

Application No : 12/01339/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), electricity substation, repositioned entrance to shopping centre and area for tenant plant on roof, with landscaping works and relocation of gates and railings

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

Tree Preservation Order

Joint report with application ref. 12/01340

Proposal

On February 14th 2012, planning permission was refused for 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 are of plant on roofs, with landscaping works and relocation of gates and railings (ref. 11/03466) on the following grounds:

The proposal will be an over intensive development of the site, detrimental to the character and appearance of the Bromley Town Centre Conservation Area by reason of its size, site coverage, design and the loss of openness and public amenity to Queens Gardens contrary to Policy BE11 of the Unitary Development Plan, Policy OSM of the Bromley Town Centre Area Action Plan and the Conservation Area Statement

The current application seeks to address the grounds of refusal.

The key changes to the previous scheme are:

- reduction in overall floorspace of 7.5%

- reduction in depth of the overall development of 3m (10%)
- reduction in overall height of 0.4m
- omission of 6th unit previously proposed inside The Glades
- reconfiguration of A1 unit inside The Glades to alter access to The Glades
- creation of an additional amenity space between the restaurant extension and the Queens Gardens
- addition of new planters and benches in the Gardens
- additional building materials proposed including the use of brick

To improve access to the restaurants from the High Street the applicant has advised that the operational hours for the use of the southern entrance from The Glades to the High Street will be extended to those currently operating for the access from the Gardens to Market Square.

Therefore planning permission is currently 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 1,304 sqm of additional floorspace is proposed, of which 1,289 sqm is external to The Glades. The remaining 15sqm forms part of Unit 5 where it extends inside The Glades. Unit 64 of The Glades will be reduced in size by 24 sqm to provide amended pedestrian access to the main shopping area. The existing entrance of the Glades will remain in the same position but will be angled and reduced in width to 2 sets of double doors.
- The larger building will extend between 7.5m and 29m from the edge of the existing covered walkway with a 1.5m canopy beyond and provide 4 restaurants ranging from 208 sqm to 315 sqm in size. The structure will be approximately 4.4m high to the top of the projecting canopy. The existing covered walkway adjacent to the Pavilion will be closed to public use and will provide the servicing area for the proposed units.
- The smaller building will be the same height as the larger building and extend approximately 11.4m from the eastern wall and provide a restaurant of 158 sqm and a substation area of 17.5sqm.
- Both buildings will be constructed predominantly in glass with part brick/part 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 granite paved area, part of which will be used for external seating for the restaurants (approx 1.5m deep) and the remainder (between approx 3.5m and 5.5m deep) will provide a walkway between Kentish Way and The Glades and The Pavilion. It is anticipated that the external seating area will be clearly demarcated by a lightweight, fixed barrier. .
- The roof of 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.

- A new seating and planting area will be provided between the elevated walkway to the larger restaurants and the Queen's Gardens with access from the walkway. This will accommodate 6 benches and have direct access to the Gardens. This area can be provided as a result of the reduction in depth of the proposed building.
- The proposed structures will be built at the higher level of the terrace so some releveling work will need to be undertaken in the Garden to provide access from the path leading into the Glades and the Garden. New steps will be provided to give access from the walkway to the maze. The existing steps from Kentish Way to the terrace level will remain.
- A beam will be provided between the proposed building and the Pavilion that would incorporate a open grill shutter to enclose the 'cut back' area. This will be used once the restaurants have closed.
- 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 which will 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.

In addition it should be noted that the Council is currently dealing with an application to register the Glades Terrace and the Italianate Garden as a town green. The application is submitted under section 15(2) of the Commons Act 2006. The consultation period for comments closes on 7 June following which the Council will serve copies of any objections on the applicant and allow it a reasonable time to respond. At the end of that period the Council will instruct an independent expert to investigate the application and the objections and to report generally on the application before a final determination is made. This application does not hinder the determination of the planning application currently before Members since the outcome of the town green application will merely affect the implementation of any planning permission that may be granted.

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, 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 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 press and site notice have been placed. Numerous letters objecting to the original proposal were received and these objections are repeated below as many of the letters relating to the current proposal reiterate their previous comments previously made. Additional comments received are summarised below, including comments from the Bromley Green Party, Cudham Residents Association and Blackness Lane Residents Association, as follows:

- the reduction in height and depth is not materially different to the previous scheme and is not sufficient to overcome the reasons for refusal. The proposal is still unacceptable for all of the reasons set out below and do not overcome the previous reasons for refusal.
- a bandstand would be a better addition to the Gardens than the restaurants.
- the Statement of Community Involvement is selective and does not capture the views of enough local people.
- increased parking pressure on local streets, especially in the evenings together with noise and disturbance from customers returning to their cars.
- The Gardens were the focal point of the recent Queen's visit and should be kept as they are to provide a key civic amenity for the future.
- the relocation of the gates and railings would not preserve or enhance the Queens Gardens. Located closer to Kentish Way, they would be more vulnerable to vandals.
- the officer report on the previous application is misleading in stating that the principle of development has been established in the Gardens and conservation area.
- the proposal is contrary to National Planning Policy Framework policies that seek to achieve sustainable development, promote healthy living and conserve and enhance the historic environment.
- the proposed development breaches a covenant restricting development within The Glades

- the gates may be vulnerable to damage from vehicles.
- conflict of interest as the Council has a commercial interest in the site

Bromley MyTime do not object to the principle of development but objection to the current application as follows; the impact on The Pavilion in terms of loss of sunlight and sunlight has not been addressed by the applicant, loss of prominence and direct access to The Pavilion from The Glades and encroachment on the main entrance to the leisure centre.

In respect of these concerns it should be noted that the applicant has advised that discussions regarding signage to The Pavilion and screening of the service corridor have been initiated.

One letter of support for the proposal has also been received.

Repeated comments from previous application

In addition to comments from individuals, 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.

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 2011 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

The National Planning Policy Framework (NPPF), which was published on March 12th 2012 provides national planning guidance and replaces previous Planning Policy Statements.

For the purposes of this application it is considered that the UDP and London Plan policies are a material consideration and, in this respect, it is considered that the relevant policies do not conflict with policy guidance in the NPPF.

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

Planning permission was refused for single storey buildings and reconfiguration/change of use of part of shopping centre to provide 5 restaurants (Class A£), 1 kiosk unit (Class A1, A3 or A5), electricity substation; repositioned entrance to shopping centre and are of plant on roofs, with landscaping works and relocation of gates and railings on February 20th 2012 (ref.11/03466)

Listed Building Consent was refused for the relocation of gates and railings on February 20th 2012 (ref. 11/03467/LBC)

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

As previously stated the current application has been submitted to address the reason for refusal for a previous application for a similar scheme (ref 11/03466), which is:

The proposal will be an over intensive development of the site, detrimental to the character and appearance of the Bromley Town Centre Conservation Area by reason of its size, site coverage, design and the loss of openness and public amenity to Queens Gardens contrary to Policy BE11 of the

Unitary Development Plan, Policy OSM of the Bromley Town Centre Area Action Plan and the Conservation Area Statement.

The report previously submitted to development Control Committee on February 14th 2012 (ref 11/03466) is repeated below and amended to consider the current scheme.

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 revised 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 has 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 current 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, brick 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 1289sqm (reduced from 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.

It is considered that the proposal to provide extended pedestrian access through The Glades from the southern entrance to the restaurant entrance will provide improved permeability between the Gardens and the High Street during the evenings and is a positive contribution. The applicant is agreeable to including this provision within the s106 agreement. It is likely that the opening hours will be the same as those in operation for the access between the Gardens but details of this aspect will be negotiated as part of the s106.

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. It has already been established that development within the Gardens and conservation area is acceptable, in principle, subject to the consideration of the detailed scheme submitted with this application. 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, design and site coverage the revised scheme continues to propose one larger and one smaller single storey building within the Gardens. These 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. However the depth and height of the buildings have been reduced by 3m and 0.4m respectively.

The buildings are designed to provide a 'pavilion style' appearance and the use of glass, brick 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 reduction in height and depth of the buildings, the introduction of brick to the range of materials proposed, the softening effect of the trees within the Gardens and the measures to minimise the visual appearance of the roof of the

structure, Members may consider that the revised 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.

In terms of the impact on openness and public amenity of the revised development, the reduction in depth of the proposed buildings is welcomed as this will reduce the impact of the building within the overall Gardens area. In addition this will enable the provision of an amenity area with planting and benches to the north of the proposed restaurant complex. This area will provide a seating area to replace the existing area around the Italianate garden. It is accepted that the character of the new area will be different to the existing area but in conjunction with additional benches elsewhere in the Gardens it is considered that, overall, this is a positive contribution to the area.

Furthermore 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 12/01340/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.
- 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 the revisions to the size and height of original building, the introduction of the new 'lower level' walkway, 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 refs. 12/01339 and 12/01340, excluding exempt information.

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, location of replacement additional benches within the Gardens and extended opening hours for the southern entrance between The Glades and the High Street)

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 or 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 thereafter be permanently retained in an efficient working 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 At any time the noise level from the proposed plant in terms of dB(A) shall be 5 decibels below the relevant minimum background noise level (LA90 15mins) measured at the nearest noise-sensitive location. If the plant has a distinctive tonal or intermittent nature the predicted noise level of the plant shall be increased by a further 5dBA. (Thus if the predicted noise level is

40dB(A) from the plant alone, and, the plant has a tonal nature, the 40dB(A) shall be increased to 45dB(A) for comparison with the background level. Also the L90 spectra can be used to help determine whether the plant will be perceived as tonal.)

- 9 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.

- 10 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.

- 11 ACH29 Construction Management Plan
ACH29R Reason H29

- 12 ACH27 Arrangements for construction period
ACH27R Reason H27

- 13 Prior to the commencement of the development hereby permitted a Service and Delivery Plan shall be submitted to and approved in writing by the LPA. The Plan shall include details of the delivery requirements resulting from the permitted development and identify their impact, if any, on the existing delivery arrangements/capacity for The Glades shopping centre. The agreed Plan shall be implemented immediately following the first occupation of the approved units and in accordance with the agreed details.

ACH25R Reason H25

- 14 ACI21 Secured By Design
ACI21R I21 reason

- 15 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.

- 16 ACK08 Archaeological access
ACK08R K08 reason

- 17 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.

18 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.

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

Reason: To ensure permanent and uninterrupted access along the right of way across the Queens Gardens in accordance with Policy L2 of the UDP.

20 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

21 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.

22 Details of the method of enclosing the 'cut back' area adjacent to the entrance to The Pavilion and the service corridor shall be submitted to and approved in writing by the Local Planning Authority and the approved scheme shall be implemented prior to the first occupation of any of the restaurant units.

Reason: To ensure that this area can be secured outside the hours of operation of the restaurant in accordance with Policy BE1 of the Unitary Development Plan.

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

The development is considered to be satisfactory in relation to the following:

- (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.
- 3 Before the use commences, the Applicant is advised to contact the Pollution Team of Environmental Health & Trading Standards regarding compliance with the Control of Pollution Act 1974 and/or the Environmental Protection

Act 1990. The Applicant should also ensure compliance with the Control of Pollution and Noise from Demolition and Construction Sites Code of Practice 2008 which is available on the Bromley web site.

If during the works on site any suspected contamination is encountered, Environmental Health should be contacted immediately. The contamination shall be fully assessed and an appropriate remediation scheme submitted to the Local Authority for approval in writing.

4 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 Water pipes. The developer should take account of this minimum pressure in the design of the proposed development.

5 You are advised that this application may be liable for the payment of the Mayoral Community Infrastructure Levy under the Community Infrastructure Levy Regulations (2010) and the Planning Act 2008. The London Borough of Bromley is the Collecting Authority for the Mayor and this Levy is payable on the commencement of development (defined in Part 2, para 7 of the Community Infrastructure Levy Regulations (2010)). It is the responsibility of the owner and /or person(s) who have a material interest in the relevant land to pay the Levy (defined under Part 2, para 4(2) of the Community Infrastructure Levy Regulations (2010)).

If you fail to follow the payment procedure, the collecting authority may impose surcharges on this liability, take enforcement action, serve a stop notice to prohibit further development on the site and/or take action to recover the debt.

Further information about Community Infrastructure Levy can be found on attached information note and the Bromley website www.bromley.gov.uk/CIL