

Report No.
DRR/071

London Borough of Bromley

PART ONE - PUBLIC

Decision Maker: **Renewal and Recreation PDS Committee**

Date: **11 June 2013**

Decision Type: Non-Urgent Non-Executive Non-Key

Title: **QUEENS GARDENS APPEAL – UPDATE ON PROGRESS OF THE PUBLIC INQUIRY**

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Chief Officer: Jim Kehoe, Chief Planner

Ward: Bromley Town

1. Reason for report

This report provides an update on the progress of the appeals against the refusal of planning permission and Listed Building Consent respectively for restaurant development at Queens Gardens (ref 12/01339 and 12/01340/LBC).

2. **RECOMMENDATION(S)**

Members are asked to note the report.

Corporate Policy

1. Policy Status: Existing Policy:
 2. BBB Priority: Quality Environment Safer Bromley Vibrant, Thriving Town Centres:
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Financial

1. Cost of proposal: Not Applicable:
 2. Ongoing costs: Not Applicable:
 3. Budget head/performance centre: Planning – Development Control
 4. Total current budget for this head: £780k
 5. Source of funding: Existing Revenue Budget 2013/14
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Staff

1. Number of staff (current and additional): ongoing case officer time, existing staff
 2. If from existing staff resources, number of staff hours: from existing resources, from this stage 4 hours
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Legal

1. Legal Requirement: Statutory Requirement: Determination of planning applications and applications for listed building consent are a statutory requirement
 2. Call-in: Not Applicable: This report does not involve an executive decision
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Customer Impact

1. Estimated number of users/beneficiaries (current and projected): All users of Queens Garden
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Ward Councillor Views

1. Have Ward Councillors been asked for comments? No
2. Summary of Ward Councillors comments:

3. COMMENTARY

3.1 Planning permission was refused for the following development on the southern boundary of Queens Gardens on July 2nd 2012:

‘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.’

The reason for refusal is as follows:

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, the loss of openness and public amenity to Queens Gardens, and be detrimental to the amenities of residential properties in the vicinity of Queens Gardens, by reason of increased evening activity resulting in noise and disturbance, contrary to Policies BE1 and BE11 of the Unitary Development Plan, Policy OSM of the Bromley Town Centre Area Action Plan and the Conservation Area Statement.

3.2 Listed Building Consent was refused for the following associated development on July 2nd 2012:

‘Relocation of gates and railings’

The reason for refusal is as follows:

The relocation of the gates and railings would be premature in the absence of any planning permission for development on their existing site.

3.3 In respect of Appeal A, the appellants’ agent submitted a letter dated 10th December 2012, attached as Appendix 3 of the Council’s pre-inquiry statement, in which they invited the Council to reconsider the following part of the ground of refusal:

“and be detrimental to the amenity of residential properties in the vicinity of Queens Gardens, by reason of increased evening activity resulting in noise and disturbance”

3.4 The Council’s Development Control Committee considered the matter on 28th February 2013 and decided to accept the appellants’ invitation to reconsider that part of the ground of refusal set out in paragraph 3.3 above.

3.5 A three day public inquiry was held to consider the appellants appeal against the Council’s reasons for refusal on May 1st, 2nd and 3rd 2013.

3.6 The decision has not been received and it is estimated that it may be received from the Planning Inspectorate in June/July 2013.

3.7 Members may wish to note that a claim for costs against the Council was not submitted at the Inquiry.

3.8 Further information will be forwarded to Members on receipt of the decision from the Planning Inspectorate.

4. POLICY IMPLICATIONS

The development plan for Bromley is the Unitary development Plan 2006 and planning applications are determined in accordance with policies in the plan and other material considerations.

5. FINANCIAL IMPLICATIONS

None

6. LEGAL IMPLICATIONS

None

7. PERSONNEL IMPLICATIONS

None

Non-Applicable Sections:	Financial, Legal and Personnel
Background Documents: (Access via Contact Officer)	Planning application 12/01339 Listed Building Consent application 12/01340 Associated appeal documents