

Section '4' - Applications recommended for REFUSAL or DISAPPROVAL OF DETAILS

Application No : 18/04573/FULL1

Ward:
**Chelsfield And Pratts
Bottom**

Address : The Chelsfield 1 Windsor Drive
Orpington BR6 6EY

OS Grid Ref: E: 546772 N: 164081

Applicant : Punch Partnerships (PML) Ltd

Objections : YES

Description of Development:

Demolition of existing building and redevelopment of the site to create a replacement public house and landlord accommodation; A1 convenience store; 10x residential apartments; reconfiguration of the car park and bin/cycle storage.

Key designations:

Biggin Hill Safeguarding Area
London City Airport Safeguarding
Open Space Deficiency
Smoke Control SCA 28

Background

The application is being reported to Planning Sub- Committee No. 3 as the applicant has exercised their right of appeal to the Planning Inspectorate on the grounds of non-determination. Members are advised to consider the suggested grounds to contest the appeal as set out in this report.

Proposal

This is a full planning application which seeks to demolish the existing public house, erection of a 4 storey building plus a basement to provide a replacement public house with catering, a retail unit and 11 residential flats including a pub landlord accommodation. The existing public house comprises of a beer cellar in the basement, a 4 bedroom pub landlord accommodation on the first floor, a smoking shelter, a beer garden, and outdoor seating area in the front garden and 23 parking spaces.

The proposed building would measures 28.8 metres wide, 15 metres high at its highest point and 24.4 metres at its greatest length. The front wall of the proposed building would be sited 6.2 metres closer to Windsor Road.

The proposed retail unit would have a shopping floor area measuring 242sq.m on the ground floor with ancillary storage, plant rooms and a storage area at the basement level.

The proposed replacement public house would be located on the ground floor and basement level with a total floor area measure 354sq.m. The ground floor would comprise of a kitchen, a lounge area, a dining/function space, a bar and a dining area with a floor area measure 242sq.m on the ground floor. A beer cellar, kitchen storage, a manager office and toilet facilities would be located at the basement level with a floor area measure 112sq.m.

A total of 30 parking spaces would be provided to the rear of the proposed building of which 20 spaces would be allocated to the proposed replacement pub and retail unit and 10 spaces would be allocated to the residential accommodation.

The application is supported by the following documents and drawings:

Planning, Design and Access Statement - prepared by WYG; Dated October 2018

The statement provides an overview of the proposal including site characteristics, planning history and planning policy context, key development consideration including design, highways, access and parking. This document states that the development is not of a size that triggers an affordable housing requirement, as there will be 10 market/private apartments with a further 2 bed apartment to be re-provided as pub landlord accommodation.

A total of 30 parking spaces would be provided within the site of which 20 spaces would be provided for the public house and convenience store and 10 would be provided for the residential apartments.

Arboricultural Impactions Assessment and Method Statement - prepared by Eco Urban Limited; Dated 5th October 2018

This document identified the location, species and condition of planting within the site and which adjacent trees may be affected by the proposal. A tree group located to the rear of the pub adjacent to the car park would be removed. This document also sets out the tree protection measures to be used.

Ecological support, management and solution - prepared by Eco Support; Dated September 2018

This document indicates that the site is considered to be of a low to moderate ecological value with the habitats present of negligible site ecological value. It is recommended that two bat surveys are required (Dusk emergency and/or dawn re-entry) to ascertain the presence of the likely absence of roosting bats. The surveys should be carried out between May to August. Any works on trees should be carried out outside the nesting seasons.

Noise assessment - prepared by Airtight and Noise check Limited; Dated 2nd October 2018

This report indicates that mitigation measures can be applied to the facades and glazing of the building. This report concludes that the future residents should be able to enjoy a reasonable standard of living with adequate mitigation measures. The proposal would comply with the criteria of BS8233: 2014 (British Standard: Guidance on sound insulation and noise reduction for buildings).

Sustainability and Energy Statement - prepared by SRE Limited, dated 8th October, 2018

This document indicates the proposed development will deliver energy efficiency measures throughout the scheme by providing a good thermal envelope in combination with the installation of highly efficient heating systems will achieved over 35 percent and 36 percent carbon reduction for the commercial and residential spaces respectively, when compared to a Building Regulations 2013 Baseline.

Transport Statement - prepared by Transport Planning Associated, dated October 2018

This report considers the highway and transport aspects of the proposed development of the site. The document provides the background transport condition of the site, relevant transport policy and assessment against the development proposal. This document also includes trip generation, impact assessment and parking assessment.

Letter on behalf of the applicant from TLT, LLP to the Council's Chief Planner, dated 10th Jan 2018

This letter states that the assertion of Chelsfield Public House is a "landmark building" potentially requiring protection from demolition is not supported by any planning document. The property is not a listed building. The site is not located close to a conservation area or near to any other non-designated heritage asset. The trading area will be increased from 219sq.m to 248sq.m. The size of proposed function room in the replacement will be increase from 44sq.m to 66sq.m, a 50 percent increase. The proposed storage area would be reduced as there is an overprovision at present. The Council's officer has suggested that the scale of the building would be overlarge in the context of its surroundings. Without prejudice the applicant is willing to negotiate and remove the top storey of the proposed building. With regarding to the affordable housing provision, it should be noted that one of the proposed unit would be used as a pub landlord accommodation and will be enforced by a legal agreement. Should the scale of the proposed building be reduced, there will be no obligation to provide affordable housing as the proposal would be below the affordable housing threshold. Given that there are factual errors in the proposed reason for refusal, we are concerned that the case officers have not properly understood this application. The Council should strive to resist unduly persuaded by the volume of objection against the application and should determine the application on its merits against local plan policy and material considerations.

The following drawings are submitted:

- Covering letter dated 12th October 2018;
- Letter from TLT LLP dated 10th Jan 2018;
- 17.2456.106 Rev P1 - Location and Block Plan;
- ENC/220817-3BBC-E - Existing elevations;
- ENC/220817-3BB2-T - Topographical plan;
- ENC/220817-3BB2- MB - Measured Building (existing floor plans);
- 17.2456.104 - Proposed elevations;
- 17.2456.100 -P6 - proposed site/roof plan;
- 17.2456.107 Rev P2 - proposed section A-A;
- 17.2456.105 Rev P 5 -Proposed context elevation;
- 18.2456.1101 Rev P5 Proposed lower ground floor and ground floor plan;
- 18.2456. 102 Rev P5 - proposed first floor and second floor plan;
- 18.2456.103 Rec P4 - Proposed third floor and roof plan;

Location and Key Constraints

The site (The Chelsfield public house site) measures approximately 1,672 square metres in area and is located on the southern side of Windsor Road near to the junction with Warren Road and Station Approach. The ground level of the site drops down from north to south. The ground level also drops down from east to west along Windsor Drive.

The site is located in a suburban area and surrounded by low rise buildings which range between single to three storeys in height. The site is also surrounded by a mixture of residential and commercial buildings. To the west of the site (between No. 7 and 51 Windsor Drive) are rows of commercial shops with commercial or residential floor spaces above. To the east and south of the site are residential properties facing The Meadway and Station Approach.

The public house site comprises of a two storey building with a beer cellar and storage areas in the basement level, an ancillary landlord accommodation on the first floor, an outdoor smoking shelter in the forecourt area, an outdoor beer garden and an ancillary car park with 22 parking spaces to the rear of the building. The site forms part of the Windsor Drive Local Neighbourhood Centres and Shopping Parades.

The public transport accessibility of the site is rated at 2, on a scale between 0 to 6b where 0 is worst and 6b is best. The Chelsfield Railway Station was constructed before 1872 in the village of Chelsfield and is located approximately 110 metres from the site. The site is located within flood zone 1 and is not subject to surface water flooding.

Comments from Local Residents and Groups

The owners/occupiers of 133 neighbouring properties were consulted on 24th October, 2018. A site notice was also placed at the site. Up to the 28th January 2019, 983 letters of objection were received and the grounds of objection are summarised as below:

Loss of pub and local facilities

- The pub is an attractive essential part of Chelsfield. The existing building has architectural significance and character, in good condition and well looked after. The proposed new pub is modern, would have a lack of ambience, a lack of character and would be uninviting.
- The pub is a landmark building in Chelsfield and an asset to the local community. The building was constructed since World War 2 so has a long history in the local area. The existing shops and flats are unattractive so the pub adds relief to the area.
- The pub is one of the few pubs in Orpington that has a nice vibe and feels safe. It is doubtful a new pub will be built as future planning applications would be submitted to amend the use.
- The pub is close to station and popular with the commuters and is a venue considered to be a good place for elderly and disabled people to socialise.
- New pub has no outdoor area for families to enjoy. The existing pub has a safe outside play area.
- The existing public house supports local sports teams, musicians and charities so is a valuable asset to the community. The pub is also used as a meeting place for many clubs and groups. The proposal would result in a loss of the existing pub;
- Loss of sense of community could lead to higher crime rates;
- Not many traditional village pubs left. The existing pub is a local business, not a chain (unlike many pubs nowadays) so would be a shame to lose it.
- The existing building should be retained with an alternative proposal to extend the building to provide new residential units above.
- A new bar rather than pub will not meet the needs and wants of the community.
- The quality of the existing pub is high as people travel long distances to visit this pub which helps the local economy.
- Less staff will probably be required if the new pub is smaller so will result in unemployment
- The existing pub is popular and successful in the local area. There is no logic to close down the existing successful pub. No other pubs within walking distance of the area.
- Disruption during the demolition/rebuild of the building and unemployment for the existing staff.
- Currently an easy pub to access by public transport or on foot
- At the centre of the community bringing people together, including older people that may otherwise be alone
- Loss of the pub for any amount of time will impact on surrounding businesses eg. restaurants as less people will visit the area
- No other places in Chelsfield suitable for socialising. No need to redevelop the existing successful pub.
- The proposal would provide a replacement pub. However, it is uncertain a replacement would be of the some quality as the existing pub experienced by the users.
- Pubs should only be demolished if there is another within walking distance. This is not the case for the Chelsfield.

- No marketing has taken place to demonstrate that the pub in its current form is unviable
- The current pub attracts cyclists/walkers who come through the countryside

Viability of the pub

- Policy states that redevelopment should not take place for accommodation or other facilities if they compromise the operation or viability of the pub, which will occur in this case, ultimately resulting in the loss of the pub.
- Even if a replacement pub is built, customers will find other pubs nearby during the time taken for demolition/rebuild so the new pub may struggle for business
- New pub would be unable to offer entertainment and music due to the effects of the noise on the proposed flats above - this may make it unviable
- Existing pub also has a successful restaurant - the new replacement would probably not be large enough to accommodate this.
- Current pub is family friendly and welcomes children until 9pm but no way to guarantee that the replacement will be the same.
- Loss of local pub may lead to people going further afield, may increase the risk of drink driving.
- New pub that is reduced in size would not be financially viable so will probably be lost altogether.
- The existing function room is currently very utilised, but will probably not be present in the replacement due to the decreased pub floorspace
- Proposed cellar area doesn't seem large enough to supply the large range of drinks customers currently enjoy

Design/character

- The replacement modern pub would be out of character with the local area. The existing building could be extended instead of demolished.
- The proposed building would be taller than that the surrounding properties and appear as an over dominant building. There are many other potential sites for development nearer Bromley town centre where this proposal and a tall building would be more suitable.
- The proposed building would appear overbearing, out of scale with surrounding buildings, dominate the skyline and take away the village feel of Chelsfield.
- Design and scale of proposal would be more suitable for a city development, rather than a village suburb.
- Harmful to the character and appearance of the street due to its excessive scale.
- Design is similar to any other block of flats built at the moment, eradicating the previous individual style of the pub. The proposal could be designed in a way that is more aesthetically pleasing and sympathetic to its surroundings
- Out of keeping for a village on the edge of the green belt.
- Over development and unacceptably high density. Will set a precedent for taller buildings in the area.
- New building would take up substantially more of the site, making it feel cramped and closer to the road and surrounding properties.

- Box like design is unattractive and unimaginative. A block of flats will destroy the uniqueness of the village.
- Height is said to not extend beyond the current chimneys, but these are attractive and make a positive contribution to the environment, which a taller building would not.

Lack of parking

- Parking is already an issue in the area. The proposal would increase the demand for parking with overspill parking demand on the road resulting in overcrowding and negatively effect on local businesses.
- Parking proposed is inadequate to support the proposed development, so pressure on parking in surrounding roads will be increased - in turn impacting on parking for the station
- Only one parking space per residential unit, no space for visitors. More parking is already needed in the area.
- Proposed that deliveries will take up 7 of the parking spaces twice a day which is concerning when there is already a lack of parking
- Commuters already use residential roads to park for the station so limited parking available. Inadequate parking spaces to accommodate the proposed flats, convenience store and pub and in turn would encourage dangerous parking.

Impact on highway and parking provision

- The traffic survey is inaccurate as the survey was carried out in July during the school holiday. The road junction was improved last year to reduce speed and improve safety. The proposal including new flats would make the condition worse.
- The traffic is already bad due to the train station, school and shops in the area. The proposal would increase the traffic in the area and adversely impact on highway safety. The site is on a dangerous junction so flats and another shop will only make it worse.
- Road layout is already dangerous to pedestrians and vehicles. There are recent accidents in the area. May impede access to the train station.
- The existing residential and rural network could not cope with the increased traffic. A lot of housing is currently being built nearby which is already affecting the Chelsfield traffic. Additional congestion close to local primary schools would have an adverse impact on highway safety and would cause increasing pollution.
- Deliveries to the convenience store would impact on already congested roads at busy times.
- Number of deliveries per day to the store seem excessive.
- School close by which already struggles with the unsafe road network
- People mostly walk to the current pub so it doesn't generate much traffic, but additional housing and a shop will encourage more car journeys, increasing traffic.

Need for more retail shop

- There are a few shops that are currently empty and there is no need to provide more retail shops. Vacant shops make people feel unsafe and look unattractive.
- There are two convenience stores in the parade and this would increase competition between the new shop and the local shops. The proposal would not improve the existing shopping parade.
- The site is located within a local shopping parade and the existing shops already meet the needs of the community. The proposal has an impact on the retail hierarchy in the Borough as there are larger shops in Green Street Green and Orpington High Street where new retail units should be located.
- The developer has indicated that the proposal would increase employment opportunities with a new retail unit. However, this could be offset by the unemployment due to the competition between the retail shops. Most local shops in the area are family run businesses; the proposal to introduce a larger chain store would be unfair to the local business.
- The proposal to extend the shopping area to the site will not work and is unnecessary.

Impact on neighbouring properties

- Loss of outlook and overlooking the neighbouring properties.
- Overbearing and intrusive due to its scale and height.
- Noise and disturbance during building works
- Flats, shop and new pub/bar will create more noise
- Increase in crime and antisocial behaviour as a result of having a shop and bar in close proximity to a train station
- Raising roof level will impact neighbours directly

Comments from Consultees

Campaign for Real Ale (CAMRA)

Objection is raised and the grounds are summarised as below: -

- The proposal would entail the loss of a popular public house serving the local community. Although the application envisages a smaller replacement pub would be provided, there would be a significant hiatus during the period of demolition and redevelopment when no such facility would be available. The nearest alternative is almost a mile away in Green Street Green and could not be regarded as an adequate replacement facility, even temporarily. The application therefore conflicts with Draft Policy 23 of the Council's Submitted Local Plan.
- The existing pub is a viable community asset and there is no need to redevelop the site. There are shops in nearby Windsor Drive, including two convenience stores, that already provide for the needs of the community.
- The pub has a large restaurant area and a meeting room that are used by the local community for social events, club meetings and other purposes. The proposed replacement pub would not provide this level of community facility. The separate meeting room would be permanently lost. The pub's

garden would be much reduced in size. The application therefore conflicts with Draft Policy 20 of the Council's Submitted Local Plan.

- The proposal would potential introduce conflict between the interests of future residents and pub-users, by dint of noise and activity late into the evening.
- The existing public house is of some architectural merit and historic value. I understand that it dates from the 1930s and has been little altered in terms of its external appearance. It also contains many original internal features. It is an attractive building that contributes to the character of the local area. It should therefore be regarded as a non-designated heritage asset, worthy of protection, and I would urge the Council to add it to its local list.
- The proposed replacement four storey building would be much more prominent in terms of its bulk and physical appearance and would be out of character with its suburban surroundings.
- If the application were to be permitted, there is every chance that, following its demolition, a developer will seek to submit a new proposal in order to increase the development value. This could be to the significant detriment of a replacement public house facility. At the very least, it could significantly delay the provision of a replacement facility.

Without prejudice to the above objections, if the Council is minded to approve the application it should include a condition preventing the occupation of any of the residential units before the opening of the new public house. If the application is to be decided at a Plans Sub-Committee or other Council meeting, I would wish to attend and address the meeting as a representative of Bromley CAMRA.

Designing Out Crime Officer - Metropolitan Police Service

A secured by design condition should be attached to any permission. The wording of the planning condition should follow the principles and physical security requirements and achieve Secured by Design prior to occupation.

Thames Water

- Waste Comments

There may be public sewers crossing or close to your development. Developer will be required to minimize the risk of damage to the Thames Water Assets. The proposal should not result in reduce capacity, limit repair or maintenance activities, or inhibit the services we provide in any other way. The applicant is advised to read our guide working near or diverting our pipes.

<https://developers.thameswater.co.uk/Developing-a-large-site/Planning-your-development/Working-nearor-diverting-our-pipes>.

The proposed development is located within 15m of Thames Water underground waste water assets. The following informative should be attached:

The proposed development is located within 15m of Thames Waters underground assets, as such the development could cause the assets to fail if appropriate measures are not taken. Please read our guide 'working near our assets' to ensure

your workings are in line with the necessary processes you need to follow if you're considering working above or near our pipes or other structures. <https://developers.thameswater.co.uk/Developing-a-largesite/Planning-your-development/Working-near-or-diverting-our-pipes>. Should you require further information please contact Thames Water. Email: developer.services@thameswater.co.uk. Phone: 0800 009 3921 (Monday to Friday, 8am to 5pm) Write to: Thames Water Developer Services, Clearwater Court, Vastern Road, Reading, Berkshire RG1 8DB

- Surface water drainage

Thames Water would advise that if the developer follows the sequential approach to the disposal of surface water we would have no objection. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required. Should you require further information please refer to our website. <https://developers.thameswater.co.uk/Developing-a-large-site/Apply-and-pay-for-services/Wastewaterservices>

Thames Water would advise that with regard to waste water network and waste water process infrastructure capacity, no objection is raised.

- Water Comments

On the basis of information provided, no objection is raised regarding to the water network and water treatment infrastructure capacity. Thames Water recommends the following informative be attached to this planning permission.

Thames Water will aim to provide customers with a minimum pressure of 10m head (approx 1 bar) and a flow rate of 9 litres/minute at the point where it leaves Thames Waters pipes. The developer should take account of this minimum pressure in the design of the proposed development.

LB Bromley - Drainage Engineer:

There is no public surface water sewer near the site and adequate arrangement should be in place to dispose of surface water run-off. Details of sustainable drainage should be secured by planning condition.

LB Transportation and Highway:

The proposal includes a 242m² convenience retail unit and a 242m² public house on the ground floor with ancillary works for both on the lower ground floor. This gives a total floor area for the shop of 368m² and 356m² for the pub. There will be a 2 bed residential unit for the landlord on the first floor in addition to 6 x 1 bed, 3 x 2 bed and 1 x 3 bed residential units. There are currently 23 parking spaces on the site and this will be increased to 30. The site is in a low (2 PTAL) area. The access arrangement from Windsor Drive is remaining as it is currently. The retail use is described as convenience store; I assume it is too small for one of the discount stores such as Aldi or Lidl. I note a Co-op is referred to in the Transport Statement.

- Parking

30 parking spaces would be provided of which 10 spaces would be allocated for residential use and 20 spaces would be shared by the commercial uses. Each of the proposed residential unit would be provided with a parking space, except the pub landlord accommodation. The UDP and London Plan set the following parking standards:

- Retail - requires 7 to 11 parking spaces (Based on 1 space per 35sq.m to 50sq.m floor area); and,
- Public house - requires 7 to 10 parking spaces (Based on 1 space per 30 to 50sq.m).

The Transport Statement provides an estimate of trip generation from the proposed commercial uses and the likely parking demand over a weekday and a weekend. This is based on cars arriving and leaving regularly spaced over the hour which does not allow for a cluster of vehicles arriving at the same time or vehicle being present at the end of the previous hour. As such, the parking accumulation is more likely to be an average than a worst case. It is not stated that the car park will be controlled or time limited. There is the likelihood of combined trips where people visit other shops or services and are so parked there for a longer period of time. There is a 1 hour restriction on part of Windsor Drive and so the car park may be attractive to drivers during the restricted hour.

Six of the commercial parking spaces will need to be coned off during deliveries. It is likely that there will be overspill parking during some period of the day. Parking surveys were carried out within 200 metres of the store to estimate the available spaces on a Friday and Saturday. There are a number of different waiting restrictions in operation during the day. Although this was only a snapshot, the surveys showed that there were a number of parking spaces available throughout the day particularly during the Saturday.

- Servicing

Refuse collection for the proposed residential units and pub is envisaged to take place from the highway. The location where the bins will be left will need to be identified as they cannot be left on the highway. Waste Services should be consulted regarding to the waste collection arrangement.

The retail unit would be serviced twice a day and 6 of the parking spaces would need to be coned off to allow the delivery vehicle to manoeuvre within the site. The spaces would need to be coned off for a period of time to ensure they are all clear when the delivery lorry arrives. A servicing and delivery plan would be required.

- Cycle parking

The residential cycle parking should be accord with the London Plan which requires 16 spaces. Provision for the retail and public house use will need to be agreed.

There are 2 other convenience stores in the adjacent shopping parade which are likely to limit the demand for the proposed retail unit. Although there is the potential for overspill parking it does not appear to be likely to have a significant impact.

Windsor Drive is a busy road and there will be an intensification of use of the access. The applicant should be asked to provide a Stage 1 / 2 Road Safety Audit on the revised arrangements.

LB Licensing Team

The proposal involving demolition of the building would require a new licence

LB Bromley Environment Health

A new licence will be required and this will need to be confirmed by licensing team. If a new licence is not required then it may be necessary to restrict the opening hours by condition.

LB Bromley Waste Services

Based on the proposed plans, officers are unable to support the proposal. With the current drawing, LBB will require vehicle access to the domestic bin store from 7am. If vehicles are parked preventing access, we will be unable to collect on schedule. There are no guidelines within a forthcoming site management plan which stipulates why the containers need to be brought to the Public Highway and suggests there is not sufficient access for an RCV to manoeuvre. Additionally, containers cannot be left on the PH awaiting a collection. There is no dedicated trade waste bin store area. It is suggested that the retail waste would be removed as part of the delivery process. This will need to be define including the storage location as the waste builds up.

LB Bromley Tree Officers

No objection to the proposal as the proposed trees to be removed from the site (H4) has low landscaping value and no other particularly valuable features. With regard to the impact on retained trees, root protection areas (RPA) should be provided to confirm impacts on the existing trees (G6 - Ash), T1 and T2 and these details should be secured by a planning condition.

The existing hardstanding within the RPAs of trees identified as G6 shall be retained and no excavation shall take place in these RPAs unless prior approval is given in writing by the Local Planning Authority.

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.

According to paragraph 48 of the NPPF decision takers can also give weight to relevant policies in emerging plans according to:

- The stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given);
- 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,
- The degree of consistency of the relevant policies in the emerging plan to the policies in the NPPF, (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given).

The Bromley Local Plan 2018, comprising the strategic polices and the detailed polices and proposal map was adopted on the 16th January 2019. All planning applications will be considered by the council against the Bromley Local Plan as part of the borough's development plan.

London Plan Policies (2016)

- 2.6 Outer London: vision and strategy
- 2.15 Town Centres
- 3.1 Ensuring equal life chances for all
- 3.3 Increasing housing supply
- 3.4 Optimising housing potential
- 3.5 Quality and design of housing developments
- 3.6 Children and young people play and informal recreation facilities
- 3.8 Housing choice
- 3.9 Mixed and balanced communities
- 3.10 Definition of affordable housing
- 3.12 Negotiating affordable housing
- 3.13 Affordable housing thresholds
- 3.16 Protection and enhancement of social infrastructure
- 5.1 Climate change mitigation
- 5.2 Minimising carbon dioxide emissions
- 5.3 Sustainable design and construction
- 5.6 Decentralised energy in development proposals
- 5.7 Renewable energy
- 5.8 Innovative energy technologies

- 5.0 Overheating and cooling
- 5.10 Urban Greening
- 5.11 Green roofs and development site environs
- 5.12 Flood Risk Management
- 5.13 Sustainable Drainage
- 5.16 Waste net self- sufficiency
- 5.18 Construction, Excavation and Demolition Waste
- 5.21 Contaminated Land
- 6.3 Assessing effects of Development on Transport Capacity
- 6.9 Cycling
- 6.10 Walking
- 6.12 Road Network Capacity
- 6.13 Parking
- 7.1 Lifetime neighbourhoods
- 7.2 An Inclusive Environment
- 7.3 Designing Out Crime
- 7.4 Local Character
- 7.5 Public realm
- 7.6 Architecture
- 7.13 Safety, security and resilience to emergency
- 7.19 Biodiversity and access to nature
- 7.21 Trees and woodland
- 8.2 Planning Obligations
- 8.3 Community Infrastructure Levy

Draft London Plan Policies (2017)

- H1 Increasing Housing Supply
- H5 Delivering Affordable housing
- H6 Threshold Approach to application
- H7 Affordable Housing Tenure
- H12 Housing Size Mix
- HC7 Protecting public house
- D1 London's form and characteristics
- D2 Delivering good design
- D3 Inclusive design
- D4 Housing quality and standards
- D5 Accessible housing
- D6 Optimising housing density
- D10 Safety, security and resilience to emergency
- D11 Fire safety
- S1 Developing London's Social Infrastructure
- S44 Play and informal recreation
- E11 Skills and opportunities for all
- G5 Urban greening
- G6 Biodiversity and access to nature
- SI1 Improving air quality
- SI2 Minimising greenhouse gas emissions
- SI3 Energy infrastructure
- SI4 Managing heat risk

- SI8 Waste capacity and net waste self-sufficiency
- SI13 Sustainable drainage
- T3 Transport capacity, connectivity and safeguarding
- T4 Assessing and mitigating transport impacts
- T5 Cycling
- T6 Car parking
- T6.1 Residential Parking
- T6.5 Non-residential disabled persons parking
- DF1 Delivering of the Plan and Planning obligations

The London Mayor's Supplementary Planning Document

- Affordable housing and Viability (August 2017)
- Housing (March 2016)
- Accessible London: Achieving an inclusive environment (October 2014)
- The control of dust and emissions during construction and demolition (July 2014)
- Character and Context (June 2014)
- Sustainable Design and Construction (April 2014)
- Play and Informal Recreation (September 2012)
- Planning for Equality and Diversity in London (October 2007)

Bromley Local Plan Policies (2019)

- Draft Policy 1 - Housing Supply
- Draft Policy 2 - Provision of Affordable Housing
- Draft Policy 4 - Housing Design
- Draft Policy 6 - Residential Conversion
- Draft Policy 8 - Side Space
- Draft Policy 20 - Community Facilities
- Draft Policy 30 - Parking
- Draft Policy 31 - Relieving Congestion
- Draft Policy 32 - Road Safety
- Draft Policy 33 - Access for All
- Draft Policy 34 - Highway Infrastructure Provision
- Draft Policy 37 - General Design of Development
- Draft Policy 73 - Development and Trees
- Draft Policy 113 - Waste Management in new Development
- Draft Policy 116 - Sustainable Urban Drainage Systems
- Draft Policy 119 - Noise Pollution
- Draft Policy 120 - Air Quality
- Draft Policy 122 - Light Pollution
- Draft Policy 123 - Sustainable Design and Construction
- Draft Policy 124 - Carbon Dioxide Reduction, Decentralised Energy Networks and renewable energy

Bromley Supplementary Planning Document

- Affordable Housing SPD (March 2008); and ,
- Planning Obligations SPD.

Planning History

The relevant planning history relating to the application site is summarised as follows:

- 94/00950/FUL - granted on 23.06.1994
Single storey side extension
- 94/02908/FUL - granted on 07.02.1995 and this application was renewed on 21.03.1997 (ref 21.03.1997)
Use of public house forecourt for stationing of flower stall - retrospective application.
- 95/02298/FUL - granted on 11.12.1995
Single storey rear extension to provide family room and internal alterations to create additional family area within public house.
- 02/00108/FULL5 - granted on 06.03.2002
Shrouding to enclose telecommunications equipment on existing 2 chimneys.
- 04/00371/ADV - granted on 24.03.2004
2 externally illuminated poster units (numbered 03).
- 04/00371/SPLADV - refused on 24.03.2004
2 wall mounted banner signs (numbered 01), 1 wall mounted poster unit (numbered 02), and 2 lockable poster frames fixed back to back onto an existing post (numbered 04).

Considerations

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

- Land use;
- Housing issues;
- Design, scale and layout ;
- Transportation and Highways;
- Impact on residential amenities;
- Sustainability;
- Sustainable drainage;
- Trees and biodiversity;
- Impact on residential amenities; and,
- CIL and Planning Obligation.

Land Use

-Demolition of the existing public house

Draft London Plan Policy HC7- Protecting public houses states: -

A. Boroughs should:

1) protect public houses where they have a heritage, economic, social or cultural value to the local communities and where they contribute to wider policy objects for town centres, night-time economy areas and creative Enterprise Zones.

2) support proposals for a new public house to stimulate town centre regeneration.

B. applications that propose the loss of public houses with heritage, cultural, economic or social values should be refused unless there is authoritative marketing evidence that demonstrates that there is no realistic prospect of the building being used as a pub in the foreseeable future.

C. Development proposals for redevelopment of associated accommodation, facilities or development within the curtilage of the public house that would compromise the operation or viability of the public house use should be resisted.

Bromley Council Local Plan Policy 23 the loss of public houses will be resisted by the Council except where:

a. There is an alternative public house within a 500 metres walking distance of the site and the proposal would not have a significant affects to the shopping parade or centre.

b. where it can demonstrate that the business is no longer financially viable as a public house including the submission of evidence of active marketing as a pub for a substantial period of time

Supporting text 3.1.33 of the Bromley Local Plan also states that in line with national guidance the Council seeks to protect the unnecessary loss of public houses unless alternative facilities are locally available, there is no adverse effect on local commercial centres and it can be demonstrate that the use as a public house is no longer viable.

The Chelsfield pub is the only public house along the Windsor Drive and the Windsor Drive shopping parade providing a highly valued local service and facility in the local area. The public house is considered to be a local landmark building in the local area within the village of Chelsfield. The property is a two storey post war building located adjacent to the Chelsfield Railway Station, of a scale and setting reflects its location being in a suburban area with low rise and low density building in the area. It is noted that the site is not located within a conservation area and the building is not listed. However, officers note that an application to nominate the building as an asset of community value has been submitted to the Council and is currently being reviewed by the Council, pending further details. As such, it is considered that it would be premature to consider whether the building should be demolished at this stage.

Notwithstanding the above, the siting, scale, bulk and design of the existing building echo the locality of Chelsfield as a village and of a character distinctive from other modern buildings and development in the surrounding area. The

building possesses a degree of late Victorian design style with two ground floor bay windows centrally sited on the front elevation. The building is mainly constructed in brick in warm terracotta colours with a pitched roof. The existing windows are timber sash windows arranged in a symmetric manner. There are two front fine lighting lantern hangings from first floor level immediately above the front entrance doors located to the side of the front bay windows. The external appearance and layout of the existing building presents a high quality appearance with outdoor facilities such as a smoking shelter, large soft landscaped outdoor beer garden to the rear and a large outdoor seating area to the front of the building. The setting, environment and character of the pub is unique of its own kind, size and style servicing the residents and community in this suburban village. The facilities and services provided is highly valued by the users or visitors with regular local music bands and groups meeting regularly at the site. As such, it is considered that the existing building including the quality of outdoor facilities and environment provided has a high social value. There is no overriding reason to support the demolition or removal of the existing building and facilities. The key planning merits of the proposal in terms of impact on the viability and viability of town centre, housing and transportation will be assessed in the following sections.

-Re-provision and viability of replacement pub/catering unit

A replacement public house including a kitchen would be provided within the site. As such, the proposal would not result in a net loss of a pub/catering unit at the site. However, it should be noted that the existing public house is occupied and providing a good range of services to the local residents with local groups and music bands meeting at this public house on a regular basis. It should be noted that the proposed replacement floor area for the pub, internal layout and facilities provided within the site would be smaller and less than the existing provisions.

The proposed floor area would measure approximately 354 square metres including the basement level. It should be noted that the floor area of the existing pub measures approximately 322.5 square metres on the ground floor with a beer cellar that measures approximately 205sq.m in the basement.

The proposed site layout plan indicates that the beer garden (which measures 290sq.m) and the front outdoor seating area including a smoking shelter (approximately 300sq.m) for the smokers, children and dog walkers would be removed without adequate on-site replacement. It is noted that 3 outdoor tables would be provided in the front of the proposed building. However, the size is limited and it should be noted that the distance between the proposed building and the front wall would measure 3.4 metres and immediately below a private residential balcony. An external deck area would be located to the side of the building. However, this area is also limited with two sets of external steps to bridge the difference between the floor level of the building and the ground level of the site.

Based on the proposed layout with a reduced internal floor area and the removal of outdoor facilities, it is uncertain whether the proposed replacement public house/catering unit would be of adequate quality and quantity to sustain a local and landmark public house.

The character of the proposed replacement pub/catering units would inevitably change. The proposed building would have a ground floor frontage that measures approximately 28.8 metres in width of which, the proposed replacement pub would occupy approximately a third of its frontage and the proposed retail unit would occupy approximately 50 percent of its frontage. The proposal would result in the loss of a highly valued local landmark building as the replacement building appears to lack any character or identity when compared with the existing public house.

Furthermore, it should be noted that there are no other public houses located next to a railway station in the area or within a short walking distance. The Five Bells is the nearest public house located 1,400 metres east from the site and The Royal Oak is also located approximately 1,400 metres west from the site. Given that the existing pub is viable and the re-provision of a pub/catering unit would be likely to compromise the operation and viability of the future replacement, it is considered that the proposal would result in the loss of a highly valued public house, contrary to draft London Plan Policy HC7.

-Introduction of residential use

Residential and public house uses are both town centre uses and these are not considered unacceptable within a defined shopping centre. However, the existing public house has a sale or supply of alcohol licence which includes late night refreshment and live music. The venue attracts late night activities with a trading and licencing hours up to midnight on Friday and Saturday.

A noise report is submitted which suggests that adequate mitigation measures could be applied to the façade of the proposed building and windows including alternative ventilation to ensure the dwellings can be ventilated without having to open any windows. However, the proposal would still introduce a new/ additional noise sensitive development above a public house where there is a night time economy during unsociable hours. The Council's Environment Health and licencing officers have advised that a new licence would be required for the replacement pub. Depending on a further noise report/assessment, it may be necessary to restrict the opening hours of the public house by planning conditions.

Whilst noise mitigation measures could be used to ensure new sensitive development can be protected, the reliance of sound insulation and mechanical ventilation are not considered sustainable in particular, during summer months. The introduction of residential accommodation within the curtilage of this public house site would compromise the operation or viability of the public house and would not be compatible in terms of its use, in particular during the late weekend evening hours where commercial activities and music events would be expected to be the busiest.

Overall, it is considered that the proposed residential-led development would result in a loss of the public house which is highly valued by the local residents. The proposal would provide much less floor area and facilities for the future pub users and the introduction of new residential accommodation above the public house would compromise the operation and viability of the public house, contrary to draft London Plan Policy HC7.

Housing issues

- Housing supply

London Plan Policies 3.3 (Increasing housing supply) and 3.4 (Optimising housing potential) seek to maximise the provision of additional housing across London. The Borough's annual housing target, as set out in the London Plan 2016, is 641 units.

Whilst the proposal could contribute the Council's housing stock, it should be noted that the number of proposed units would be limited to 11 units. The Council has a 5 year housing land supply and the latest annual monitoring report (Dated September 2018) published by the Greater London Authority indicates that the number of net housing completion is 914 achieving 153%. Therefore, the proposal to provide 11 additional residential units including a pub landlord accommodation would have limited weight in this case.

- Housing Mix

Pursuant to Policy 3.8 of the London Plan, new residential development should offer genuine housing choice, in particular a range of housing size and type. The proposal would provide a mixture of 1 to 3 bed units with an internal floor area ranging between 50sq.m and 108sq.m. The council does not have a specific guidance on particular proportion of housing types and size. As such, it is considered that a mixture of 1 to 3 bed units would be acceptable and would not be contrary to London Plan Policy 3.8.

- Affordable Housing

The threshold of affordable housing planning policy is not identical in the National, London and Local Plan and has been subjected to change in the past few years with the adoption of the National Planning Policy Framework in 2018, the draft London Plan published in 2017 and the Council's Local Plan.

The statutory public consultation on the draft London Plan is closed and has been submitted to the Secretary of State for examination. The consolidated London Plan and Bromley Local Plan are adopted Development Plan. However, the draft London Plan is a material consideration in planning decisions. It gains more weight as it moves through the process to adoption. However, the weight given to it is a matter for the decision maker.

The National Planning Policy Framework (NPPF) Paragraph 63 states provision of affordable housing should not be sought for residential development that is not a major development. NPPF Paragraph 64 requires at least 10% of homes to be available for affordable housing ownership, unless this would exceed the level of affordable housing required in the area. The Planning Policy Guidance Paragraph 31 states "contributions should not be sought from development of 10 units or less and has a floor area not more than 1,000 square metres". The proposal would create 11 residential flats (including a separate landlord accommodation) and would have a maximum combined gross internal floorspace more than 1,000

square metres. In line with the NPPF and the adopted London Plan and Bromley Local Plan, it is considered that 35 percent affordable housing (by habitable room) should be provided.

The London Plan and the Council's Local plan seek 35 percent of affordable housing with a ratio of 60:40 rented to intermediate tenures. As such, a minimum of 11 affordable habitable rooms with a ratio of 7 rented and 4 intermediate should be provided.

The proposed units would all be private units. In the absence of justification and a financial viability assessment, it is considered that the proposal would fail to provide and achieve a mixed and balanced community, contrary to the NPPF Paragraph 63 and 64, PPG para 31, London Plan Policies 3.8, 3.10 and 3.11 and Bromley Local Plan Policy 2 and the London Mayor's Housing SPD.

- Internal floor space

London Plan Policy 3.5 'Quality and design of housing developments' requires new housing to be of the highest quality internally and externally. The London Plan explains that the Mayor regards the relative size of all new homes in London to be a key element of this strategic policy issue. Local Plans are required to incorporate minimum space standards that generally conform to Table 3.3 - 'Minimum space standards for new development.' Designs should provide adequately sized rooms and convenient and efficient room layouts. Guidance on these issues is provided by the Mayor's 'Housing' SPG 2016.

In March 2015, the Government published 'Technical housing standards - nationally described space standard.' This document deals with internal space within new dwellings across all tenures. It sets out requirements for the gross Internal (floor) area of new dwellings at a defined level of occupancy as well as floor areas and dimensions for key parts of the home, notably bedrooms, storage and floor to ceiling height. The Minor Alterations to the London Plan 2016 and the Mayor's 'Housing' SPG 2016 reflect the national guidance.

All of the proposed units would meet or exceed the National Housing Standards minimum internal space standards and adequate internal living space would be provided.

- Wheelchair unit and inclusive living environment

Para 3.3 under London Plan Policy 3.1 states "The Mayor is committed to ensuring a London that provides equal life chances for all its people, enabling them to realise their potential and aspirations, make a full contribution to the economic success of their city - and share in its benefits - while tackling problems of deprivation, exclusion and discrimination that impede them. This includes understanding and addressing the physical and social barriers that prevent disabled people participating"

London Plan Policy 3.8 requires that 10% of new housing meets Building Regulation requirement M4(3) Wheelchair users dwelling; 90% of new housing

meets Building Regulation M4(2) accessible and adaptable dwellings. London Plan Policy 7.2 requires new development in London to achieve the highest standards of accessible and inclusive design and supports the principles of inclusive design.

Paragraph 2.3.10 under Standard 11 of the London Housing SPD states that LPAs should seek to ensure that dwellings accessed above or below the entrance storey in buildings of four storeys or less have step-free access.

A wheelchair unit (Apartment 4) would be provided and an internal lift would be installed accessible to all floors. As such, the proposal would comply with the Policy above.

The proposed site plan (Drawing number 17.2456.000 Revision P6) indicates a disabled residential parking space would be provided and located outside the beer cellar. The location of this disabled parking space should ideally be located closer to the residential rear communal door and a section drawing should be provided to confirm the ground level between the disabled spaces and the building.

- Dual Aspect

Standard 29 of the London Housing SPG states new development should minimise the number of single aspect dwellings. Single aspect dwellings that are north facing exposed to noise levels above which significant adverse effects on health and quality of life occur or which contain three or more bedrooms should be avoided.

10 out of 11 units including the family unit would be dual aspect and would comply with policy above.

- Privacy and outlook

Standard 28 of the London Housing SPG states that proposals should demonstrate how habitable rooms within each dwelling are provided with an adequate level of privacy in relation to neighbouring properties, the street and other public spaces.

The distance of the proposed front balconies measures 4.7 metres. It is considered that the distance of the front balconies between the proposed units would be acceptable.

A 1.7 metre high privacy screen between the proposed rear terrace/balcony for apartment 2, 3 and public landlord accommodation would be installed. It is considered that adequate outlook and privacy would be provided for these units. However, privacy screen is considered to be a retrospective measure instead of part of an integral design. The design and external appearance is assessed in the following section of this report.

The distance between the proposed rear balcony for Apartment 6, 7 and 8 measures approximately 1.7 metres. It is noted that the rear walls of the proposed building would be staggered. Due to its close proximity between the proposed balconies, it is considered that the proposal would result in loss of privacy, in particular between Apartment 6 and 7.

- Private Outdoor Space and Child Play area

London Plan Policy 3.6 states development proposals should make provision for play and informal recreation based on the expected child population generated by the scheme and an assessment of future needs. This is supported by Bromley Local Plan Policy 4 which requires adequate private or communal amenity spaces should be provided to serve the needs of the particular occupants.

Standard 26 and 27 of the London Housing SPG requires a minimum of 5sq.m private outdoor space to be provided for a 1 to 2 person dwelling and an extra 1sq.m to be provided for each additional occupant. The minimum depth and width of all balconies and other private extension spaces should be 1,500mm. Paragraph 2.3.31 of the Housing SPD states "Private open space is highly valued and should be provided for all new housing development. Minimum private open space standards have been established in the same way as the internal space standards, by considering the spaces required for furniture, access and activities in relation to the number of occupants".

A private balcony/terrace would be provided for each of the proposed units ranges between 6sq.m and 34.1sq.m and would comply with the minimum requirement.

With regard to child play space and the expected child yield for this development, the Mayor of London's child yield calculator (Shaping Neighbourhoods: Play and Informal Recreation SPG) indicates that a minimum of 8sq.m of child play space should be provided. Paragraph 5.10 of this SPG also states "There should be a clear requirement for all new residential developments generating more than 10 children (as determined by the application of child occupancy assessments) to provide suitable play space as part of the development scheme. Developments with estimated child occupancy of less than 10 children should be required to make an appropriate financial contribution to play provision within the vicinity of the development".

In view of the proposed layout which indicates that the private family unit would be provided with 34.1sq.m private outdoor space and all other non-family private market units would be provided with private balconies. On balance, it is considered that the absence of child play space would be acceptable in this instance.

- Density

London Plan Policy 3.4 states that planning decisions should take into account local context and character, the design principles in Chapter 7 of the London Plan, public transport capacity, and that development should optimise housing output for different types of location within the relevant density range. This approach is supported by Bromley Local Plan Policies 4 and 37.

The setting of the site is categorized as "Suburban" as the site is located within an area with predominantly lower density development such as detached, semi-detached houses with small building footprint and typical building of two to three storeys. The PTAL rating of the site is rated at 2 and the appropriate density range

of this site is between 150 to 250 habitable rooms per hectare (HRH) in the London Plan.

Paragraph 3.31 under London Plan Policy 3.4 states that "residential density figures should be based on net residential area". The site area measures approximately 1,668sq.m. The proposed mixed use development would provide 30 residential habitable rooms and a total of 1,399sq.m new commercial and residential floor area of which, 677sq.m (48.39%) would be residential floor area.

The proportionate residential density would be 372 HRH and this is above the appropriate threshold set out in the London Plan (150 to 250HRH). As such, it is considered that the proposal would represent a degree of over-intensive development.

Whilst matters of scale and design are to be discussed further within the report, it is not considered that the site would be suitable for such an exceptionally high residential density or over-intensive scheme due to its local character of the site being mainly surrounded by two to three storey buildings and the site has a low Public Transport Accessibility Level rating.

Design, scale and massing

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. The NPPF states that it is important to plan positively for the achievement of high quality and inclusive design for all development, including individual buildings, public and private spaces and wider area development schemes.

The NPPF requires Local Planning Authorities to undertake a design critique of planning proposals to ensure that developments would function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development. Proposals must establish a strong sense of place, using streetscapes and buildings to create attractive and comfortable places to live, work and visit; optimise the potential of the site to accommodate development, create and sustain an appropriate mix of uses and support local facilities and transport networks. Developments are required to respond to local character and history, and reflect the identity of local surroundings and materials, while not preventing or discouraging appropriate innovation. New development must create safe and accessible environments where crime and disorder, and the fear of crime, do not undermine quality of life or community cohesion; and are visually attractive as a result of good architecture and appropriate landscaping.

London Plan Policy 7.1 requires developments to be designed so that the layout, tenure and mix of uses interface with the surrounding land and improve people's access to infrastructure, commercial services and public transport. The design of new buildings and the spaces they create should help reinforce or enhance the character, legibility, permeability, and accessibility of the neighbourhood.

London Plan Policy 7.4 requires that buildings, streets and open spaces should provide a high quality design response that has regard to the pattern and grain of the existing spaces and streets in orientation, scale, proportion and mass; contributes to a positive relationship between the urban structure and natural landscape features, including the underlying landform and topography of an area; is human in scale, ensuring buildings create a positive relationship with street level activity and people feel comfortable with their surroundings; allows existing buildings and structures that make a positive contribution to the character of a place to influence the future character of the area; and is informed by the surrounding historic environment.

London Plan Policy 7.6 states that architecture should make a positive contribution to a coherent public realm, streetscape and wider cityscape and should incorporate the highest quality materials and design appropriate to its context.

Bromley Local Plan Policy 4 and 37 require new development is of a high standard of design and layout. It should be imaginative and attractive to look at, should complement the scale, form, layout and materials of adjacent buildings and areas and should respect the amenity of the occupiers of neighbouring buildings.

- Frontage and layout

The entrance doors for the proposed commercial and residential uses are located on the front of the building with a level access near to the catering unit and communal residential front entrance. However, it should be noted that this level access would be shared between the residential and commercial uses and this arrangement would lead to a conflict and competition between the future users in accessing the relevant part of the building, via the level access. As such, it is considered that the access and layout should be well defined to avoid any conflict between the future users. Furthermore, it should be noted that part of the proposed front wall would be over 2 metres high and such design arrangement would present a defensive and imposing appearance when compared with the frontage and layout of the existing public house.

The proposed lower ground floor plan indicates that the waste storage area for the public house would be separate from the public house and this is not considered practical and could create confusion between the residential and commercial waste storage areas. The proposed waste storage location is not considered sustainable between located over 30 metres from the road. It should also be noted that there is no waste storage area for the proposed retail unit.

- Scale and massing

The existing two storey public house measures 22 metres in width and is of a width wider than the prevailing buildings in the area. However, the existing public house is designed with a pitched roof and is well set back from the public pavement by approximately 10 metres. The design, siting, scale and appearance of the existing building offer a good degree of openness and spacious appearance. This is in keeping with the character of the surrounding area as a suburban village.

The proposed front/north elevation plan indicates that the proposed building would be 4 storeys in height with a flat roof matching the existing chimneys of the public house. However, it should be noted that the scale and bulk of the building would be significantly increased when compared with the existing building. The width of the building would be increased from 22 metres to 28.8 metres and would be sited 3.5 metres from the public pavement with front balconies projecting further closer to the road. Due to the siting, scale and massing of the proposed building, it is considered the proposal would fail to respond to the local context and would fail to integrate with the surrounding area.

In addition, the proposed building is designed with multiple flat roofs, multiple rear and side walls with balconies projecting at a scale and size. The proposed dining/function space would project further than the rear wall of the proposed retail unit creating an overhanging structure above some of the proposed residential parking spaces. It should be noted that the side and rear elevation of the proposed building would be visible from Station Approach and an access road leading to No.1 and No.2 Station Cottages. Given that the maximum length of the building would also be increased from 15.2 metres to 24.5 metres and the proposed building would be visible from public view, it is considered that the design and appearance of the proposed building would appear at odds and fail to integrate with its surrounding area. The overhanging dining/function room over some of the parking spaces does present a degree of over-intensive development within the site. Overall, it is considered that the scale of the proposed building would also appear as an over-dominant building, out of keeping and out of scale when compared with the existing building and buildings in the surrounding area.

The design, style and siting of windows can be used as a design tool to break up the bulk of a building and add to the interest to a building. In this case, the design of the proposed building appears to be heavily driven by the goal to achieve certain commercial and residential floor space. The design and arrangement of windows appears to be at odds. In particular, the use of dummy windows for the proposed retail unit, the style and size of windows for the pub dining/function room does not appear to be consistent to the other windows on the proposed building.

Planning, Design and Access Statement (para 7.13) states "the proposed external materials would comprise of a mix of facing brickwork, reconstituted stone detailing and white painted render. Windows and doors are to be white uPVC, whilst facia, soffits and shopfronts are to be constructed in white, colour aluminium. Balconies and terraces will include glazed balustrade with timber top rail".

The use of brick and render are not uncommon materials and they do exist along the same section of the shopping parade at No. 7 and 11 Windsor Drive. However, concern is raised as white render has relatively poor weathering capabilities and can also be prone to mould. Over time officers would question the aesthetic capabilities of white colour render and more durable external materials should be use instead of white colour render. It is considered that the external materials details and its performance should be provided. However, the absence of these details does not itself warrant as a ground to contest the appeal.

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 development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.

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

- Access

London Plan Policy 6.3 states that development should not adversely affect safety on the transport network. The existing vehicular access leading to the existing parking area would be re-used and this is considered acceptable.

- Servicing and delivery

The existing public house has 23 parking spaces and servicing deliveries area carried out within the site. The proposed site layout plan indicates that 6 commercial parking spaces would be coned off for servicing and delivery. It is anticipated that there would be 1 to 2 deliveries per week for the public house, five delivery days per week and twice per day for the proposed retail unit. No objection is raised by the highway officer and subject to a servicing and delivery plan confirming the size of delivery vehicles and a tracking plan confirming vehicles can leave the site in a forward gear, it is considered that the proposal would be acceptable.

- Parking

Table 6.2 under London Plan Policy 6.13 sets out the maximum standards for parking and less than 1 space should be provided for a 1 to 2 bed unit. The maximum parking spaces for 3 beds is up to 1.5 spaces. A maximum of 11 spaces should be provided for the residential accommodation.

The London Plan and Local Plan set the parking standards for the commercial and residential uses. Based on the proposed floor area and uses, 7 to 11 spaces should be provided for the retail unit, 7 to 10 spaces should be provided for public house and up to 11 spaces should be provided for the residential use.

A total of 10 spaces would be provided for the residential use and 20 spaces would be provided for the commercial uses. It is noted that the number of commercial parking spaces would be less than the existing provision. A parking survey is submitted which advises there were a number of parking spaces available through the day particularly during Saturday. The Council's Transport and Highway Department were consulted and no objection was raised. Subject to a car park management plan and servicing and delivering plan, it is considered that adequate

parking spaces can be provided for the future users and would comply with the policies above.

The number and details of electric vehicle charging facilities have not been provided. However, these details could be secured by planning condition.

- Cycle

Table 6.3 under London Plan sets out the minimum cycle storage requirements. For long stay, a minimum of 1 space should be provided for studio or 1 bed and a minimum of 2 spaces should be provided for 2 beds or more. For short stay, a minimum of 1 space per 40 beds should be provided. A minimum of 17 cycle spaces including a short stay space would be required for the private units.

A residential cycle storage area for 11 spaces would be provided. Whilst the provision would be below the minimum requirement, the proposed cycle storage area indicate that adequate storage space can be provided and details can be secured by a planning condition should planning permission be recommended.

With regard to the long stay and short stay cycle storage spaces for the retail and public house, a total of 5 long stay and 9 short stay cycle storage spaces would be required. The proposed site layout plan indicates that 3 Sheffield stands would be provided for 6 spaces. Whilst the provision would be below the minimum requirement, the proposed layout plan indicates that a 4 further cycle stand can be provided adjacent to the 3 Sheffield stand. As such, it is considered these can be secured by condition should planning permission were be recommended.

Neighbouring amenity

Policy 4 of the Bromley Local Plan 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 is no residential rate at 7 Windsor Drive. As such, No. 1 The Meadway and No. 1 Station Approach are the nearest residential properties which would be impact by this proposal.

- No. 1 The Meadway

The back garden of The Meadway is covered by dense and mature planting. It is note that a number of new residential windows would be facing the neighbour's back garden. The rear wall of the proposed pub would be located approximately 15 metres from the neighbour's property. Given the distance, the back to side relationship between the properties and the existence of dense planting, it is considered that the proposal would not have a significant impact on the neighbour's amenities in terms of loss of privacy, loss of outlook, loss of sunlight and loss of daylight. This is based on the existence of planting at present.

- No. 1 Station Approach

The rear and side distance between the properties measures approximately 11 metres and is set at an angle. As such, it is considered that the proposal would not have a significant impact on the neighbour's amenities in terms of loss of privacy, loss of outlook, loss of sunlight and loss of daylight.

With regard to the noise associated with the proposed commercial activities which would potentially be increased when compared with the existing activities. It is considered that the impact can be managed by limiting the trading and licensing hours of the pub and the retail unit.

Sustainability

The NPPF requires Local Planning Authorities to adopt proactive strategies to mitigate and adapt to climate change. London Plan and Draft Local Plan Policies advocate the need for sustainable development. All new development should address climate change and reduce carbon emissions.

Policy 5.3 Sustainable Design and Construction of the London Plan states that the highest standards of sustainable design and construction should be achieved in London to improve the environmental performance of new developments and to adapt to the effects of climate change over their lifetime. Policy 5.2 Minimising Carbon Dioxide Emissions of the London Plan states that development should make the fullest contribution to minimising carbon dioxide emissions in accordance with the hierarchy; Be Lean: use less energy; Be clean: supply energy efficiently and Be green: use renewable energy.

A range of renewable technologies have been investigated and solar photovoltaic (PV) array is considered to be the most appropriate. The PV would be mounted on the penthouse roof and the roof area of the ground floor. The Council energy officers are satisfied that a number and variety of measures have been considered.

The anticipated on-site regulated carbon dioxide emission (Building Regs 2013 Compliant Development) is 12.4 tCO₂ per annum. The proposed sustainability measures would achieve a carbon reduction of 4.49 tCO₂ per annum resulting in a short fall of 7.92 tCO₂ per annum. In line with the London Plan and the Councils Planning Obligation SPD, a financial contribution of £14,256 (7.92 (tCO₂) x £60 (per tCO₂) x 30 years) would be required. Should planning permission be recommended, this should be secured by a legal agreement.

Drainage

Policy 5.13 of the London Plan states that Development should utilise sustainable urban drainage systems (SUDS) unless there are practical reasons for not doing so, and should aim to achieve greenfield run-off rates and ensure that surface water run-off is managed as close to its source as possible. Drainage should be designed and implemented in ways that deliver other policy objectives of this Plan, including water use efficiency and quality, biodiversity, amenity and recreation.

The Council's sustainable drainage officers have advised that there is no public surface water sewer near the site and that adequate arrangement should be in

place to dispose of surface water run-off. Detail of a sustainable drainage system should be submitted and approved in writing by the Council.

Trees and Ecology

The planning system should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes, geological conservation interests and soils; minimising impacts on biodiversity and providing net gains in biodiversity where possible. The NPPF addresses ecology in paragraph 170 states planning decision should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils, minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures;

Bromley Local Plan Policy 72 states planning permission will not be granted for development of land that will have an adverse effect on protected species, unless mitigating measures can be secured. Bromley Local Plan Policy 73 states proposal for new development will be required to take particular account of existing trees on the site and on adjoining land which in the interests of visual amenity and/or wildlife habitable are considered desirable to be retained.

An arboricultural implication assessment and method statement indicates that a group of Leyland Cypress between the beer garden and car park would be removed. A group of Leyland Cypress located along the beer garden would be retained. Given that there are no protected trees proposed to be removed from the site and a group of Leyland Cypress would be retained within the site, it is considered that the removal of the Leyland Cypress trees adjacent to the car park would not be unacceptable.

The site is located opposite to a site of importance for nature conservation. There are two large woodland areas located near to the site which measures 2.96 hectare in area to the south of the houses on Spring Gardens and 3.89 hectares in area to the east of the houses on The Woodlands. An initial ecological appraisal indicates that the site is considered to be of low to moderate ecological values. However, the existing building is considered to be of moderate potential for roosting bats and two bat surveys will be required (Dusk emergence and/or dawn re-entry) to ascertain the presence of likely absence roosting bats. In the absence of a bat survey, the impact on biodiversity including any potential mitigation cannot be fully assessed in this instance.

Waste and recycling provision

-Residential

The Council's waste guidance note states that 1 x 1100 litre bin for non-recyclable , one 240 litre bin for paper and one 240 litre bin for bottles should be provided for every 6 flats. As such, two 1100 litre bins for non-recyclable two 240 litre bins for paper and two 240 litre bins for bottles should be provided for the residential flats.

A waste storage area measuring approximately 14.5sq.m would be provided. The details of waste storage bins in terms of the number and size could be secured by planning condition and would not warrant as a reason to refuse this planning application. However, the storage area would be located to the rear of the building and would measure over 30 metres from the road via a shared access road and car park. The council waste collection vehicles are 26 tonnes in size. In the absence of a tracking plan to confirm vehicles can enter and leave the site in a forward gear, it is considered that the location of the waste storage area would be inadequate.

The Transport Statement states that "refuse collection for the proposed residential units and public house, will take place from the highway with waste bins brought to the front of the site by site management". The reliance on site management to ensure smooth collection of residential waste is not considered sustainable. It should be noted that the waste storage area would be located in excess of 30 metres from the road. Given that the proposed building would be sited further forward than the existing building and the compact layout of the proposal, it is not considered acceptable to have waste bins being placed near/on the highway or the entrance of the proposed car park. Having considered the waste collection arrangement for the commercial units, it is considered that the proposed site layout would represent a cramped development and fail to achieve a good quality built environment for the future users.

-Commercial waste

Commercial waste can be collected by private companies and is not covered under business rate. The proposed lower ground floor plan indicates that a waste storage area would be provided for the replacement pub. However, this storage area would be separate from the replacement pub and could lead to confusion between the future users.

There is no storage area provided for the proposed retail unit. The Transport Statement (paragraph 4.7) stated that "waste arising from the convenience store will be collected and removed as part of the delivery process". Given that the overall site and internal layout is compact, it is considered that this detail cannot be secured via a planning condition and in the absence of a waste storage area, this is not considered acceptable.

Planning Obligations

The National Planning Policy Framework (NPPF) states that in dealing with planning applications, local planning authorities should consider whether otherwise unacceptable development could be made acceptable through the use of conditions or planning obligations. Planning obligations should only be used where it is not possible to address unacceptable impacts through a planning condition. It further states that where obligations are being sought or revised, local planning authorities should take account of changes in market conditions over time and, wherever appropriate, be sufficiently flexible to prevent planned development being stalled. The NPPF also sets out that planning obligations should only be secured when they meet the following three tests:

- (a) Necessary to make the development acceptable
- (b) Directly related to the development; and,
- (c) Fairly and reasonably related in scale and kind to the development.

Paragraph 122 of the Community Infrastructure Levy Regulations (April 2010) puts the above three tests on a statutory basis, making it illegal to secure a planning obligation unless it meets the three tests. From 5th April 2015, it is necessary to link Education, Health and similar proposals to specific projects in the Borough to ensure that pooling regulations are complied with. This is supported by Bromley Local Plan Policy 125 and the Council's Planning Obligations SPD. The identified Head of Terms are as follows:

- Education - £3,180 (based on private units);
- Health - £ 23, 403.03(based on all private units);
- Carbon offsetting - £14,256; and
- Affordable housing.

Conclusion

The Chelsfield pub is considered to be a local landmark building in the local area within the village of Chelsfield. Whilst the proposal would provide a replacement public house, the proposal would result in the loss of a public house which is highly valued by the local residents and communities. The replacement floor area and facilities for the pub would be less than existing provision. A new alcohol and late night music licence would be required as the proposal would be contained within a new building with residential use immediately above. As such, it is considered that proposal would compromise the operation and long term viability of the new public house use.

Whilst the proposal would contribute to the housing stock in the borough and provide more retail floor area, the merits would be limited and the proposal would fail to provide adequate affordable housing to support a mixed and balanced community.

The design, scale and bulk of the proposed building would represent an over-intensive development in the area, out of keeping, out of scale and appear as an over-dominant structure. The proposed residential density would be over the suggested threshold with no affordable housing provided. The proposed buildings designed with multiple flat roofs with a projecting pub dining/function area overhanging some of the parking spaces and would appear incongruous and detrimental to the character and appearance of the area.

In the absence of a bat survey, provision of a dedicated waste storage area for the proposed retail unit and a tracking plan confirming waste collection vehicle can enter and leave the site in a forward gear, the proposal is not considered acceptable.

Consequently, the proposal should not be supported for the reasons outlined above and in this report. It is therefore recommended that the appeal be contested for the reasons set out below.

RECOMMENDATION: RESOLVE TO CONTEST APPEAL

Grounds for contesting the Appeal are as follows:

1. The proposal, by reason of its siting, design, excessive residential density, scale and massing would appear out of keeping and out of character with the locality, represent as an over-dominant structure and an over-intensive development in the area with an excessive proportionate residential density, contrary to London Plan Policy 7.4, draft London Plan Policy D2, Bromley Local Plan Policies 4 and 37.

2. The proposal would fail to demonstrate that a mixed and balanced community can be achieved and delivered with adequate affordable housing, contrary to the National Planning Policy Framework 2018, London Plan Policies 3.9, 3.10, 3.13, draft London Plan Policies H5, H6, H7, Bromley Local Plan Policy 2, the London Mayor's Affordable Housing and Viability SPG (2017) and the Council's planning obligation SPD (2012).

3. In the absence of a financial viability assessment and legal agreement confirming adequate planning obligation can be provided, the proposal would fail to support the delivery of local infrastructure, facilities and services to meet the needs generated by this proposed development and to mitigate the impact of the proposal, contrary to Bromley Local Plan Policy 125 and Bromley Planning Obligations SPD (2010).

4. The proposed waste storage location for the residential and public house, by reason of its distance from the road and absence of a dedicated waste collection area for the residential and public house use would fail to provide adequate waste storage provision for the future users. In the absence of a dedicated waste storage area for the retail unit and the proposal would represent a cramped and poor design layout, contrary to London Plan Policy 5.16 and Bromley Local Plan Policy 113.

5. In the absence of information to demonstrate that the proposed replacement public house would be viable and in view of the existing community function and services provided by the existing public house, to residents and communities, it is considered that the proposal would result in a loss of a highly valued public house in the area without adequate replacement, contrary to draft London Plan Policy HC7 and Bromley Local Plan Policy 23.

6. In the absence of a bat survey, it is considered that the impact on biodiversity cannot be fully assessed and it is not demonstrated the proposal would comply with Bromley Local Plan Policy 72, London Plan Policy 7.19 and draft London Plan Policy G6.

