Centre Manager and any other comments will be reported verbally at the meeting.

### **Planning Considerations**

The main policies relevant to this case are BE1 (Design of New Development), BE19 (Shopfronts And Security Shutters), T3 (Parking), T18 (Road Safety) and S1 (Primary Shopping Frontages) and S9 (Food And Drink Premises) of the adopted Unitary Development Plan.

London Plan Policies 4A 12 – 13 and PPS25 (Development And Flood Risk) are also relevant to the application.

### **Planning History**

Planning permission was granted under re.: 03/00155 for conversion of ground floor shop unit into 2 separate shop units (Class A1); part one/part two storey rear extension for offices and storage; provision of fire escape at rear.

A planning application was withdrawn under ref. 10/01375 for the retention of facade and demolition of remainder of building, erection of part one/part two and part three storey building comprising ground floor restaurant with ventilation ducting and 8 one bedroom flats to first and second floors with associated amenity area, access and vehicle parking/servicing including access to Broomhill Road. The Council raised concerns on the grounds of over-development of the site, loss of 2 ground floor retail units, potential for overlooking and inadequate access and pedestrian arrangements.

Planning permission was granted under ref. 10/02831 for retention of facade and demolition of remainder of building, erection of part one/part two and part three storey building comprising ground floor retail unit and 5 one bedroom flats to first and second floors with associated amenity area, vehicle parking/servicing including access from Inspirations Way and egress onto Broomhill Road. This permission removed the existing restaurant use from the first floor, retaining the two ground floor retail units.

## **Conclusions**

The main issues relating to the application are the effect that it would have on the character and shopping function of the Primary Shopping Frontage, the impact that it would have on the amenities of the occupants of surrounding residential properties and the impact on highway safety.

Planning permission has been granted for a flatted development as described above. This permission included the loss of the existing first floor restaurant to be replaced by flats. It also included alterations to the ground floor to provide one large retail unit, replacing the existing 2 smaller retail units. It was therefore considered by Members that the loss of one retail unit was acceptable; however the total area of retail floorspace was not reduced as a result.

Although the first floor restaurant use exists and no net increase in restaurant units would result, it is considered that the movement of this unit effectively to the ground floor would significantly reduce the existing retail floor area of the ground floor of the premises. This is considered to be harmful to the shopping functioning and vitality of the Primary Shopping Frontage as a retail premises. It is likely that the proposed restaurant would operate during evenings and although it is proposed to open in the daytime as well, the use is not considered to complement the shopping functioning of the centre as several restaurants and other non-retail uses exist, particularly within this section of the High Street. The proposal is therefore considered to be contrary to Policy S1 of the UDP.

In respect to neighbouring amenity, it is not considered that the proposed restaurant would be seriously harmful to the amenities of the newly permitted flats or the existing residential properties. The proposed opening hours are consistent with other restaurant uses in the area. Likewise, the ventilation ductwork is considered to be suitable to expel odour satisfactorily and technical details could be requested by condition. The ventilation system will be housed in the existing chimney feature at the site and therefore no impact on the character of the building is considered to result.

The proposed alterations to the shopfront are considered to be minor and would not impact on the character of the shopfront, which currently comprises two units with separate accesses. Similarly, the alterations to the previously permitted means of escape are considered to be minimal.

From a highway safety point of view, the likely vehicular noise and disturbance generated by the use is not considered to be significantly different from the existing situation, given the existence of the first floor restaurant use.

Having had regard to the above, Members may consider that the proposal to significantly reduce the existing ground floor retail floorspace would not preserve the character and retail functioning of the Primary Shopping Frontage. Although the introduction of a restaurant would not increase overall number of restaurant units in the locality (in light of the existing first floor restaurant), the reduction in retail floor area would be harmful to the future vitality of the High Street as a retail centre. It is therefore recommended that planning permission is refused.

Background papers referred to during production of this report comprise all correspondence on files refs. 10/01375, 10/02831 and 11/00562, excluding exempt information.

**RECOMMENDATION: PERMISSION BE REFUSED**

The reasons for refusal are:

- 1 The proposal would result in a significant loss of retail floor space and would therefore have an adverse impact on the shopping function and viability of the Primary Shopping Frontage, contrary to Policy S1 of the Unitary Development Plan.

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