

Application No : 11/03466/FULL1

**Ward:
Bromley Town**

Address : Queens Gardens Kentish Way Bromley

OS Grid Ref: E: 540451 N: 169233

Applicant : CSC Bromley Limited

Objections : YES

Description of Development:

Single storey buildings and reconfiguration/ change of use of part of shopping centre to provide 5 restaurants (Class A3), 1 kiosk unit (Class A1, A3 or A5) electricity substation; repositioned entrance to shopping centre and area for plant on roof, with landscaping works and relocation of gates and railings (amended location of gates and railings) (amendment also applies to Listed Building Consent 11/03467/LBC)

Key designations:

Conservation Area: Bromley Town Centre

Areas of Archeological Significance

Biggin Hill Safeguarding Birds

Biggin Hill Safeguarding Area

London City Airport Safeguarding

London City Airport Safeguarding Birds

Stat Routes

Urban Open Space

Joint report with application ref. 11/03467

Proposal

Planning permission is sought for the following development:

- The erection of 2 single storey flat roof 'pavilion style' buildings bounded by the north side of The Pavilion and the eastern side of The Glades. In total 1410 sqm of additional floorspace is proposed, of which 1354 sqm is new external floorspace (a small area inside The Glades will be incorporated into the smaller of the new buildings). In addition an A1/A3/A5 kiosk (19sqm) will be provided in the existing lobby area inside The Glades. The existing entrance of the Glades will be remain in the same position but be angled and provide 2 sets of double doors.
- The larger building will extend between 31m and 10m from the edge of the existing covered walkway and provide 4 restaurants ranging from 208 sqm to 361 sqm in size. The structure will be approximately 4.9m high to the top of the projecting canopy. The existing covered walkway will be closed to public use and will provide the servicing area for the proposed units.

- The smaller building will be the same height and extend approximately 8.4m from the eastern wall and provide a restaurant of 157 sqm and a substation area of 17sqm.
- Both buildings will be constructed predominantly in glass with timber supports and a timber clad canopy. The elevations have been designed to fully open on to the adjacent walkway. Above the doors/windows will be a timber louvred area and an area for tenants signage.
- Around the perimeter of the proposed structures will be a paved area, part of which will be used for external seating for the restaurants (approx 1.5m deep) and the remainder (approx 3.5m deep) will be a walkway between Kentish Way and The Glades. It is anticipated that the external seating area will be clearly demarcated by a lightweight, fixed barrier. There will also be a pergola provided adjacent to the new entrance to the Pavilion.
- The roof of the both structures will require areas for plant and equipment for the future tenants. On the larger building this equipment will be enclosed by 2 timber 'hit and miss' fences approximately 1.2m high. Indicative plans show the proposed plant will not exceed this height. In addition a small 'green' roof will be provided adjacent to the upper level covered walkway.
- There is a significant change in level between the terrace and the adjacent landscaped area below. The proposed structures will be built at the higher level of the terrace. As a result the land level adjacent to the proposed walkway will be raised to provide access amounting to a single step between the walkway and the remainder of the Gardens. New steps will be provided to provide access from the walkway to the maze. The existing steps from Kentish Way to the terrace will remain.
- The Grade II listed gates and railings will be removed from their current position and relocated to the south west corner of the Gardens, straddling the existing footpath in this location. Additional shrub planting will be provided in this area to provide a setting for this structure.
- Works adjacent to the eastern elevation of The Glades are proposed to increase the amount of 'green' area in this part of the park. This comprises a reinforced grassed service route to replace the existing paved route.
- In order to meet the London Plan requirements for renewable energy the applicant proposes to provide air source heat pumps on the roof of the new structure and photovoltaic panels on the roof of The Glades. Planning permission will be required for the PV panels and this will be sought separately.
- The applicant has submitted numerous documents to support the application including a Planning Statement, Design and Access Statement, Townscape and Visual Impact Statement (which includes a Heritage Impact Assessment), Statement of Community Involvement, Energy Statement, BREAAAM Pre-Assessment Statement, Restaurant Ventilation Strategy Statement, Noise and Vibration Impact Assessment, Desktop Archaeology Assessment and Aboricultural Survey and Planning Integration Report. These reports are available to view in hard copy and online.

Location

The site is situated on the north side of the Pavilion Leisure Centre and the eastern side of The Glades shopping centre. The application site is formed by an elevated

paved terrace immediately adjacent to The Pavilion, occupied by planted beds, together with an adjacent lower level area that includes paved areas, planted beds (including one containing several dinosaur structures), landscaped areas, bench seating, hedges, 2 pergolas and Grade II listed gates and railings, giving this area the appearance of an Italianate style garden.

The terrace provides a public walkway from Kentish Way, via a set of steps, to The Glades. Work is underway to provide a new entrance to The Pavilion as part of a project to extend the leisure facilities at this centre. The lower terrace area provides access to the remainder of Queens Gardens via several sets of steps and a ramp, and also provides several seating areas.

It should be noted that the upper level public walkway from the Civic Centre car park, the existing maze and the Darwin raised beds are unchanged by the proposals.

Comments from Local Residents

Nearby properties were notified and a considerable number of representations have been received. Comments have also been received from West Beckenham Residents Association (RA), Ravensbourne Valley Preservation Society, Park Langley RA, Knoll RA, Bromley Civic Society, Petts Wood and District RA, Wickham Common RA, Beechwood RA and Bromley Residents Federation. These are summarised as follows:

- loss of well used, valuable and treasured public open space in a conservation area would significantly reduce amenity areas in the town centre and limit the use of the gardens for future outdoor events. This would have an adverse impact on peoples' healthy lifestyles and well being. It is contrary to Bromley Town Centre Area Action Plan (BTCAAP) and national policy. A small café to directly serve the Gardens may be acceptable.
- the proposals are a departure from the (BTCAAP) as it is on land never identified in the AAP or discussed at the public hearing.
- the BTCAAP nor the Inspector at the public hearing into the BTCAAP envisaged development of a single café on The Glades terrace.
- proposals are on the Gardens and not around the edge, and result in the loss of green space, so contrary to AAP policy. Quantum of development exceeds 1000sqm in the BTCAAP development guidance.
- the proposal does not preserve or enhance the conservation area but destroys it. The size and design represents an alien intrusion to the park and intrudes on views from the upper walkway and brings no significant public benefit.
- this part of the Gardens was created in 1990 when the Glades was built to recognise the loss of a previous area of parkland and the historic link to Market Square resulting from the development of The Glades. This 'gift' will be lost and goes against the original purpose for the Gardens.
- unreasonable to sell the land to Aviva pensions on a long lease in the year of the Queens Diamond Jubilee (the original Gardens were created to celebrate Queen Victoria's Diamond Jubilee).

- the lost open space will be used for commercial purposes and this is contrary to policies in the Bromley Town Centre Area Action Plan which were ratified by the democratic process. If this is allowed it will be contrary to public feeling and is unacceptable.
- the 'greening' of the hard standing is welcome and should be done as part of the original scheme, not used to justify the current proposal.
- there is no public benefit from the proposal.
- the loss of this space could result in a precedent for the loss of more green spaces elsewhere.
- the new restaurants should have been provided within the Glades or Pavilion not in the Gardens or in vacant shops in the rest of the town centre. There are existing restaurants overlooking and adjacent to the Gardens.
- concentrating more development in The Glades will lead to more vacant properties in the town centre.
- more restaurants will not make Bromley a good shopping centre.
- new position for listed gates could make them more vulnerable to vandalism.
- relocation of the gates is welcome.
- direct competition with Bromley North Village proposals for restaurants – lead to a saturation of this type of use. There are already enough restaurants in the town centre and no evidence has been submitted to support the need for more restaurants. Adverse impact on viability of other restaurants in the town centre.
- new building will block views into the Pavilion and views of Queens Gardens from the Civic Centre.
- pre application exhibition was not long enough.
- lack of control over occupants of proposed restaurants, which could be quick food outlets resulting in clutter and rubbish.
- creation of 100 jobs for the new restaurants could result in the loss of jobs elsewhere.
- impact of construction traffic
- possible noise from rooftop plant and equipment.
- increased litter from restaurants.
- loss of natural daylight and sunlight to swimming pool in The Pavilion.

APCA object on the grounds of loss of existing valuable open space, the restaurants are in secondary areas of the town centre, prejudicial to the viability of Bromley North Village and to the reuse of other vacant listed buildings in the town centre, prejudicial to conservation area and supports comments from the Bromley Civic Society.

In terms of pre submission consultation the applicants held a public exhibition in The Glades on October 7th and 8th 2011. A leaflet and online questionnaire were also circulated to allow residents to comment on the proposals. Of 100 written responses 68% were in favour of a family orientated restaurant court at The Glades. Concerns about the principle of development, disruption to the Gardens, design and landscaping, accessibility, parking and traffic and connections to Bromley Town Centre were also raised. The submitted Statement of Community

Involvement summarises the response from members of the public and comments on the concerns raised.

Comments from Consultees

The Council's Highways Officer raises no objections in principle subject to securing planning contributions in relation to wayfinding and lighting in the Queens Gardens.

The Council's Drainage Consultant raises no objections subject to conditions.

Thames Water raise no objections with regard to the water infrastructure.

The Council's Environmental Health Officer raises no objections subject to relevant conditions.

The English Heritage Archaeology Advisor raises no objections subject to relevant conditions.

The Council's Waste Advisor raises no objections.

The Council's parks and Open Spaces Officer raises no objections subject to conditions and relevant clauses in the S106 legal agreement.

The Metropolitan Police Crime Prevention Design Advisor raises no objections.

Planning Considerations

The statutory development plan for this site comprise the Unitary Development Plan (UDP) (2006), the Bromley Town Centre Area Action Plan (BTCAAP) (2010), the London Plan (2011) and relevant National Planning Policy Statements.

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

BE1 Design of New Development
BE11 Conservation Areas
BE8 Listed Buildings
BE9 Demolition of Listed Building
G8 Urban Open Space
T3 Parking
NE7 Development and Trees
S3 The Glades

Bromley Town Centre Conservation Area Appraisal 2011
SPD Planning Obligations

The application falls to be determined in accordance with the following Bromley Town Centre Area Action Plan policies:

Policy for Opportunity Site M (OSM)

Appendix 4: Development Principles for OSM (page 148)

Appendix 5: Design Principles for OSM (page 170 and 171)
Policy for Opportunity Site E (OSE) – linkage with Site M
Appendix 4: Development Principles for OSE (page 158)
Appendix 5: Design Principles for OSE (page 145)
BTC 17 Design Quality
BTC 18 Public Realm

In strategic terms the most relevant London Plan policies are:

- 2.6 Outer London: Vision and Strategy
- 2.7 Outer London: Economy
- 2.15 Town Centres
- 4.6 Support for and enhancement of Arts, Culture, Sport and Entertainment provision
- 5.1 Climate change migration
- 5.2 Minimising carbon dioxide emissions
- 5.3 Sustainable design and construction
- 5.7 Renewable energy
- 5.11 Green roofs
- 7.4 Local character
- 7.5 Public Realm
- 7.8 Heritage Assets and archaeology

There are a number of national policy documents that are relevant to the consideration of this application. These include

PPS1 Delivering Sustainable Development
PPS4 Planning for Sustainable Economic Growth
PPS5 Planning for the Historic Environment
PPG13 Transport
PPS22 Renewable Energy

From an arboricultural point of view the overall scheme is acceptable. However some concerns are raised regarding the long term survival of the beech tree, shown as T9 on the submitted plans, as a result of the changes in level. Careful monitoring of the proposed works will be needed during the construction process. Accordingly relevant conditions are recommended requiring a Method Statement, appropriate arboricultural supervision and replacement tree planting, if this proves necessary.

From a building control point of view it appears that the means of access for the Fire Brigade indicated on the submitted plans is satisfactory and full details will be addressed as part of a Building Regulation application.

Planning History

The site has been the subject of numerous minor applications but there are no relevant large scale applications relating to The Glades. Planning permission was granted for an enclosed and gated timber decked area to side of colonnade for use by customers of Abbaye (now Belgo) wine bar/restaurant

and decking to contain tables chairs lighting and umbrellas on 25.05.2007 at the Belgo restaurant on the northern boundary of the Gardens (ref 06/03751/FULL1). This application has not been implemented.

Conclusions

The main issues to be considered are the acceptability of the proposed development in respect of BTCAAP policies for Queens Gardens, acceptability of development within and adjacent to the Bromley Town Centre Conservation Area, the acceptability of the design of the proposed building and associated structures, the impact on the trees and landscape in the Gardens and the suitability of the proposed relocation of the listed gates and railings.

Policy issues

The Bromley Town Centre Area Action Plan was adopted in October 2010 and is part of Bromley's statutory development plan along with the Unitary Development Plan and the London Plan. In this case the UDP provides up to date policy advice in relation to archaeology, conservation areas, listed buildings and Urban Open Space. The BTCAAP provides detailed policy guidance for the site which forms part of designated opportunity sites.

It should be noted that Proposal Site 11, which identified the use of the terrace to provide retail/café/restaurant uses which will complement Queens Gardens, The Pavilion and The Glades, has been superseded by the BTCAAP 2010.

The application site falls within 2 Opportunity Sites within the approved BTCAAP, namely OSM and OSE.

Policy OSM: Queens Gardens identifies the Gardens as a protected open space and seeks to improve pedestrian links within the garden and seating areas, promote public art and enhance existing landscaping. New cafés and restaurants will be permitted around the edge of the Garden provided that development does not result in the loss of any green space.

The supporting text in Appendix 4 sets out development principles and indicates the provision of 1,000 sqm of A3 food and drink uses with no additional parking. Development should respect and enhance the landscape structure of the Gardens. The supporting text in Appendix 5 sets out design principles and indicates a development area along the extent of the eastern elevation and projecting into the lower terrace area. Active frontages, improved visual and permeable links are encouraged to improve the internalised nature of The Glades and activities via temporary or permanent structures to include bars, restaurants and cafes opening onto the Gardens is envisaged.

Policy OSE: The boundary for this development site includes The Pavilion and the adjacent terrace. The policy provides for the redevelopment for additional retail floorspace. Any development would be required to provide active frontages and pedestrian linkages to Queens Gardens, public realm improvements and improved

linkages across Kentish Way. Development will be required to enhance the setting of Queens Gardens.

The supporting text in Appendix 4 reiterates the requirements of policy OSE. The supporting text in Appendix 5 sets out design principles and seeks an improved street edge and frontage to Queens Gardens and development should provide improved linkages from Kentish Way to The Glades.

In addition the BTCAAP, in its objectives and policies, recognises the need for Bromley to remain competitive in the face of increasing competitiveness with a key objective of the plan being to promote economic growth and the range, quality and accessibility of services within the town centre. The plan supports the delivery of new development and infrastructure that meets the demands associated with this growth, in particular highlighting the need to manage and strengthen the evening economy to attract a wider range of visitors, including families with children. Well designed commercial uses, such as restaurants and cafes can make a positive contribution to the improvement and appeal of the public realm and are encouraged in appropriate locations in the town centre.

Policy G8 of the UDP sets out parameters for development on designated Urban Open Space. On the proposals map for the UDP the application site is not included within the protected Urban Open Space. For the purposes of the consideration of this application it is considered that this is the current policy for development on designated land as the BTCAAP does not have dedicated policies relating to protected open space.

In support of their application the applicants have submitted a detailed justification for the siting of the new building in their Planning Statement, the main points of which are summarised as follows:

- the development area shown for OSM is considered to be indicative rather than mandatory.
- the clustering of development to leave the eastern flank of the Gardens free of development thereby avoid building on any of the protected Urban Open Space and providing quieter spaces in this area,
- creation of activity and interest on the southern edge of the Gardens which will enliven the Gardens,
- improvement of pedestrian access to the Gardens through the provision of the walkway and simpler access to the Gardens from the terrace,
- landscaping works to the Gardens will provide additional planting, replacement trees and the provision of an additional lawned area adjacent to the eastern wall ensuring that there is no overall loss of green space.

Following an assessment of the relevant policies and concerns raised resulting from letters of objection, it is considered that the proposal meets the requirements of the UDP and BTCAAP for the following reasons:

- this application has been advertised as a departure from the local plan. The extent of development proposed does not directly match the indicative area

for development in Appendix 5 for Site M: Queens Gardens and to this extent the application is advertised as a departure.

- the footprint of the proposed development lies partly on OSE and OSM as defined in the BTCAAP. Approx 450 sqm of development lies on land between the indicative development site for OSM and the maze but within the site boundary of OSM. As previously stated it is considered that this part of the building does not lie in the protected Urban Open Space as designated under Policy G8 of the UDP.
- policies OSM and OSE do not specifically resist the provision of one large restaurant facility. The Inspector, in his report on the BTCAAP, acknowledges that there are a range of options to provide A3 uses within OSM and OSE.
- it is considered that the proposed development limits itself to the edge of the Gardens, the terrace forming part of that edge. The scheme is considered to be a benefit in that it concentrates development on the southern side of the Gardens leaving the western side available for seating for users of the Gardens.
- with regard to the loss of green space, the areas of green space that will be lost are the green landscaped beds that form part of the Italianate garden. The applicant has advised that there is no overall loss of green space within the Gardens as the existing hardstanding area along the eastern flank of the Glades will be laid to reinforced lawn. This will increase the area for recreational use in this part of the Garden
- the BTCAAP identifies the poor accessibility and visibility of the town centre public open spaces in Policies OSM and OSE and BTC18: Public Realm. It is considered that providing restaurant development at the rear of The Glades will increase the visibility of the Queens Gardens by attracting shoppers to the rear of The Glades for leisure activities.
- it is recognised that permeability for pedestrians, particularly from Kentish Way to The Glades, will change with the new development at ground level. However this should be seen within the context of introducing a greater active frontage to the Gardens at ground floor level. Together with the careful design of the proposed entrance to The Glades it is considered that the overall impact will not have an undesirable effect on the Gardens. The existing upper level footway access from the Civic Centre car park to the Glades will be unchanged.
- in addition the active frontage proposed for the restaurants will provide visual and pedestrian interaction between the Gardens and this area and improve interest for users of the Gardens, pedestrians moving from Kentish Way to The Glades and users of the restaurants themselves. Pedestrian access to the Park from the Pavilion will also be improved as a result of the new entrance that is currently under construction, giving access across the terrace via a pergola proposed as part of this application. In order to further enhance the interaction between The Glades, the High Street and the Queens Gardens the applicant will make a financial contribution through a legal agreement to a wayfinding strategy for the town centre.
- the provision of a permanent building complies with the requirements of the design guidelines for Policy OSM. The design is in the form of a single storey 'pavilion' which will be constructed from glass and timber which will give the structure a lightweight appearance. In addition outside seating will

provide interaction between the users of the building and the Gardens. A paved path will take pedestrians from Kentish Way and the Pavilion to the entrance to The Glades.

- in terms of the quantum of development an indicative figure of 1000 sqm is given in the development guidance. The floorspace of the proposed new external buildings amounts to 1354 sqm which exceeds this advice. The applicant has advised that the quantum of development proposed will provide a critical mass of restaurant space to ensure viability and long term success. It is considered that the introduction of additional commercial uses complements policies that seek to improve the commercial offer within the town centre. On balance it is considered that the additional floorspace proposed will not have a significantly detrimental effect on the conservation area or the Gardens.
- the provision of additional restaurant units complies with UDP Policy S3 in that it does not reduce the number of Class A1 uses and therefore does not adversely affect the centre's primary retail function.
- objections to this application have referred to the loss of the terrace as it provides replacement space resulting from that lost during the construction of The Glades. However the BTCAAP envisaged significant development in the Gardens. The transference of development from the eastern wall of the Glades to the terrace and the provision of additional green space alongside this elevation results in no loss of green space. Therefore the replacement green space has not been lost but it has been relocated.

In summary, for reasons set out above, Members may consider that, on balance, the proposed restaurants will provide an active link between the Queens Gardens and The Glades, which is currently lacking, and ensure that the Gardens are more accessible from the High Street as a result of the proposed wayfinding strategy.

Impact on Bromley Town Centre Conservation Area

The application site lies partially within the Bromley Town Centre Conservation Area. The terrace area is not included in the designated Conservation Area.

Planning policy, through national, regional and local legislation and guidance requires that special attention be paid to the desirability of preserving and enhancing the character or appearance of the conservation area. Policies in the most up to date local plan, the BTCAAP, and the Bromley Town Centre Conservation Area Appraisal identify the Gardens as a quiet enclave close to the town centre, but the BTCAAP also states that it is underused and the surrounding built environment does not encourage active use of the space.

It is necessary to consider whether the current proposal will ensure that these aspirations for the Gardens can be met.

With regard to the impact on the appearance of the conservation area there are various factors to take into account.

The BTCAAP sets out proposals for development within part of the Gardens that is within the conservation area amounting to 1000sqm. This has already established

that development within the Gardens and conservation area is acceptable, in principle. This development was envisaged around the edge of the park close to the eastern wall of the Glades and across part of the lower terrace. In this respect it is considered that the development reflects the location and quantum of development envisaged for the conservation area.

In terms of size and scale the current scheme proposes one larger and one smaller single storey building within the Gardens which are set against the much larger Glades building that forms the boundary on 2 sides of this part of the conservation area. In this context the single storey building will be subservient to The Glades structure and it is considered that the new building will not add significant or detrimental bulk to these buildings.

In terms of design the applicants state in their supporting documents that the buildings have been designed to provide a 'pavilion style' appearance and the use of glass and timber materials will give the appearance of a lighter weight structure so as not to compete with the traditional and imposing design of The Glades. It is considered that this design is a suitable approach to extending the Glades within this 'park' setting.

With regard to the views of the proposed building these will be primarily from the north, across the Gardens, from Kentish Way and from the upper walkway that leads from the civic centre car park to The Glades.

The views from the north will be partly screened by the trees in the park and, even in the winter, this will break up the appearance of the building. It is acknowledged that the building will encroach further into the Gardens than at present. From Kentish Way the extension will be clearly visible outside the site.

In both of these instances the proposed building will be read within the overall context of the taller Glades buildings.

As to the views from the upper walkway, to mitigate the impact and soften the appearance of the roof of the proposed building the applicant will provide a semi-intensive green roof immediately adjacent to the existing walkway. To screen the plant and equipment that is necessary to service the restaurants, a timber 'hit and miss' screen is proposed that will be approximately 1.2m high.

Taking into account the setting of the proposed building against the much taller Glades, the softening effect of the trees within the Gardens and the measures to minimise the visual appearance of the roof of the structure, it is considered that the proposal will not have a detrimental effect on the appearance of the conservation area.

In terms of the character of the conservation area there are a number of factors to take into account.

The proposal will change the nature of the park by introducing a more active frontage as sought by the BTCAAP. It was recognised by the Inspector at the BTCAAP examination in public that the Gardens would benefit from the

introduction of active frontages in the park. To this extent the BTCAAP accepts that the character of the Gardens will change and ensure that the gardens relate more positively to the Glades and provide a more interactive environment.

In addition the Bromley Town Centre Conservation Area Statement envisages a 'quiet landscaped enclave.' There will be parts of the park where visitors can sit and enjoy a quieter setting, particularly on the northern and eastern boundaries. These are not part of the main thoroughfare of the Gardens and will be set away from the restaurants. It may be appropriate to consider the provision of additional benches in this area to increase the opportunity to enjoy this part of the Gardens.

Therefore, it is considered that the proposed restaurants will increase activity but areas of the Gardens will remain where visitors can enjoy a quieter more tranquil experience. In policy terms it is considered that this is the overall objective for Queens Gardens and as such the character of the Gardens will not be significantly changed and the development will preserve and enhance the character of this part of the conservation area.

In summary and for the reasons set out above, Members may consider that, on balance, the proposed development will preserve the character of this part of conservation area and introduce activities that will enhance the conservation area in line with adopted local and national policies.

Relocation of the listed gate and railings – application 11/03467/LBC

To facilitate this development it will be necessary to relocate a set of listed gates and railings currently positioned at the entrance to the Italianate garden area. The proposed location will be inside the vehicular entrance from Kentish Way straddling the existing footpath. In order to maintain the existing pedestrian right of way across the Gardens the gates will be kept permanently open. It is considered that the proposed location is acceptable and will ensure that the gates and railings continue to provide a positive contribution to the Queens Gardens.

Landscaping and Trees

- no large trees are to be removed. Three smaller trees are to be removed from the planted beds and replacement trees will be planted elsewhere in the Gardens.
- land levels along the boundary between the paved pedestrian route and the edge of the Gardens will need to be increased between the trees. The Council's Arboricultural Advisor expresses some concern about the impact on the beech tree and has recommended that great care during works will need to be taken to ensure the long term survival of all of the trees. Relevant conditions are recommended to protect the trees during construction. Other landscaping work includes realignment of the footpath around the relocated gates and railings. There will not be any further substantive changes to the layout of the Gardens in order to retain the existing historic landscape that exists.
- new benches will be provided within the Gardens to replace those lost from the Italianate garden. The exact location has not been finalised and these

works will be included in a S106 legal agreement to secure their implementation.

- it is proposed that the dinosaurs structures in the Italianate Garden will be relocated to Crystal Palace Park.
- a lighting strategy is proposed to provide lighting for the new building and the key routes within Queens Gardens. This is to ensure the provision of safe pedestrian routes through the Gardens after dark. The strategy and subsequent implementation will be secured through a S106 legal agreement.
- as previously mentioned the applicant has agreed a £20,000 contribution towards the preparation of a wayfinding strategy to ensure the integration of the Queens Gardens into the rest of the town centre. It is intended that, as other town centre sites come forward for development, similar contributions will be sought from relevant applicants.

Renewable Energy

The applicants have submitted an energy statement that recommends the provision of photovoltaic panels to meet the requirements of the London Plan for renewable energy provision on the site. As there is limited space on the site to place these panels it has been suggested that they could be provided on the roof of The Glades. As this building is within the ownership of the applicant and is included within the 'blue line' submitted with the application it is considered acceptable that this course of action is explored. Such works will be subject to a separate application which will be considered on its own merits in terms of the impact on the host building and the conservation area.

In overall conclusion, taking into account all of the supporting statements from the applicant, objections for residents, residents groups and APCA, statutory requirements and policy guidance and all other material considerations it is considered that the proposed development is acceptable and will not have a significantly detrimental effect on the character and appearance of the host building or the surrounding area and will preserve and enhance the character and appearance of the conservation area.

Background papers referred to during the production of this report comprise all correspondence on files ref: 11/03466 and 11/03467/LBC, excluding exempt information.

as amended by documents received on 06.12.2011 23.01.2012

RECOMMENDATION: PERMISSION BE GRANTED (SUBJECT TO THE PRIOR COMPLETION OF A SECTION 106 AGREEMENT relating to a contribution of £20,000 towards a wayfinding strategy, a lighting strategy and lighting implementation plan, relocation of the dinosaur structures to Crystal Palace Park and location of replacement and additional benches within the Gardens)

and the following conditions:

- 1 ACA01 Commencement of development within 3 yrs
 ACA01R A01 Reason 3 years
- 2 ACA04 Landscaping Scheme - full app no details
 ACA04R Reason A04
- 3 ACB18 Trees-Arboricultural Method Statement
 ACB18R Reason B18
- 4 ACB19 Trees - App'ment of Arboricultural Super
 ACB19R Reason B19
- 5 ACC01 Satisfactory materials (ext'n'l surfaces)
 ACC01R Reason C01
- 6 Details of the design and materials for the rooftop enclosures shall be submitted to and approved in writing by the Local Planning Authority before any work is commenced. The enclosures shall be erected prior to the installation of any plant or equipment, maintained to a high standard at all times and retained permanently thereafter.
 ACC01R Reason C01
- 7 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), air source heat system, extract system and any other plant of equipment on the roof of the buildings shown on approved plan 3366/AP(04)1503/P05, 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 therefore be permanently retained in an efficient manner.
- Reason:** In order to comply with Policies S9 and ER9 of the Unitary Development Plan and in the interest of the visual and residential amenities of the area.
- 8 Prior to the commencement of the development hereby permitted a survey of the condition of the Queens Gardens shall be submitted and agreed by the Local Planning Authority and any damage caused to the Gardens during the construction phase of the development will be reinstated to a standard at least commensurate with its original condition prior to the commencement of the development.
- Reason:** In order to comply with Policy BE1 of the Unitary Development Plan and in the interests of the visual appearance of the Gardens and this part of the Bromley Town Centre Conservation Area.
- 9 Prior to the commencement of development details shall be submitted of measures to ensure access to the Queens Gardens at all times during the construction period shall be submitted to and approved by the Local Planning Authority. The approved measures shall be implemented and retained throughout the construction period.
- Reason:** To comply with Policy BE1 and to ensure the use of the Gardens is maintained, uninterrupted throughout the construction period.
- 10 ACH29 Construction Management Plan
 ACH29R Reason H29
- 11 Prior to the commencement of development hereby permitted details of the volume and source of the material to be imported to the site to raise the level of the lower terrace, together with details relating to delivery of these

materials shall be submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure safe and convenient deliveries that minimise disruption to users of the Queens Gardens and to comply with Policy BE1 of the Unitary Development Plan.

12 ACK08 Archaeological access

ACK08R K08 reason

13 The premises shall be used for A3 use only for units A3-1, A3-2, A-3, A3-4 and A3-5, as shown on plan 3366/AP(04)1502/P05 and for no other purpose (including any other purpose in Class A3 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 order to comply with Policy BE1 of the Unitary Development Plan and to protect the amenity of users of the Queens Gardens and accord with the terms of the planning application.

14 The premises shall be used for A1, A3, and/or A5 uses only for unit K-1, as shown on plan 3366/AP(04)1502/P05. and for no other purpose (including any other purpose in Class A1, A3 and A5 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 order to comply with Policy BE1 of the Unitary Development Plan and to protect the amenity of users of the Queens Gardens and accord with the terms of the planning application.

15 Prior to the commencement of the use of any of the units hereby approved, the relocation of the listed gates and railings (with associated landscaping) shall be carried out in accordance with the approved plans, and permanently retained thereafter.

Reason: To ensure the retention of the listed gates, railings and landscaping within the Queens Gardens and to comply with Policy B8 of the Unitary Development Plan.

16 The gates of the listed gates and shall be permanently fixed in the open position and retained as such thereafter.

Reason: To ensure the retention of the listed gates, railings and landscaping within the Queens Gardens and to comply with Policy B8 of the Unitary Development Plan.

17 Prior to the first occupation of any of the units hereby permitted details of proposed screening of outside seating areas shall be submitted to, and approved in writing by, the Local Planning Authority.

ACA04R Reason A04

18 Before any works on site are commenced, an updated site-wide energy strategy shall be submitted to and approved in writing by the Local Planning Authority. The strategy shall include measures setting out how the development will achieve an agreed reduction in carbon dioxide emissions of 25% better than Building Regulations. This should also include a 20% reduction from on-site renewable energy generation. The strategy shall also include detailed layout, elevations, technical specification of the equipment, details of schemes to provide noise insulation and silencing for and filtration and purification to control odour, fumes and soot emissions of any

equipment as appropriate and a phasing plan for implementation. The results of this strategy shall be incorporated into the final design of the buildings and shall be retained thereafter in operational working order.

Reason: In order to seek to achieve compliance with the Mayor of London's Energy Strategy and to comply with Policy 5.2 and 5.7 of the London Plan 2011.

Reasons for permission:

In granting permission the Local Planning Authority had regard to the following policies of the Unitary Development Plan and Bromley Town Centre Area Action Plan

UDP Policies

BE1 Design of New Development
BE11 Conservation Areas
BE8 Listed Buildings
BE9 Demolition of Listed Building
G8 Urban Open Space
T3 Parking
NE7 Development and Trees
S3 The Glades

Bromley Town Centre Area Action Plan policies:

Policy for Opportunity Site M (OSM)
Appendix 4: Development Principles for OSM (page 148)
Appendix 5: Design Principles for OSM (page 170 and 171)
Policy for Opportunity Site E (OSE) – linkage with Site M
Appendix 4: Development Principles for OSE (page 158)
Appendix 5: Design Principles for OSE (page 145)
BTC 17 Design Quality
BTC 18 Public Realm

Reasons for granting permission:

- (a) the appearance of the development in the street scene
- (b) the relationship of the development to adjacent property
- (c) the character of the development in the surrounding areas
- (d) the safety and security of buildings and spaces around them
- (e) sustainability issues
- (f) the shopping policies of the development plan
- (g) the archaeology policies of the development plan
- (h) the open space policies of the development plan
- (i) the conservation policies of the development plan
- (j) the setting, character and appearance of the listed building
- (k) the relationship of the development to trees to be retained
- (l) the preservation or enhancement of the conservation area

and having regard to all other matters raised.

INFORMATIVE(S)

- 1 The development of this site is likely to damage archaeological remains. The applicant should therefore submit detailed proposals in the form of an archaeological project design. The design should be in accordance with appropriate English Heritage guidelines.
- 2 You are advised of the need to safeguard pedestrians using the registered public footpaths within the Queens Gardens at all times throughout the duration of the works and that the footpaths must not be damaged or obstructed either during, or as a result of, the development.

Application:11/03466/FULL1

Address: Queens Gardens Kentish Way Bromley

Proposal: Single storey buildings and reconfiguration/ change of use of part of shopping centre to provide 5 restaurants (Class A3), 1 kiosk unit (Class A1, A3 or A5) electricity substation; repositioned entrance to shopping centre and area for plant on roof, with landscaping works and

