

Section '3' – Applications recommended for PERMISSION, APPROVAL or CONSENT

Application No : 17/03758/FULL1

Ward:
Bromley Town

Address : Empire Cinemas, High Street,
Bromley BR1 1PQ

OS Grid Ref: E: 540042 N: 169403

Applicant : Adam Barylak

Objections : YES

Description of Development:

Extensions and re-modelling of the building to provide two new auditorium rooms and change of use of office at rear of site to form café in connection with existing cinema use.

Key designations:

Conservation Area: Bromley Town Centre
Areas of Archeological Significance
Biggin Hill Safeguarding Area
Bromley Town Centre Area
London City Airport Safeguarding
Smoke Control SCA 3

Proposal

The proposal is for the construction of a roof extension to the front section of the building to provide an additional auditorium room for the existing cinema. Towards the rear of the site, the existing Odeon Call Centre office building will be used as a café in connection with the main cinema use at the site. This will include a partial demolition and rebuild, including an additional storey for a further auditorium. A small single storey link will be erected to join the café to the main cinema building.

Elevation alterations are also proposed, including the renovation of parts of the building including the front façade. At the rear of the site, the existing wall and mural adjoining the footpath will be removed and replaced as part of the café and redevelopment of the rear part of the site.

The application is submitted accompanied by a Planning and Heritage Statement, an Energy Statement, an Acoustic Report, a Construction Management Plan and a Design and Access Statement.

Location

The application site is on the western side of the High Street and forms a three storey cinema building fronting the High Street, with additional cinema building to the rear of the site adjacent to Harmony Way. The building is Locally Listed and falls within the Bromley Town Centre Conservation Area. The site is located within Bromley Town Centre location.

Comments from Local Residents

Nearby owners/occupiers were notified of the application and representations received are summarised as follows:

- This is one of the most exciting planning applications for the town centre in recent years. It is great that such a high quality brand Cineworld are so keen to invest in the town. This is a once in a lifetime opportunity for the town.
- So much of the original design of the building has been researched. Lots of the features will be restored. The cinema will bring back some of the romance and decadence of the original venue. This is lost in many modern multiplex cinemas. If the new cinema looks anything like the original 1936 photos it will be unlike anything in the area and will become a much loved centrepiece to the Bromley Conservation Area.
- The cinema is already much loved by the local community and the plans will only make the community fall in love with it even more.
- There is a need for the 2 additional auditoria as film availability currently is very limited due to only 4 auditoria.
- The new bar and restaurant will again revive some of the past glamour, romance and decadence or going to the cinema. The restaurant will be very convenient for families during the popular daytime viewings but also a real boost for Bromley's night time economy.
- This is an extremely exciting application and a great opportunity for Bromley not to be missed.
- General support received as the proposal will restore a historic building and add a much-needed facility to the High Street.
- The proposal would offer an alternative cinema experience and enhance this end of the High Street.
- Noise and disturbance from cinema and café should not disturb occupants of the flats adjacent to the site and measures should be taken to ensure that this is the case.

Comments from Consultees

Highways – all customers travelling on cars will be using existing car parking facilities with Bromley Town Centre others will use public transport so no objections are raised.

Conservation Officer – The Odeon cinema dates from the 1930s and is in the art deco style. The proposal to restore and upgrade it represents a strong public benefit to Bromley and will hopefully secure the original use for future years. The restoration of the front parapet features and the overall tidy up is much needed as the building currently looks rather bereft, and this is particularly welcomed. The roof void will become an extra screen and whilst this entails some roof height increase this would not be harmful and it would only be visible from some very oblique and longer range angles. The extension to the rear will necessitate partial demolition of the boundary wall so some of the zoo mural would go too. By their nature murals are not generally permanent in any event. Whilst not listed, any harm caused by its removal would certainly be outweighed by the benefits of the scheme.

Advisory Panel for Conservation Areas (APCA) did not inspect the application.

Drainage – no comments made.

Environmental Health (Pollution) – there are some reservations raised regarding the performance of the boundary walls, particularly that adjoining St James’ Court, however no principle objections are raised.

Historic England – the development is unlikely to impact on heritage assets of archaeological interest.

Bromley Town Centre Team – no objections raised.

Arboricultural Officer - It would appear that some trees affected are located outside the boundaries of the conservation area and outside the confines of the application site. The trees are positioned adjacent to a public footpath and are therefore seen as a positive feature of this part of the Town Centre. Previous reduction works have taken place and are considered necessary in terms of future maintenance. As the reconstruction of the boundary wall is being proposed as part of this application, it is necessary to address the impact upon these trees. Should planning permission be granted, a condition is recommended to secure non-invasive construction techniques via an Arboricultural Method Statement.

Bromley Civic Society – no comments received.

Bromley North Traders’ Association – no comments received.

Planning Considerations

The National Planning Policy Framework (2012)

London Plan Policies (2016):

2.15	Town Centres
4.2	Offices
4.6	Support for and Enhancement of Arts, Culture, Sports and Entertainment
4.7	Retail and Town Centre Development
5.1	Climate Change Mitigation
5.2	Minimising Carbon Dioxide Emissions
5.3	Sustainable Design and Construction
5.7	Renewable Energy
5.13	Sustainable Drainage
5.14	Water Quality and Wastewater Infrastructure
5.15	Water Use and Supplies
5.16	Waste Self-Sufficiency
5.17	Waste Capacity
5.18	Construction, Excavation and Demolition Waste
6.3	Assessing Effects of Development on Transport Capacity
6.9	Cycling
6.13	Parking
7.2	An Inclusive Environment
7.3	Designing Out Crime
7.4	Local Character
7.6	Architecture
7.8	Heritage Assets and Archaeology
8.3	Community Infrastructure Levy

The most relevant Unitary Development Plan policies are as follows:

BE1	Design of New Development
BE10	Locally Listed Buildings
BE11	Conservation Areas
EMP3	Office Development
EMP5	Development Outside Business Areas
T1	Transport Demand
T2	Assessment of Transport Effects
T3	Parking
T5	Access for People with Restricted Mobility
T6	Pedestrians
T7	Cyclists
T18	Road Safety
S6	Retail and Leisure Development
S9	Food and Drink Premises
S10	Non-Retail Uses in Shopping Areas

Emerging Bromley Local Plan

The Council is preparing a Local Plan. The submission of the Draft Local Plan was made to Secretary of State on 11th August 2017. These documents are a material consideration. The weight attached to the draft policies increases as the Local Plan process advances.

The most relevant Emerging Local Plan policies are as follows:

Draft Policy 30	–	Parking
Draft Policy 31	–	Relieving Congestion
Draft Policy 32	–	Road Safety
Draft Policy 33	–	Access For All
Draft Policy 37	–	General Design of Development
Draft Policy 39	–	Locally Listed Buildings
Draft Policy 41	–	Conservation Areas
Draft Policy 80	–	Strategic Economic Growth
Draft Policy 83	–	Non-Designated Employment Land
Draft Policy 90	–	Bromley Town Centre Opportunity Area
Draft Policy 91	–	Proposals for Main Town Centre Uses
Draft Policy 112	–	Planning for Sustainable Waste Management
Draft Policy 116	–	Sustainable Urban Drainage Systems
Draft Policy 119	–	Noise Pollution

Supplementary Planning Guidance

Supplementary Planning Guidance 1 - General Design Principles

Supplementary Planning Guidance for the Bromley Town Centre Conservation Area

Bromley Town Centre Area Action Plan (AAP)

Planning History

Planning permission was granted under ref. 00/02117 for alterations to front elevation.

Planning permission was granted under ref. 96/01924 for a side and rear extension to provide four additional auditoria.

Conclusions

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

- The impact on the character of the Bromley Town Centre Conservation Area and the character of the Locally Listed Building
- The proposed café use and loss of office space (Class B1)
- Impact on adjoining properties
- Impact on parking and highway safety

Principle of Development

The site lies within a Town Centre location and forms a long-established cinema use. The proposal seeks to improve, renovate and expand this existing use and it is considered that such a proposal should be generally encouraged by the Council as a suitable use within the High Street. The proposal would generate activity and business to the Town Centre that would increase footfall and enhance the vitality and commercial viability of this part of the northern end of Bromley.

Impact on the Conservation Area and Locally Listed Building

Buildings deemed to be of local or historical interest are included on the Council's Local List as they contribute to the townscape or character of the Borough and the Council deems these buildings worthy of protection. The Council will encourage the preservation and conservation of buildings on the Local List. Policy BE10 of the Unitary Development Plan requires proposals to alter, extend or for the change of use of locally listed buildings to be sympathetic to the character, appearance and special local interest of the building; and to respect the setting of the Locally Listed Building.

Policy BE11 of the Unitary Development Plan requires new development to enhance and preserve the character and appearance of Conservation Areas. New development will be expected to respect or complement the layout, scale, form and materials of existing buildings and spaces; and respect and incorporate in the design existing landscape or other features that contribute to the character, appearance or historic value of the area. This policy is consistent with Draft Policy 41 of the Draft Local Plan.

The proposal includes the raising of the front parapet by up to 1.8m, including a sloping roof to accommodate an additional auditorium above the front façade of the building. The bulk of this addition will not be clearly perceived from the High Street and publicly viewable areas of the Conservation Area, with the roof slope angled away from the High Street so that the bulkiest part of the roof will be at the rear. Similarly the raising of the office roof by approximately 1.5m to accommodate a new storey will not impact in terms of visual amenity due to its siting behind the building line addressing the High Street.

From a Conservation perspective the proposal is generally welcomed as it would retain the original use of the locally listed building and hopefully secure its future. The main physical change that would be readily visible is the restoration of the original

façade as the infill of the roof section would have minimal visual impact. From a Conservation perspective, the overall restoration of the building and safeguarding of the building's use into the future is considered to outweigh any harm resulting from the partial loss of the mural and wall to the rear of the site, which is not listed and is considered to carry only a temporary and limited heritage merit.

Café Use and Potential Loss of Office Accommodation

Policy EMP3 of the Unitary Development Plan only permits the conversion of an office to other uses where it can be demonstrated that there is no local shortage of office floor space and there is evidence of long-term vacancy despite marketing of the premises; and where there is no likely loss of employment resulting from the proposal.

Policy EMP5 states that development of business sites outside of designated Business Areas will be permitted provided that:

- (i) the size, configuration, access arrangements or other characteristics make it unsuitable for uses Classes B1, B2 or B8 use, and
- (ii) full and proper marketing of the site confirms the unsuitability and financial non-viability of the site or premises for those uses.

These criteria are reflected in Policy 83 of the Draft Local Plan.

In this case, the unit is vacant and has clearly been so for a number of years. It is also understood that the previous office use was ancillary to the cinema and did not form a separate planning unit. On this basis, it is not considered that the loss of the office use should be opposed and the above policy would not apply. In any case, the building is clearly not viable for future office use without substantial renovation and it is accepted that market testing would be very likely to prove unsuccessful.

The proposed café and bar will be used as part of the cinema, with access via the main building and small link extension. The applicant has confirmed that access to the café will not be available for pedestrians via the side access at the site, as use of this shared vehicle access may be considered undesirable.

The proposed café use, as an ancillary use to the main cinema, is not considered to result in a detrimental impact on the character of the area or the existing cinema use and therefore is considered suitable for the site. The proposed café will include a ventilation system with extract ductwork on the roof, and the appearance of this is considered acceptable. A planning condition can be imposed to prevent the severance of the café/bar to operate separately from the cinema.

Impact on Adjoining Properties

Policy BE1 of the UDP seeks to protect existing residential occupiers from inappropriate development. Issues to consider are the impact of a development proposal upon neighbouring properties by way of overshadowing, loss of light, overbearing impact, overlooking, loss of privacy and general noise and disturbance. This is supported by Policy 7.6 of the London Plan.

The proposed extensions to the building will be located behind an existing façade and flank parapets towards the front of the building and above the existing rear office structure. The additional bulk will not therefore be perceived from any neighbouring

residential or commercial properties. At the rear of the site, the new first floor auditorium will be constructed on top of the café and will not project beyond the rear wall of St James Court. The closest buildings to the north of the site include an empty office building owned by the cinema and another commercial unit fronting the High Street. A similar commercial unit is located to the south of the site and the site is bound by the car park to the rear. The intensification of the use of the site that would result from the proposal would generate a degree of additional noise and disturbance, however this is considered to be suitable and commensurate to a use in a Town Centre location.

It is therefore considered that the proposal would not impact harmfully on amenities and would comply with Policy BE1 of the Unitary Development Plan in this regard.

Highways, Car Parking and Refuse Storage

London Plan and UDP Policies encourage sustainable transport modes whilst recognising the need for appropriate parking provision. Car parking standards within the UDP and London Plan should be used as a basis for assessment. The proposal includes no additional car parking at the site.

The site is located to the south of High Street, Bromley and is part of Bromley Town Centre's Controlled Parking Zone (CPZ). Also there are number of public car parks within walking distance of the proposal. The development is within a high PTAL rate of 6a on a scale of 0 – 6b, where 6b is the most accessible.

All customers travelling on cars will be using existing car parking facilities with Bromley Town Centre others will use public transport so no objections are raised.

Summary

Having had regard to the above it was considered that the proposal would preserve the character and appearance of this part of the Bromley Town Centre Conservation Area and would not impact harmfully on the character of the Locally Listed Building. The provision of the additional auditoriums and café would not impact harmfully in terms of highway safety and would be considered suitable uses for a Town Centre location. It is therefore recommended that Members grant planning permission.

Background papers referred to during production of this report comprise all correspondence on file ref(s): 17/03758/FULL1, excluding exempt information.

RECOMMENDATION: PERMISSION

Subject to the following conditions:

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

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

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

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

- 3. Details of the materials to be used for the external surfaces of the building, including the materials for the rebuilding of the wall at the rear of the site, shall be submitted to and approved in writing by the Local Planning Authority before any work is commenced. The works shall be carried out in accordance with the approved details.**

Reason: In order to comply with Policy BE1 of the Unitary Development Plan and in the interest of the appearance of the building and the visual amenities of the area.

- 4. Details of the windows (including rooflights and dormers where appropriate) including their materials, method of opening and drawings showing sections through mullions, transoms and glazing bars and sills, arches, lintels and reveals (including dimension of any recess) shall be submitted to and approved in writing by the Local Planning Authority before any work is commenced. The windows shall be installed in accordance with the approved details.**

Reason: In order to comply with Policy BE1 of the Unitary Development Plan and in the interest of the appearance of the building and the visual amenities of the area.

- 5. The café/bar hereby permitted shall be used ancillary to the main cinema use and shall not be severed to form a separate commercial use from the cinema.**

Reason: In order to comply with Policy BE1 of the Unitary Development Plan and in order to prevent to intensification of the use of the site.

- 6. Details of soundproofing to be used for the cinema auditoria hereby permitted shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development. The approved details shall permanently be maintained thereafter unless otherwise agreed in writing by the Local Planning Authority.**

Reason: In order to ensure the satisfactory soundproofing of the proposal and in the interests of the amenities of neighbouring residential properties.

- 7. Details of the proposed ventilation system to be used for the café/bar, including technical specifications and noise reducing measures, shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development. The approved details shall permanently be maintained thereafter unless otherwise agreed in writing by the Local Planning Authority.**

Reason: In order to ensure the satisfactory ventilation of the proposal and in the interests of the amenities of the area.

8. **No demolition, site clearance or building works shall be undertaken, and no equipment, plant, machinery or materials for the purposes of development shall be taken onto the site until an arboricultural method statement detailing the measures to be taken to construct the development and protect trees is submitted to and approved in writing by the Local Planning Authority.**

The statement shall include details of:

Type and siting of protective fencing, and maintenance of protective fencing for the duration of project;
Type and siting of scaffolding (if required);
Details of the method and timing of demolition, site clearance and building works
Depth, extent and means of excavation of foundations and details of method of construction of new foundations
Location of site facilities (if required), and location of storage areas for materials, structures, machinery, equipment or spoil, and mixing of cement or concrete;
Location of bonfire site (if required);
Details of the location of underground services avoiding locating them within the protected zone
Details of the method to be used for the removal of existing hard surfacing within the protected zone
Details of the nature and installation of any new surfacing within the protected zone
Methods proposed for the watering of the trees during the course of the project

The method statement shall be implemented according to the details contained therein until completion of building works, and all plant, machinery or materials for the purposes of development have been removed from the site.

Reason: To ensure that all existing trees to be retained are adequately protected and to comply with Policy NE7 of the Unitary Development Plan.

Informatives

1. **The applicant is advised that any works associated with the implementation of this permission (including the demolition of any existing buildings or structures) will constitute commencement of development. Further, all pre commencement conditions attached to this permission must be discharged, by way of a written approval in the form of an application to the Planning Authority, before any such works of demolition take place.**
2. **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