

SECTION '2' – Applications meriting special consideration

Application No : 18/02500/FULL1

Ward:
Chislehurst

Address : Bank House 11 High Street Chislehurst
BR7 5AB

OS Grid Ref: E: 543918 N: 170691

Applicant : Celbridge 2 .

Description of Development:

Change of use of vacant former bank premises (A2 use) to a drinking establishment (A4 use) incorporating introduction of extract system to rear of property.

Key designations:

Conservation Area: Chislehurst
Biggin Hill Safeguarding Area
London City Airport Safeguarding
Smoke Control SCA 16

Proposal

Planning permission is sought for the change of use of a vacant former bank premises (Class A2) to a drinking establishment. A ventilation system at the rear is also proposed. The application originally included changes to the front ground floor windows but this element of the scheme has now been removed by way of revised plans received 3rd August 2018. The submitted plans indicate that the basement will be used for storage, the ground floor as the main bar area with seating and kitchen to the rear, with a Member's space on the first floor level with access to front terrace. The proposed hours of operation are every day (Monday - Sunday including Bank Holidays) from 0900hrs until 2300hrs.

The application was supported by the following documents:

- Design and Access Statement
- Ventilation details

Amended drawings were received 13th July 2018 which shows changes to the bottle bin storage. Additional plans were also received on 3rd August 2018 which removed the originally proposed changes to the front elevation.

Location and Key Constraints

The application site comprises a semi-detached locally listed building formerly used by Nat West Bank (Class A2) which is located within the Chislehurst Conservation Area. The building is located to the southern side of the high street,

opposite the ponds. The application property forms part of the Chislehurst local centre and retail frontage but not part of a primary or secondary retail frontage.

To the north and west of the site lies Camden Grove, with properties in Charlotte Court running along the boundary with the application site.

Comments from Local Residents and Groups

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

Objections

- building back directly onto house
- strongly object to having more noise pollution
- noise from extractor fans from Gusto, staff shouting at all times of day and night, car doors slamming
- bins to be located at the rear- noise of discarded bottles
- impact on residents in Camden Grove
- too many drinking establishments
- proximity of established close to adjoining bedroom window
- impact on noise and disturbance late at night
- number of other places in Chislehurst to drink and eat
- no justification for another eating/drinking venue at further expense to residents in Camden Grove
- next owner could open a full blown bar and garden used as a 'beer garden'
- impact on privacy, character of residential street to the rear
- concerns about rear paving- at present grass and trees
- concerns about anti-social behaviour
- hygiene issues
- object to the change of use
- property and gardens back onto Charlotte Court, many of them are bedrooms.
- wine merchants also operates as a wine bar (have licence to serve alcohol and open into evening)
- working kitchen and bin area just metres from living rooms and bedrooms
- plans appear to access bins through car park belonging to Charlotte Court
- refuse collection along Camden Grove would be intolerable
- contrary to UDP policies
- creation of a concentration of similar uses
- impact on natural environment
- big difference to a business operating during normal hours and one wishing to be open from 9am-11pm
- should put community first before a drinking establishment
- increased traffic onto the road with people attempting to park after 8pm (after parking restrictions)

- concerns about delivery lorries
- smoking outside
- who are the Members?

Support

- excellent addition to the High Street
- add great atmosphere to the community
- good asset to Chislehurst
- viable alternative to the Queens Head
- interesting venture
- attract affluent people to high street
- location is perfect and building lends itself to a quality bar
- should not allow drinking in garden 2100hrs to lessen noise pollution
- increase footfall to High Street

Local Groups

The Chislehurst Society has made the following comments:

- The application incorporates a very polished presentation of the themes décor of the proposed 'zoned floor areas'
- Differentiated ambience and services
- Proposal seeks to utilise the 'character ' associated with the former bank buildings
- Attempts to differentiate itself from other pubs/restaurants
- Window alteration would not harm character of front of Locally Listed building
- Proposed fascia, menu box and projecting sign are sympathetic
- unclear on some information regarding hours of operation, where activity will stop or will kitchen clearance continue
- potential impact on amenities of residents in adjoining house
- rear garden- unclear how much will be paved and used for bottle storage
- servicing of the premises- will deliveries and collections be via side passage?
- Extractor fan- what is distance to neighbours? When would fan operate?
- Bank House has 3 floors- plans have inadequate information

Chislehurst Town Team:

- complimentary with the high streets strong emerging role as a leisure high street
- not a dramatic addition in terms of style of business to the High street
- proposal fulfils a role not current filled in the High Street
- may improve business bring in more trade
- Queen's Head serves its purpose as a regular pub but not popular with many local residents
- undertook survey 18 months ago found use to be in demand

- new owner is a landlord well known to Town Team and has proved responsible - is attending to issues regarding refuse collection and deliveries to address concerns of neighbours
- welcome active local use
- The above provides a summary of the comments received. Full copies of these comments are available to view on the electronic file.

Comments from Consultees

Secure by Design: Designing Out Crime Group London will not be seeking to have planning conditions relating to crime and criminality and Secured by Design on applications of less than ten residential units or 1000 Sq. metres. This property I have been advised is 203 Sq. metres. However, I see no reason why this project cannot achieve the physical security requirements of Secured by Design by incorporating the use of tested and accredited products.

APCA: Concerns raised regarding the original plans to remove the front fanlight glazing on the front elevation (now removed)

Conservation Officer: Concerns raised regarding the original plans to remove the front fanlight glazing on the front elevation (now removed)

Environmental Health Pollution Officer: no objections raised but standard condition relating to kitchen extract system is suggested.

Highways: no objections raised in principle

Waste Services: no comments received

Policy Context

Section 70(2) of the Town and Country Planning Act 1990 (as amended) sets out that in considering and determining applications for planning permission the local planning authority must have regard to:-

- (a) the provisions of the development plan, so far as material to the application,
- (b) any local finance considerations, so far as material to the application, and
- (c) any other material considerations.

Section 38 (6) of the Planning and Compulsory Purchase Act (2004) makes it clear that any determination under the planning acts must be made in accordance with the development plan unless material considerations indicate otherwise.

The National Planning Policy Framework was published on 24th July 2018. According to paragraph 48 of the NPPF decision makers can also give weight to relevant policies in emerging plans according to:

- a) The stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given);

b) The extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and

C) The degree of consistency of the relevant policies in the emerging plan to the policies in the NPPF

The Council is preparing a Local Plan. The submission of the Draft Local Plan was subject to Hearings from 4th December 2017 and the Inspectors report is awaited. These documents are a material consideration. The weight attached to the draft policies increases as the Local Plan process advances.

The development plan for Bromley comprises the Bromley UDP (July 2006), the London Plan (March 2016) and the Emerging Local Plan (2016). The NPPF does not change the legal status of the development plan.

The application falls to be determined in accordance with the following policies:

London Plan Policies

Policy 4.7- Retails and Town Centre Development

Policy 6.3- Assessing Effect of Development on Transport Capacity

Unitary Development Plan

BE1 Design of New Development

BE10 Locally Listed Buildings

B11 Conservation Areas

S4 Local Centres

S9 Food & Drink Premises

S10 Non-retail uses in Shopping Areas

ER9 Ventilation

Emerging Local Plan

Draft Policy 32- Road Safety

Draft Policy 37 - General Design of Development

Draft Policy 39 - Locally Listed Buildings

Draft Policy 41- Conservation Areas

Draft Policy 91- Proposals for main Town Centre Uses

Draft Policy 95- Local Centres

Draft Policy 98 - Restaurants, Pubs & Hot Food Takeaways

Draft Policy 119 - Noise pollution

Draft Policy 121 - Ventilation and Odour Control

Supplementary Planning Guidance

Supplementary Planning Guidance for Chislehurst Conservation Area.

Planning History

The planning history is summarised as follows:

- 04/02736/PLUD Internal access to entrance lobby CERTIFICATE OF LAWFULNESS FOR A PROPOSED DEVELOPMENT (PPUD 03.09.2004)
- 15/00057/ADV 1x non-illuminated wall mounted sign (CON1 27.04.2015)
- 15/00057/SPLADV 1 x Internally illuminated fascia sign, 1 x internally illuminated projecting box sign, 1 x non-illuminated sign above cash machine (REF 27.04.2015)
- 15/02747/ADV 1x non-illuminated fascia sign, 1x non-illuminated projecting box sign and 1x non-illuminated panel around existing cash machine (CON1 04.09.2015)

Considerations

The main issues to be considered in respect of this application are:

- Principle
- Design
- Highways
- Neighbouring amenity
- CIL

Principle

A main consideration of the case is the principle of use in this location and the loss of the existing Class A2 bank building within the local centre.

Policy S4 states that the Council will permit changes of use in local centres from Class A1 (shops) to other uses provided that the proposal would:

- (i) not harm the retail character of the shopping frontage;
- (ii) have no adverse impact on residential amenity;
- (iii) would not create a concentration of similar uses;
- (iv) attract visitors during shopping hours; and
- (v) complement the shopping function of the centre.

Policy S9 of the UDP allows proposals for new food and drink premises (Classes A3, A4 and A5) only where:

- (i) the proposal would have no adverse impact on residential amenity;
- (ii) the proposal would not cause undue traffic congestion or be detrimental to the safety of other road users and pedestrians; and
- (iii) the proposal would not result in an over-concentration of food and drink establishments which would be out of character with the retailing function of the area.

Although the unit is currently vacant it has been used historically as a bank operating within normal retail hours and attracting visitors to the local centre and complementing its retail function. The current proposal would be to operate an A4 drinking establishment which would be open between 9am-11pm every day and it

is considered that the proposal will generate pedestrian visit during shopping hours. Having visited the site and looked at nearby units, it is not considered that the proposal would harm the retail character of the shopping frontage, given that the frontage would remain predominately retail units. It is noted that there are a small number of A3 uses along the High Street, however, in relation to the overall frontage it is not considered that the proposed use would result in an over concentration in food and drink premises in the area.

On balance it is considered that the potential adverse impacts associated with the loss of the A2 unit (i.e. upon the day to day needs of local residents and the vitality and viability of the retail function of the area) would not apply in the case of this particular proposal, taking into account the size of the local centre and the broad range of retail provision in the locality.

Design

Design is a key consideration in the planning process. Good design is an important aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people.

Paragraph 124 of the NPPF (2018) states that the creation of high quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.

Paragraph 127 of the NPPF (2018) requires Local Planning Authorities to ensure that developments will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development; are visually attractive as a result of good architecture, layout and appropriate and effective landscaping and are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities). New development shall also establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit; optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.

London Plan and UDP policies further reinforce the principles of the NPPF setting out a clear rationale for high quality design.

The proposal originally included changes to the front window at ground floor level in the front elevation. However, following concerns raised by APCA and the council's conservation officer this element of the scheme has been deleted and the front of the building will retain the existing. An external extract system is proposed

to the rear of the property which would be partially visible from Camden Grove. Given that it is well set back from the road it is not considered to result in an overbearing addition to the streetscene.

Heritage Impact

The NPPF sets out in section 16 the tests for considering the impact of a development proposal upon designated and non-designated heritage assets. The test is whether the proposed development will lead to substantial harm to or total loss of significance of a designated heritage asset and whether it can be demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits. A range of criteria apply.

Paragraph 196/197 state where a development proposal will 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. The effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset

Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 places a requirement on a local planning authority in relation to development in a Conservation Area, to pay special attention to the desirability of preserving or enhancing the character or appearance of that area.

Interpretation of the 1990 Act in law has concluded that preserving the character of the Conservation Area can not only be accomplished through positive contribution but also through development that leaves the character or appearance of the area unharmed.

Concerns were initially raised by the Conservation Officer regarding the dropping of the window cills and replacement of the frames on the front elevation given that it would cause permanent harm to the locally listed building, contrary to BE10. It is noted that this element of the scheme has been removed and the existing frontage would be retained. It is considered that the extractor ducting is set well back and theoretically reversible no objection to that element has been raised with regards to the impact of the Conservation Area or Locally Listed Building.

Highways

The NPPF recognises that transport policies have an important role to play in facilitating sustainable development but also in contributing to wider sustainability and health objectives. The NPPF clearly states that transport issues should be considered from the earliest stage of both plan making and when formulating development proposals and development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.

The NPPF states that all developments that will generate significant amounts of movement should be required to provide a travel plan, and the application should be supported by a transport statement or transport assessment so that the likely impacts of the proposal can be assessed.

London Plan and UDP Policies encourage sustainable transport modes whilst recognising the need for appropriate parking provision. Car parking standards within the London Plan, UDP and emerging draft Local Plan should be used as a basis for assessment.

The Council's Highways officer has been consulted on the application and has recommended that condition requesting a delivery and servicing plan be submitted if planning permission is granted for the change of use.

Neighbouring amenity

Policy BE1 of the UDP seeks to protect existing residential occupiers from inappropriate development. Issues to consider are the impact of a development proposal upon neighbouring properties by way of overshadowing, loss of light, overbearing impact, overlooking, loss of privacy and general noise and disturbance.

There have been a number of concerns raised by nearby residents, in particular from residents in Camden Grove and Charlotte Court. Planning permission was granted in 1993 (ref.93/01845) to convert the existing building in Camden Grove into residential flats (now known as Charlotte Court). There are a number of windows in the rear elevation facing on the rear part of the application site. It has been confirmed by the Agent that the rear garden of the application site will be retained for the use of the residential unit on the first floor. The majority of the use would be sited at the front of the building which is located fronting onto the High Street and it is considered that this element of the proposal is unlikely to result in detrimental impact upon the residential amenities of nearby neighbours. To the rear of the site, the Applicant has altered the layout to now include an enclosed bottle bin storage area to reduce the level of noise to the rear of the site.

It is noted that there are a number of residential properties on the upper floors in the buildings surrounding the site, in particular No.9 which is adjacent to the application site. However no technical objections have been raised by Environmental Health and given the High Street location and other nearby A3 uses it is unlikely that the proposed use would further impact the amenities of these residents provided that the hours of operation are adhered to. There is an existing terrace at Bank House which appears to have been used in connection with the previous use and it is now indicated by the Agent that this terrace will be use in conjunction with the private dining area on the first floor. A condition will be added restricting the time of the terrace to 2100hrs to ensure the neighbouring amenities are protected.

On balance, while the concerns of local residents are noted, it is not considered that the use of the premises as a drinking establishment would have a significantly adverse impact on the amenities of neighbouring properties subject to

safeguarding conditions relating to the hours of operation and the installation of the ventilation ducting as per the application submission and in accordance with Policy ER9 of the Unitary Development Plan.

CIL

The Mayor of London's CIL is a material consideration. CIL may be payable on this application however the applicant has not completed the relevant form.

Conclusion

On balance it is considered that the change of use of the host unit would not have a significant harmful impact on the retail character and function of the area, nor would it result in an over concentration in food and drink establishments in the context of the local centre as a whole.

Background papers referred to during production of this report comprise all correspondence on the files set out in the Planning History section above, excluding exempt information.

as amended by documents received on 13.07.2018 03.08.2018 06.09.2018

RECOMMENDATION: PERMISSION

Subject to the following conditions:

- 1 The development to which this permission relates must be begun not later than the expiration of 3 years, beginning with the date of this decision notice.**

Reason: To comply with Section 91, Town and Country Planning Act 1990.

- 2 The development hereby permitted shall not be carried out otherwise than in complete accordance with the plans approved under this planning permission unless previously agreed in writing by the Local Planning Authority.**

Reason: In order to comply with Policy BE1 of the UDP and in the interests of visual and residential amenity.

- 3 Detailed plans of the appearance of and the equipment comprising a ventilation system which shall include measures to alleviate fumes and odours (and incorporating activated carbon filters where necessary) shall be submitted to the Local Planning Authority for approval; after the system has been approved in writing by the Authority, it shall be implemented in accordance with the approved details before the use hereby permitted first commences and shall thereafter be permanently retained in an efficient working manner.**

Reason: In order to comply with Policies S9 and BE1 of the Unitary Development Plan and in the interest of the visual and residential amenities of the area.

- 4 The premises shall be used for a drinking establishment and for no other purpose (including any other purpose in Class A4 of the Schedule to the Town and Country Planning (Use Classes) Order 1987, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification).**

Reason: In the interest of the amenities of nearby residential properties and to accord with Policies BE1 of the Unitary Development Plan.

- 5 The use shall not operate before 0900hrs and after 2300hrs on any day.**

Reason: In order to comply with Policy S9 of the Unitary Development Plan and in the interest of the amenities of the area.

- 6 A Delivery and Servicing Plan shall be submitted to and approved in writing by the LPA before the commencement of the use hereby permitted**

Reason: In the interest of road safety and the free flow of traffic and in order to comply with Policies T18 of the Unitary Development Plan.

- 7 No customers shall be admitted to the terrace before 0900hrs on any day, and all customers shall have left the terrace by 2100hrs.**

Reason: In order to comply with Policy S9 of the Unitary Development.

You are further informed that:

- 1 The Applicant is encouraged to use the following measures to achieve security requirements of Secured by Design:**
- Main entrance door if replaced should meet a minimum of PAS24 2012 or alternative Secured by Design Standard**
 - Any other external doors leading into the dwelling should meet PAS24 2012 or alternative Secured by Design Standard. (This would include the service doors on the ground and any lower ground floors or first doors if accessible)**
 - Any ground floor or other accessible windows (including climbable balconies and rooflights) to be PAS24 2012 or alternative Secured by Design Standard with a minimum glazing standard of BS EN 356:2000 P1A**

