

## **SECTION '2' – Applications meriting special consideration**

**Application No :** 18/03252/FULL1

**Ward:**  
**Bromley Town**

**Address :** The Royal Bell 175 High Street Bromley  
BR1 1NN

**Objections: Yes**

**OS Grid Ref: E: 540204 N: 169351**

**Applicant :** N. Hillman & Sons Ltd

### **JOINT REPORT WITH 18/03201/LBC**

A separate application for Listed Building Consent in relation to the above mentioned development is also pending consideration, under ref. 18/03201/LBC. This report assesses the merits of both the application for planning permission and for Listed Building consent, although the recommendation in respect of the Listed Building consent is to be found elsewhere on this agenda.

### **Proposal**

Planning permission is sought for the demolition of a former stable block, refurbishment and conversion of a statutory Grade II listed building at No.173 to 177 High Street (known as former Royal Bell Hotel) and erection of a 9 storey building plus basement to provide a 50 bed hotel with a gym, swimming pool and a retail unit.

The footprint of the proposed building would be broadly rectangular in shape measuring 16.3 metres wide, 28.2 metres high and 15 metres deep along the north elevation. The ground floor of the proposed building would be attached to the rear of the listed building via a glazed link. The basement of the proposed building would be connected to the basement of the listed building.

The main entrance to the hotel would be facing the High Street. A new glazed cast iron canopy above the main door would be installed. A new pedestrian access to the hotel would be created via Walter's Yard. This new entrance would be covered by a glazed canopy.

The front arched windows on the ground floor of the listed building would be removed and replaced by two new shopfronts. The existing iron gate located on the carriage passage would be retained. 6 cycle stands would be provided along the passage.

The external materials of the proposed building would be mainly constructed in brick off-white and red 'Roman' in colour. The external brick on the top floor would be blue in colour. The terrace on the top floor would be surrounded by inverted arches with wrought iron balustrade. The roof profile of the proposed building would be a pitched and made of standing seemed zinc cladding. The windows between the first to the fifth floors are designed as recessed bay windows with buff

or polychrome brick work. The west and east elevation of the proposed building is designed with decorative half panels of patterned brick work.

5 wheelchair accessible hotel rooms would be provided and located between the first to fifth floors. This proposal is a car free development with no dedicated servicing and delivery space, coach pick up/drop off point or disabled spaces. It is proposed to utilise a triangular plot of land located between the rear yard of the site and Walter's Yard to create a "shared surface" area accommodating the operational requirement of this proposal. This will be subject to a formal/legal agreement with the Council's property services.

The proposed internal layout would be provided as follows:

*Basement:*

- Indoor swimming pool 4.5 metres by 10 metres, changing room and associated plant room;
- A gym reception area, two main gym areas with changing areas and toilet facilities;
- A plant room and a bar storage area;

*Ground floor:*

- A hotel reception area, 2 lobby areas, two commercial areas (North and South Unit), a bar area, a kitchen and ancillary storage areas.

*First floor:*

- A reception area (57.8sq.m), a function room (83.5sq.m), a ballroom (147sq.m), 2 separate bar areas, a kitchen, storage and toilets areas; 7 en-suite hotel bedrooms (15.1sq.m to 22.3sq.m);

*Second floor:*

- 3 suites (Suite 1 contains 2 double bedrooms and a sitting room; Suite 2 is a double room; Suite 3 contains 2 double bedrooms and the main bedroom provided with a sitting area (24.4sq.m to 72.3sq.m); 7 en-suite hotel bedrooms (15.1sq.m to 22.3sq.m);
- 10 rooms for staff accommodation and office; 7 en-suite hotel bedrooms (15.1sq.m to 22.3sq.m);

*Third to fifth floor*

- 7 en-suite hotel bedrooms per floor (15.1sq.m to 22.3sq.m);

*Sixth to seventh floor*

- 5 en-suite hotel bedrooms per floor (12.8sq.m to 25.3sq.m);

*Eighth floor*

- 2 en-suite hotel bedrooms each provided with a private terrace (29sq.m to 36.5sq.m)

A listed building consent application (18/03201/LBC) is accompanied with this planning application. The key refurbishment works are outlined below: -

*External works*

- Demolition of stable block and removal of concrete surface in the rear yard;
- Removal of modern brick wall along the boundary facing Walters Yard;
- Removal of existing signage, plastic ventilators to three of the first floor windows, external ducting and redundant external lighting;
- Reinstatement of the lost cast iron canopy to the arts and crafts classical porch;

- Removal of modern ground floor front arch windows and installation of two recessed new shop fronts;
- Inspect, repair and repoint where necessary to the chimney, roof clay tile, pargetting timber modillion cornice, timber sash window dormer windows, rainwater goods, iron gate, cherub corbel brackets, dentil detail, external façade of the building decorative copper ventilator to the ballroom roof.
- Removal of external rear stair, modern timber gate and modern masonry steps.

#### *Internal works*

- Removal of barrel drop, toilet and un-block windows to the former light well;
- Removal of modern steel posts at ground floor and basement level;
- Removal of bar areas, dumb waiter and internal walls on the ground floor.
- Reinststate the ballroom flooring on the first floor
- Replacement of skylight over kitchen area;
- Removal of toilets, bar areas, plant equipment and ducting on the first floor
- Removal of kitchenette and toilets on the second floor.
- Removal of a small section of wall to create new doorways between rooms on the second floor
- Removal of kitchenette and redundant sanitary ware on the third floor.

**The application is supported by the following documents:**

#### **Bat Survey – (prepared by Ambiental Technical Solution Ltd, Dated 12<sup>th</sup> July 2018)**

This report indicates that there was a low level of bat activity at the site. A total of two bat species (common pipistrelle and soprano pipistrelle) were recorded foraging around a nearby street lamp. There are no bats emerged from the on-site building. It is recommended that bat boxes could be installed on the new building and located at least 3 metre above ground level and be oriented south-west to south-east.

#### **Preliminary Ecological Appraisal - (prepared by Ambiental Technical Solution Ltd, Dated 12<sup>th</sup> July 2018)**

This document indicates that the site is no located within any statutory land designations, nor is it likely to impact on any statutory or non-statutory land designations. The site is considered to be low potential for crevice dwelling species to utilise features within the stable block building. The main building is considered to have negligible potential for bats. A single bat emergency survey is recommended to ascertain the presence or likely absence of crevice dwelling bat species within the stable building.

#### **Historic Environment/Archaeological Desk-Based Assessment (prepared by Pre-construct Archaeology Limited, Dated July 2018)**

This report indicates that there is a likelihood of remains of medieval and post-medieval date being present within the proposed development footprint. However, these remains are considered to be of local significance only.

**Delivery and Servicing Management Plan (prepared by Developmentally. Dated June 2018)**

This document indicates that the proposed 50 beds hotel would generate 2 heavy goods vehicles trips and 11 light goods vehicles trips per day. The anticipated servicing demand and trip generation data are based on a hotel scheme at the Old Town Hall site in Bromley (16/01175/FULL1), surveyed data dated November 2013 for a 107 room hotel in Bexley and 151 room hotel in Greenwich.

It is proposed to utilise a triangular plot of land to deliver a “shared space environment” for pick up/drop off as well as servicing activities. This plot of land is currently owned by the LB of Bromley, It is anticipated that a delivery and servicing plan co-ordinator and a booking system will be set up to manage the servicing and deliveries plan coordinator and/or management by the hotel

The main pedestrian access would be via High Street and a newly formed pedestrian access via Walter’s Yard would be created, adjacent to the proposed vehicle pick-up/drop-off facility at the northeast of the site.

5-6 waste collections per week would be required and waste collection will be arrangement with the Council’s waste services.

**Daylight and Sunlight Report – (prepared by Point 2 Surveyors, Dated June 2018)**

This report assessed the impact upon No. 4 and No. 5 Market Square which indicates that there will be a reduction of between 20-31% of VSC for the windows facing the tower block. This reduction is considered to be commensurate in an urban location. On balance the overall impact is considered to be of minor significance.

**Air Quality Assessment (prepared by Entran Ltd, Dated 23<sup>rd</sup> August 2018)**

The report indicates that air quality does not pose a constraint to development of the site. Dust and PM10 are likely to occur during site activities. However, this can be managed by a construction management plan including a site specific dust management plan to mitigate the release of dust and PM10 release during construction.

**Construction Management Plan (prepared by N. Hillman and Sons contractors Ltd, dated 29<sup>th</sup> June 2018)**

This report outline the health and safety, logistics, site accommodation, hoarding location, site security, temporary services, residents and local community , logistic, phasing and construction activities for the proposed works.

**Statement of Community Involvement (prepared by the Substantia Group, Dated June 2018)**

Prior to the submission of this application, various meeting was carried out with Councillors of Bromley, Council officers, Bromley MP, London Assembly for Bromley and Bexley, Bromley Civic Society. Pre-application discussion with

Historic England was Victoria Society carried out in May/June 2018. A public drop-in event was held at the Royal Bell on 6<sup>th</sup> June 2018. A questionnaire was distributed during this event. The majority of respondents support the principle of refurbishment and restoring The Former Royal Bell to its former use as a hotel, the design and scale of the proposed extension, support the proposed access, parking and servicing arrangement. A website and a twitter account were set up in May 2018. Press release was also sent out on the 16<sup>th</sup> May 2018 to the News shopper, Bromley Times, London Live, Metro, Evening Standard, Kent Messenger and South east London Chamber of commerce.

### **Energy Strategy Report (prepared by Brinson Staniland Partnership, Dated 10<sup>th</sup> July 2018)**

The total site carbon emissions (CO<sub>2</sub>) are calculated as 77.6 kg CO<sub>2</sub> per year (TER). Various technologies are considered and whilst ground source heat pump, solar panels, wind turbines, the use of CHP including appropriate insulations, energy efficient lighting system and air permeability control are considered feasible and appropriate. Following the Be Lean, Be Clean, Be Green principles, the total reduction in emissions from energy efficiency measures is therefore calculated as 27.9 kg CO<sub>2</sub> per year, which equates to a reduction of 35% (% of TER).

### **Travel Plan (prepared by Developmentally, Dated June 2018)**

This report outlines the relevant planning policies, describe the development proposal, the objection and targets of the framework travel plan, identified measures proposed to achieve the relevant objectives, indicate potential long-term management, future review.

### **Drainage Strategy and Assessment (prepared by JM Enviro Limited dated 3<sup>rd</sup> July 2018)**

This report indicates that the site is located within flood zone 1 and is not subject to fluvial flooding. However, the site is subject to risk of surface water flooding during low and medium risk flooding. Flood risk is greatest on the junction south of the site, including to medium and high. This report reviews the hydrology setting of the site. The proposal will result in a small overall increase in the foul flows in the public sewer network. It is proposed to dispose surface water from the site to the public sewer network and this will be subject to Thames Water agreement and requirements. The opportunities for the inclusion of SUDS are limited on site due to the site constraints. A small area of rainwater harvest above the kitchen roof could be used to provide some source control. A detailed drainage survey will be carried out to confirm location and established invert levels and condition in order to select the best point of connection to the public sewer network.

### **Planning Statement**

This statement outlines relevant planning policies, planning history and pre-application relates the proposal. The statement states the proposal will enhance the value of the listed building and have minimal impact on the Conservation Area. The proposal will allow the building to be controlled by a single owner and secure the long-term use of the premises. The current owner has purchased the building for a market rate in order to save the historic use. No subsidies have been available. The proposal is the minimum necessary to secure the future of the place and the proposal would outweigh any harm caused.

Historic England has raised concern regarding to the proposed 9 storey building at pre-application discussion. The statement states that it was considered as less than substantial harm. The valuation and viability assessment confirms the proposed number of hotel rooms is required to attract a hotel operator for this boutique hotel. The design approach and choice of materials of the proposed building is supported by Historic England.

The overall impact of the proposal on residential amenities is considered to be of minor significance in an urban environment.

No mitigation measures are deemed to be necessary as the additional trips can be accommodated by the existing transport infrastructure as indicated in the Transport Statement. The proposed hotel will have a vehicular drop off area access from Walters Yard for guest, taxi etc. and also a delivery access from the High Street for deliveries and servicing. The goods-in area, bin store and barrel drop areas are proposed to be located at the northern end of the site for collections and deliveries to be carried out via Walter Yard, which is a public highway.

The statement concludes that the proposed height, scale and design of the 9 storey building is appropriate and will enhance the significance of the existing listed building. The proposal will have a minimal impact on the Conservation Area and the enabling development is the minimum size necessary to be viable. The site has excellent public transport accessibility and the proposed development will not have an impact on the highway network. The location of the site within an established town centre is an acceptable location for the proposed hotel and will not have an impact on the amenity of neighbours. There are no technical impediments to prevent the granting of planning permission and listed building consent.

### **Heritage Statement (Prepared by James Hulme for N Hillmans and Sons, Dated June 2018)**

This statement outlines the elements of the proposal which includes:

- External restoration: reinstatement of shopfronts and repair of original fabric;
- Internal restoration: reinstatement of original plan (repair of ballroom floor), lost and damaged fittings and decorative features;
- The addition of a new lift core and resulting alteration of internal fabric;
- Demolition of the stables; and,
- Building of the extension in curtilage.

The external and internal restoration work will have a positive impact on the setting of the listed building and Conservation Area. The reopening of the internal spaces will present a public benefit. The internal lift would have a less than substantial harm to the building as these changes will take place in secondary areas of the structure and do not compromise or result in the loss of any features of the building. The demolition of the stables is considered to be less than substantial harm to the setting of listed building and Conservation Area. The stables are a subordinate structure to the main Royal Bell building in architectural terms and have been the subject of both alteration and fire damage under previous ownership.

The proposed extension is the most impactful element of the scheme. However, will result in less than substantial harm and does not result in the loss of historic fabric with the exception of the stable and yard area. The setting of the Royal Bell on its High Street side and important views of the front elevation will not be compromised and the scheme can be considered to have a neutral impact here. Impacts on the setting are mainly confined to the rear of the building and in views from the Market Square. From Walters Yard, it is arguable that the setting of the building is currently a negative factor, as this area functions as a service road for the existing Sainsbury supermarket and Wetherspoon public house. The extension will impact on the less sensitive view of the rear elevation of the listed building. However, this elevation was never intended to be seen and is devoid of decorative details and material. The proposed building will have windows and an entrance and will make a more positive contribution to Walter's Yard.

With regard to the impact on the Conservation Area, the extension will have significant impact in terms of its character and preservation and will be markedly taller than surrounding buildings. However, the visual effect will be mitigated by the choice of materials, which are in a palette designed to complement the surrounding buildings. The extension's regressive upper floor will both moderate its mass and form of the building. The trapezoidal plan and unique roof treatment will make the extension an eye-catching and interesting land mark in its own right.

From Market Square, the extension will be particularly visible. The character of the Market Square is intimate and the buildings are typically 2-3 storeys. However, the impact is considered to be less than substantial and is offset by the public benefit of the refurbishment of the main building. Decision makers should also consider the harm that would occur as a result of the ongoing deterioration and long term vacancy of the building and its failure to find an appropriate and viable future use

**Design and Access statement (prepared by Benedict O' Looney Architect, Dated 6<sup>th</sup> July 2018)**

This statement contains a list of drawing schedule and submitted drawings. The statement illustrates the finding of architectural language, brick panels design and inspiration for the hotel extension, roof and façade design studies, link to the listed building and extension, townscape studies from Churchyard, Market Square and Widmore Road. It also illustrates how an inclusive access, safe and secured environment will be provided.

**Marketing Statement – (prepared by pda; Dated 7<sup>th</sup> August 2018)**

This document states the property was occupied as a night club and late night "sky bar". The building was vacant in the past 10 years. The property was marketed by AG&G in 2012 for rent at £90,000 a year (583sq.m). It was understood by the applicant that the proposal was marketed in the Estate Gazette. In 2013, there were discussions to convert the building into a restaurant and community arts centre. In 2014, heads of terms were agreed with Antic London. In April 2018, the site was acquired by the applicant.

### **Draft planning obligation – prepared by pda dated 3th August 2018**

This report concludes that there is no clear requirement for the proposed development to commit to any contributions that would necessitate a s106 agreement at this stage in the planning application process.

### **Valuation and viability report (Prepared by Allen and Son Chartered Surveyors, Dated 30<sup>th</sup> June 2018)**

This report indicates the proposal scheme for 50 bed hotel would be unviable with a deficit of 1 million. The estimated scheme revenue is based on the marketing/asking values of hotels. The details of build and refurbishment costs are not included. Further construction costing including a technical survey prepared by Broadgate Estate for British land (July 2017) are received.

### **Transport Statement (Prepared by WSP; Dated May 2018)**

The statement outlines the site context, relevant planning policies, a review of the Old Town Hall Hotel scheme and its transportation and highway assessment. This statement concluded that proposal would have limited impact on transport network. This site was last used as a public house. The site is highly accessible by public transport, cycle and walking.

The proposal is a car free development. There are 898 public parking spaces in Bromley Town Centre within a 5 minute walk from the site and available at all times of the day. Cycle parking provision would be provided and comply with the Council's Policy.

The proposal seeks to utilize a triangular plot of land which is situated between the rear yard of the site and carriage way on Walters Yard for servicing and delivery and pick up/drop off.

Large heavy goods vehicles can access the rear of the site without causing significant obstruction to the carriageway at Walter's Yard. A draft Service and Delivery Plan and Framework Travel Plan have been prepared and accompanied with this application.

### **Location and Key Constraints**

The application site (No. 173 to 177 High Street is known as The Royal Bell Hotel) and measures approximately 880 square metres in area (0.088 hectare). The site is located on the north-east side of High Street, near to the junction between Market Square and Church Road. The site adjoins Walter's Yard to the rear.

The site comprises of a 4 storey Grade II Statuary Listed Building, originally constructed as a hotel with a former stable block to the rear. The building has been vacant for the past 10 years and is on the heritage at risk register. The Royal Bell Hotel was first listed on the 29<sup>th</sup> June 1973 in a listing which covers No. 171 to 177 High Street (List Entry Number 1054095). 171 High Street forms part of the former Royal Bell Hotel and comprises of 5 floors. The Council's planning application record indicates that No 171 High Street was occupied as a Building Society in 1984 and is currently occupied as a retail shop.

The listing description states: -

*GV II Architect Ernest Newton. This range was rebuilt in 1898 on the site of an earlier hostelry of 1666. Four to five storeys red brick. Slate roof with nine pedimented dormers. Dropped modillion cornice. Three three-light bays with pargetting containing Neo-Jacobean motifs. Two one-light sashes; all with pargetting. One plain door and main doorcase with curved pediment supported on Roman Ionic half columns. Later shopfronts.*

The application property (173 to 177 High Street) has been extended with a first floor rear extension in 1985. The property was last occupied as a public house with expanded food provision and the applicant has suggested that it was also used as a night club and retail units.

The site is located within Bromley Town Centre Conservation Area situated within the Northern High Street Character Area and adjacent to the Market Square Character Area. The site is adjacent to an opportunity area (Site P – Sainsbury West Street) in the Bromley Town Centre Area Action Plan and is designated as a Metropolitan Town Centre in the London Plan.

The site is located within a Controlled Parking Zone. There are 3 on-street loading bays located opposite to the site on High Street (15 minutes no return within 2 hours, operating between 8.30am to 6.30pm Monday to Saturday, and 10am to 5pm Sunday. There is a loading area on Market Square (30 minutes no return within 1 hour, operates 3am to 10pm) and a taxi stand on Market Square.

Bromley Town Centre is located on a slope and the site is located near to the top of the High Street. The ground level is approximately 15 metres higher than Bromley South Railway Station which is approximately 680 metres south from the site. Bromley North Railway Station is located approximately 365 metres from the site.

The site is located within Flood Zone 1 and is subject to low to medium surface water flooding on the High Street. The public transport accessibility of the site is rated at 6a on a scale between 0 to 6b where 0 is worst and 6b is best.

### **Comments from Local Residents and Amenity Societies**

Nearby owners/occupiers were notified of the application by letter. Site notices were displayed and an advertisement was placed in the local press.

At the time of writing this report, 129 comments have been received in support of the Listed Building consent application ref. 18/03201/LBC and these can be summarized as follow:-

- Will restore the building to its former glory and serve as an excellent example of how to regenerate this part of Bromley. The proposal will raise the profile of the town as a destination and will attract new visitors.
- The building urgently needs repair and restoration, and this is the opportunity to do it. Excellent way to save and make use of this historic building. The proposal is a very sympathetic and practical restoration.

- There is a presumption in favour of this development as less than substantial harm occurs.
- The development will boost the regeneration of the area in line with the aims of the Area Action Plan. Creates jobs and improves the economy. Will help support local businesses in the area and attract new visitors.
- The development would secure the future upkeep of the building.
- The plans to restore the building are sympathetic to the original plans of Ernest Newton. The only concern is the height of the building at the rear as this may dwarf the smaller buildings in the area.
- Will be excellent to see it restored especially if the facilities are open to the local residents as well as hotel guests. Preserves the heritage of the town.
- Bromley needs more hotels particularly one which is not a chain hotel and is unique.
- Three extra storeys does not seem excessive in comparison to some of the other much larger buildings which now exists in the town.
- Fully support as long as there is public access to the restaurant and bar. Fully support the restoration of this iconic building whilst the height of the building at the back is a concern and may set a precedent for tall buildings, I recognize that it is needed to make the restoration financially viable.
- This may be the buildings last chance to be repaired and restored. The height of the extension at the back is not large enough to cause any serious issues. It will be excellent to see the ballroom back in use as long as it is accessible by the public. This is better than any mixed use scheme or residential scheme as it will still allow the public to see the historic interior of the building.
- The improvements to the building are sympathetic and seem entirely appropriate for the town centre. This will enhance this area and improve the local environment for residents and visitors.
- The building was ruined by previous owners with a historic staircase being ripped out. A hotel and function room in this part of Bromley would keep this building alive and prevent any further harm to it. The proposal restores the building with thought and care.
- This would be welcome as it is much needed to lift the business end of this part of the High Street and we fully welcome the developers investing in this part of the town which has been left unsupported for too long.
- Other tower blocks have gained far too much support. This is sympathetic and should be supported.
- Well thought out and beautifully designed. Bromley lacks up market hotels and this is a great opportunity.
- Support but clarity is needed as to whether the gym, pool and other facilities will be accessible to the general public?
- Support but concerns about what purpose the gym and pool is for when the leisure centre is just around the corner is this needed in the building?

8 comments objecting to the listed building application 18/03201/LBC were received and these can be summarised as follows:

- Is there a need for another hotel?
- Disagree with any demolition work at this historic site.
- Height, scale and bulk of the new building is excessive.
- Overdevelopment of the site.
- Clearly not intended as a long term use for a hotel or public house – very limited marketing and viability has been carried out. The building at the back is laid out more like a residential block and the pub doesn't look viable – where's the beer cellar and how will deliveries occur? It couldn't work as a pub or hotel before so why will it now?
- Why can it not just be repaired and restored- the same was done with the Wetherspoons Greyhound and that worked?
- It's more like a restaurant not a pub and is another restaurant viable here?
- Destroys the Listed Building and Conservation Area.
- Has any assessment been done of what the scheme would look like from certain historical viewpoints throughout the town centre? Are the drawings and visuals provided actually accurate? I see no assessment of key viewpoints.
- The townscape images and CGI images are incorrect and inaccurate and do not correctly indicate the height of the building.
- Creates traffic problems.
- Who is the hotel operator and is it actually viable?
- Where's the pick-up and drop off points for guests and how and where are deliveries made?
- Is that tiny retail unit viable?
- Is the pub actually a pub?
- The loss of the stable block is not justified.

1 comment has been received neither objecting nor supporting the listed application 18/03201/LBC and this can be summarised as follows:

- In agreement that the building needs to be brought back into use and the idea of restoring it to a hotel is welcome. I am not clear whom the customers will be. The rear extension is too high and will look horrendous from Walters Yard. Floors 6 and 7 should be removed.

4 comments have been received in support of the planning application ref. 18/03252/FUL and these can be summarized as follows:

- The application is a very balanced approach to the restoration and economics required to make the project deliverable.
- The proposals will positively contribute to this part of Bromley town centre. Whilst we support the application in principle we note for the record that there are 2 adjoining residential properties at 187a and 191a which have not been included in the Daylight and Sunlight Study. We would welcome seeing how these proposals effect these properties.

6 comments have been received objecting to the planning application ref. 18/03252/FUL and these can be summarised as follows:

- Is another hotel really needed now?
- Overdevelopment of the site harmful to the conservation area and the setting of the listed building.
- The computer generated images and elevations are incorrect
- Appears more like a residential development with a restaurant below.
- Will cause traffic and parking congestion in Walters Yard with lack of provision for deliveries, pick ups and drop offs etc.
- It is not enabling development as its height scale and bulk is detrimental to the character and appearance of the conservation area and the setting of the listed building.
- The surrounding buildings are between 4 to 5 storeys in height. This building would stick out considerably.
- The new building is completely out of character with the area.
- A renovation and extension would be more appropriate in this case.
- This part of the High Street already suffers from traffic congestion and this would cause yet more problems for traffic.
- Where will hotel and gym users park?

1 comment neither objecting nor supporting the planning application ref. 18/03252/FUL and this can be summarised as follows:

- Whilst the regeneration of this building is long overdue it is negligent to suggest that there would be no detrimental effect to light access for residents in The Old Post Office, particularly numbers 1,3 and 4 whom all have roof terraces. These terraces would be under the view of the new nine storey building and would also suffer a significant loss of sun as those terraces face due west.
- The current privacy of the terraces to The Old Post Office would be lost entirely.

### **Consultee comments**

#### Internal Consultees:

LB of Bromley – Energy:

CHP is proposed and appear to be a suitable energy efficient option for this proposal.

LB Bromley – Conservation:

The former Royal Bell is a significant Grade II statutory listed building within the Bromley Town Centre Conservation.

The building was last occupied as a pub 10 years ago. The building has been vacant and is on the Historic England At Risk register. There were no successful pub operators occupied the building probably because of the high cost of restoration. A local arts group has looked at the building with a view to restoring the building through a theatre based use but this came to nothing. In this context, I welcome the proposal, in principle, to reuse the building and in heritage terms the proposed hotel use would be positive as this brings back the original purpose the building and would allow access for the paying public.

It is proposed to demolish the stable block to the rear in order to construct the 9 storey annex. The stables structure is of some interest historically, but under para 196 of the NPPF the harm caused by its demolition would be outweighed by the benefit of the reuse of the main listed building which is of far higher significance. The location of the stables also provides the only area for development on the site which I accept is likely to be required for a deliverable scheme.

The proposed 9 storey building would house the majority of the 50 bedrooms that it is claimed as a minimum to make the hotel and restoration a deliverable project with a viable future. The height of the structure would be considerably taller than both the listed building itself and the surrounding building heights. Such a juxtaposition would create an uncomfortable relationship with the existing context and the building would dominate the conservation area and listed former Royal Bell in a harmful manner rather than knitting sensitively into the existing fabric of the area. Notwithstanding the height, the design is interesting and takes references from Victorian era architecture such as polychromatic brickwork and segmental headed arches to openings. Whilst not to all tastes I find it to be an acceptable architectural language for the location. Historic England have refer to para 196 of the NPPF and suggested that the proposal would lead to “less substantial harm”. Substantial Harm is a high bar and I accept that the proposal does not involve the total loss of a heritage asset for example. Historic England guidance on enabling development is also relevant: “Enabling Development and the Conservation of Significant Places”. <https://historicengland.org.uk/images-books/publications/enabling-development-and-the-conservation-of-significant-places/enablingwebv220080915124334/>

Section 5.17 of this guidance recommends that if a local authority does not have in-house valuation skills then this may need to be commissioned and I believe this is the case here, the consultant chosen by the Council should make use of the HE guidance in their appraisal. Of particular note is the policy for enabling development and that it should be the minimum amount required for securing the future of the asset. It will also be for others to determine the “public benefit” under para 196 of the NPPF but from a heritage perspective the benefit of reusing the building is very high and would remove it from the At Risk Register. In light of the BNNP assessment of the applicant’s viability appraisal, it appears that a 9 storey structure has not be demonstrated as necessary to overcome the conservation deficit. On this basis the Historic England tests for viability have not been passed. Therefore from a conservation perspective I am unable to support this proposal and would favour a reduction in height on the proposed annex.

#### LB of Bromley – Highways:

The site is located to the north of the High Street, on a London Distributor Road and is within a controlled parking zone. The PTAL rate is 6a on a scale between 0-6b, where 6b is the most accessible. The principle to provide a car-free development is acceptable in principle. However, disabled parking and coach parking drop off spaces should be provided.

The servicing trip generation rates for the approved hotel at the Old Town Hall site is used in estimating the servicing demand that will be generated by the proposed scheme. In order to assess the application further the applicant is required to provide more TRICS data relates to the application site and its surrounding road. The developer has failed to understand that the Old Town Hall scheme had no problem with servicing from surrounding road network and two off-street disabled spaces were provided. The proposed site would be serviced from a tiny triangular area, via Walters Yard. Walters Yard is currently used for servicing by Sainsbury's, Weatherspoon pub and other businesses, with long dwell times. In the absence of the relevant TRICS data, the impact of the proposal cannot be fully assessed.

#### LB of Bromley – Waste:

No comment was received at the time of writing this report.

#### LB of Bromley - Drainage Engineer:

Planning condition requiring details of sustainable drainage strategy should be attached.

#### LB of Bromley - Environmental Health:

No objection to the principle of the proposal. However, details of piling or any other foundation designs using penetrative methods should be secured by a planning condition. Informative should also be attached advising developer to contact the Council's pollution team before works commence on site. Any suspected contamination discovered during construction works should also be reported to the Council immediately.

#### External Consultees

##### Transport for London (TfL):

The site is not located on the Transport for London Road Network and not likely to impact on TfL services.

##### Metropolitan Police Crime Prevention Officer:

Developers have not met with the South East Design out Crime Officer. A planning condition requiring the proposal to achieve Secured by Design accreditation should be attached prior to the occupation of the building.

Advisory Panel for Conservation Areas (APCA):

No objection to the Listed building Consent. We welcome the opportunity of the Royal Bell being restored. The new construction is acceptable as enabling work to allow the restoration and appropriate use of the listed building. These must be safeguarded to ensure that it only proceeds if the refurbishment of the Royal Bell takes place.

London City Airport:

No objection

Historic England – Archaeology:

Having reviewed the proposal and the Greater London Historic Environment Record, the proposal could cause harm to the archaeological interest of the building(s). A pre-commencement planning condition requiring a Level III building recording programme should be secured by condition. The works should be undertaken in three stages in respect of the structures currently within the application area. The first stage should be undertaken prior to any works; the second when any elements are removed such as false ceilings, partitions; and the third when structural cranes are taking place. Should planning permission be recommended, the following planning condition and information should be attached.

No demolition shall take place until a written scheme of historic building investigation (WSI) has been submitted to and approved by the local planning authority in writing. For buildings that are included within the WSI, no demolition or development shall take place other than in accordance with the agreed WSI, which shall include the statement of significance and research objectives, and

A. The programme and methodology of site investigation and recording and the nomination of a competent person(s) or organisation to undertake the agreed works

B. The programme for post-investigation assessment and subsequent analysis, publication & dissemination and deposition of resulting material. This part of the condition shall not be discharged until these elements have been fulfilled in accordance with the programme set out in the WSI

Informative: The written scheme of investigation will need to be prepared and implemented by a suitably professionally accredited heritage practice in accordance with Historic England's Guidelines for Archaeological Projects in Greater London.

Natural England:

No comments to make on this application. The Standard Advice published by Natural England should be use to access impacts on protected species or the Council should also their owe ecology services for advice.

## Historic England – Building:

Historic England was consulted prior to the formal submission of this proposal to the Council. Historic England is supportive of these proposals in principle and strongly welcome the works to the Royal Bell in particular the reinstatement of the Ball room and Minstrels' Gallery and extensive packages of repairs including the Ernest Newton's distinctive pargeting to the main elevation. Historic England is therefore content to provide authorisation for the works subject to listed building consent.

Historic England remains concerned about the scale of the extension to the rear, which it considers is a settings issue, and this objection therefore relates to the planning application rather than listed building consent. It has previously recommended the height of the rear extension should be reduced at pre-application stage and is disappointed that this has not been reflected in the planning application. Also, on the basis of the limited visual assessment contained with the submitted Townscape Studies document, the extent of impact on designated heritage assets remains unclear. In particular, there is no assessment of the potential impact on the setting of the Grade I listed Bromley College, nor the Grade II Star and Garter pub in views from the north end of the High Street, as also previously recommended.

The Councils is reminded of the requirement under Para 189 of the NPPF for the applicant to “*describe the significance of any heritage assets affected (by development proposals), the level of which should be proportionate to the assets' importance and no more than is sufficient to understand the potential impact of the proposal on their significance*”. Therefore consideration should be given to requesting further visual assessment from the applicant.

Nonetheless, on the basis of the information provided, it is clear to us that the proposed nine storey extension would appear at odds with the more modest market town character in this highly significant part of the Bromley Town Centre Conservation Area. It would also fail to comply with the guidance set out in the Bromley Town Centre Conservation Area Statement (2011) which advises with regards to the siting of new development that:

*The established density and layout in the area will provide a guide to the appropriate scale and positioning of any new development. Insertion of new structures within already developed plots will generally require constraint in scale and careful positioning to ensure that they do not detract from the established character and appearance.” (p28)*

The nine storey tower would also break the roofline in important views of the Royal Bell from Church Road, reducing the townscape presence of the listed building and causing harm to its setting. Therefore Historic England strongly advises that a reduction in height of the rear extension is pursued with the applicant to reduce the harm caused as we previously advised.

In considering these proposals, we would also draw your attention to Paragraphs 194 and 196 of the NPPF which states that harm to significance requires *clear and*

*convincing justification* and should be weighed against the *public benefits of the proposal*. We are aware that a confidential viability assessment has been undertaken, and it will be for your Council to consider its content in relation to these policy tests.

In summary, Historic England supports the works subject to listed building consent, but is unable to support the associated application for planning permission because of the harm caused to the historic environment.

We recommend that amendments are explored with the applicant to address our concerns. We also advise that any future approvals should be carefully conditioned to ensure the early delivery of the conservation work to the 'at Risk' listed building. Samples of materials should also be secured by condition to ensure that the new work is of sufficient quality to preserve/enhance the character of the conservation area.

This response relates to designated heritage assets only. If the proposals meet the Greater London Archaeological Advisory Service's published consultation criteria we recommend that you seek their view as specialist archaeological adviser to the local planning authority.

The Victorian Society:

The Victorian Society has raised no objection to the submitted application. The Victorian Society was consulted at the pre-application stage. Whilst we were very supportive of the scheme as a whole, we had some concerns about both the principle and the design details of the proposed 9-storey building, at the pre-application stage. We concluded that the harm that this building will do to the significance of the Conservation Area will be small, given the constraints on the places from which it will be seen. Although we have no strong objections to the principle of this building, the proposed height should be very carefully justified in the submitted application and its absolute necessity clearly established with respect to the viability of the scheme as a whole. The Council must determine whether or not the proposal is justified in accordance with Para 194 of the NPPF.

With respect to the detailed design we thought that the treatment of the elevations and the form of the roof needed to be refined further. We thought that the roof-form chosen was the best of the options considered, but that its detailed design was 'not wholly successful'. The submitted designs have altered the profile of the pitched roof so that there is a slight bow, which we think makes the roof seem much lighter and less bulky. We also suggested that 'greater variation in the treatment of the elevations would help to soften the upwards transition to the roof structure.' The submitted design includes variations from the pre-application material not only to the decorative brickwork panels on the arches on the first to fifth floors, but also to the parapet at eighth-floor level. We welcome these changes. The variation in the brick patterning helps break up the elevations, and the inverted arches to the eighth-floor parapet make the profile of the penthouse level seem less blocky.

London and Middlesex Archaeological Society (LAMAS):

The LAMAS Historic Buildings and Conservation Committee acknowledged that the Royal Bell has had an unfortunate existence in recent years. Whilst the proposal to provide a hotel is welcome, the entrance way leading to the stable building as a through route to the rear of the premises should be kept if possible. Stables are now a rare sight and the loss of the stable would constitute a “significant loss” in line with NPPF paragraph 195”. The stables, perhaps, could be made a feature of the new hotel.

Concerns were also expressed about the proposed tower, which may lead to substantial harm to the Bromley Town Centre conservation area, particularly the view from Church Road. Significantly, (a) it should not be too tall or exceed the height of the chimney stacks and (b) it should be sympathetically designed to complement the host building, particularly on the side facing the High Street.

Campaign for Real Ale:

Campaign for Real Ale supports the planning application to restore the former hotel and public house to a suitable bar and restaurant. No comment regarding to the scale of the hotel and viability.

The Bromley Civic Society:

Support the principle of the restoration of the Royal Bell and conversion back to hotel use. The new shop fronts are sensitively designed but we are concerned as to whether both units will be occupied and will maintain an active and lively frontage. One unit is a restaurant which is sensible if this is a shared resource between the hotel and public house use and it is essential that if approved the public are allowed into the building and the frontages continue to be active and accessible.

The new building would be three storeys taller than the existing Royal Bell. The scale is overly dominant and harmful to the Listed Building and Conservation Area. The 9 storey new build fails to meet the requirements of the NPPF as it is at odds with the more modest market town character in this highly significant part of the conservation area. The building therefore in accordance with the NPPF causes substantial harm. This needs to be rethought.

Only three bedrooms are proposed in the Listed Building leaving nine existing rooms on the top floor proposed for other uses. Four of these are front facing and have the best views. Reconsideration of this and general viability might enable a reduction in height of the new build. Ideally we would hope for a reduction down to at least roof level of the existing Listed Buildings as this could then be considered as less than substantial harm.

As enabling development this seems to go well beyond the definition of what is enabling development. In normal circumstances enabling development would be in a separate use from the restored building use for example a housing development in the grounds of a Listed Building enabling its restoration. However

in this case it is part of the proposed use as a hotel and the degree of new development is governed not just by that required to restore the Listed Building but also by the long term viability of the proposed operation. We would wish to ensure that the design is not dumbed down at a later stage after the granting of planning permission.

The visual separation between the Royal Bell and the freestanding new block necessitated by the intervening ballroom building is awkward. It unfortunately emphasizes the impact of the new building on Market Square and in appearance is dis-associated from the Listed Building.

A legal agreement or condition is needed to ensure that a large part of the ground floor uses such as the ballroom, restaurant and bar and pool are for public use. The scale and impact of the new build is detrimental to the character and appearance of Market Square, the Listed Buildings and the Conservation Area.

Should the project fail at any point we may be left with a still derelict Royal Bell with a large new build unacceptably dominant building in the heart of the conservation area which would not normally have gained planning permission. If the proposal is found to have substantial harm, it should be refused. If found as less than substantial harm then conditions should be imposed on any approval to ensure the restoration of the Royal Bell is completed before the new build commences. The external materials and appearance is not changed from that submitted. The main building and the extension are not separated to form independent units. The building is publicly accessible at ground floor and at first floor for the function rooms.

South East London Chamber of Commerce:

The South East London Chamber of Commerce supports this proposal.

Bromley Friends of the Earth:

Bromley Friends of the Earth support the proposal as it will be an asset to the heritage of the town centre. It will encourage visitors and boost local businesses. It will provide a cultural and community centre for the arts as well as other activities. It will enhance the conservation area. Concerned about the height and design of the proposed 9 storey hotel block on the stable site and also want to see the restoration of the hotel occur before any new building is constructed.

Thames Water:

Waste Comments: The proposal is located within 15 metres of a strategic sewer. No piling shall take place until a piling method statement (*detailing the depth and type of piling, methodology including measures to prevent and minimise the potential for damage to subsurface sewerage infrastructure and the programme for the works*) has been submitted to and approved in writing by the local planning authority in consultation with Thames Water.

Developer is required to ensure proposal would not reduce capacity, limit repair or maintenance activities or in any way inhibit Thames Water to provide their services. A pumped device (or equivalent reflecting technological advances) shall be installed to avoid the risk of backflow at a later date. Should there be any discharge of ground water and surface water, a Groundwater Risk Management Permit and prior approval from Thames Water would be required.

With regard to surface water drainage, Thames Water would advise that if the developer follows the sequential approach to the disposal of surface water we would have no objection.

Water Comments: No objection is raised regarding to water network infrastructure capacity. Thames Water aims 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's pipes. The developer should take account of this minimum pressure in the design of the proposed development.

### **Legal and Policy Context**

The Council in determining these applications has the following main statutory duties to perform:

- To determine the applications in accordance with the development plan unless other material considerations indicate otherwise (Section 38(6) of the Planning and Compulsory Purchase Act 2004);
- To have regard to local finance considerations so far as material to the application, and to any other material considerations (Section 70 (2) Town & Country Planning Act 1990);
- In considering whether to grant planning permission and listed building consent for development which affects the setting of a listed building, to have special regard to the desirability of preserving the setting of Listed Buildings (Section 66 (1) Planning (Listed Building and Conservation Areas) Act 1990);
- When considering the planning application to pay special attention to the desirability of preserving or enhancing the character or appearance of surrounding conservation areas (Section 72 (1) Planning (Listed Buildings and Conservation Areas) Act 1990).

The list below is not an exhaustive list of policies, it contains some of the most relevant policies to the application:

#### Government Planning Policy Guidance/Statements

National Planning Policy Framework (2018) (NPPF)

National Planning Guidance Framework (March 2014) (NPPG)

#### Historic England Guidance

Enabling Development and the Conservation of Significant Places

## London Plan 2016

- 2.6 Outer London: vision and strategy
- 2.13 Opportunity Areas and Intensification Areas
- 3.1 Ensuring equal life chances for all
- 4.5 London's visitor infrastructure
- 4.12 Improving opportunities for all
- 5.1 Climate change mitigation
- 5.2 Minimising carbon dioxide emissions
- 5.3 Sustainable design and construction
- 5.6 Decentralised energy in development proposals
- 5.7 Renewable energy
- 5.8 Innovative energy technologies
- 5.9 Overheating and cooling
- 5.10 Urban Greening
- 5.11 Green roofs and development site environs
- 5.12 Flood Risk Management
- 5.13 Sustainable drainage
- 5.18 Construction, excavation and demolition waste
- 6.3 Assessing effects of Development on Transport Capacity
- 6.9 Cycling
- 6.10 Walking
- 6.12 Road Network Capacity
- 6.13 Parking
- 7.1 Lifetime neighbourhoods
- 7.2 An Inclusive Environment
- 7.3 Designing Out Crime
- 7.4 Local Character
- 7.5 Public realm
- 7.6 Architecture
- 7.8 Heritage assets and archaeology
- 7.9 Heritage led regeneration
- 7.13 Improving air quality
- 7.15 Reducing noise and enhancing soundscape
- 7.19 Biodiversity and access to nature
- 8.2 Planning Obligations
- 8.3 Community Infrastructure Levy

## London Mayor's SPD/SPG

- Mayor of London: Town Centres Supplementary Planning Guidance (2014)
- Sustainable Design and Construction SPG (2014)
- Shaping Neighbourhoods: Character and Context (2014)
- Accessible London: Achieving an Inclusive Environment (2004)
- Planning for Equality and Diversity in London (October 2007)

## Unitary Development Plan

- BE1 Design of New Development
- BE2 Mixed Use Developments
- BE4 Public Realm
- BE8 Statutory Listed Buildings

BE9 Demolition of listed building  
BE11 Conservation Areas  
L11 Tourist related Development  
S6 Retail and Leisure Development  
S9 Food and Drink Premises  
T1 Transport Demand  
T2 Assessment of Transport Effects  
T3 Parking  
T5 Access for People with restricted mobility  
T6 Pedestrians  
T7 Cyclists (see London Plan)  
T9 Public Transport  
T10 Public Transport  
T11 New Accesses  
T15 Traffic Management  
T17 Servicing of Premises  
T18 Highway Safety  
BE1 Design of New Development  
BE4 Public Realm  
BE7 Railings, Walls and Means of Enclosure  
NE3 Nature Conservation  
ER4 Sustainable and Energy Efficient Development  
ER7 Contaminated Land  
ER10 Light Pollution  
ER15 Water Conservation  
IMP1 Planning Obligations

#### Bromley SPD/SPG

Bromley Town Centre Conservation Area Statement 2011  
Planning Obligations SPD

#### Draft Local Plan

Draft Policy 30 - Parking  
Draft Policy 31 - Relieving Congestion  
Draft Policy 32 - Road Safety  
Draft Policy 33 - Access for All  
Draft Policy 34 - Highway Infrastructure Provision  
Draft Policy 37 - General Design of Development  
Draft Policy 38 – Statutory Listed Buildings  
Draft Policy 41 – Conservation Areas  
Draft Policy 91 –proposals for main town centre uses  
Draft Policy 113 - Waste Management in new Development  
Draft Policy 115 - Reducing Flood Risk  
Draft Policy 116 - Sustainable Urban Drainage Systems  
Draft Policy 119 - Noise Pollution  
Draft Policy 120 - Air Quality  
Draft Policy 122 - Light Pollution  
Draft Policy 123 - Sustainable Design and Construction  
Draft Policy 124 - Carbon Dioxide Reduction, Decentralised Energy Networks and renewable energy

## Emerging Planning Policy

Statutory public consultation on the draft London Plan commenced on the 1st of December 2017 and is now closed. This is the first substantive consultation of the London Plan, but it has been informed by the consultation on 'A City for All Londoners' which took place in Autumn/Winter 2016. The current 2016 consolidation London Plan is still the adopted Development Plan. However the Draft London Plan is a material consideration in planning decisions. It gains more weight as it moves through the process to adoption. However the weight given to it is a matter for the decision maker.

The Council is preparing a Draft Local Plan. Weighting of draft policies is guided by paragraph 216 of the National Planning Policy Framework and paragraph 19 of the Planning Practice Guidance (Local Plans). Accordingly as Local Plans pass progress through formal stages before adoption they accrue weight for the purposes of determining planning applications. The Local Plan is close to adoption and is a material consideration of limited weight at this point.

## **Planning History**

- 92/01781/FUL – granted on 29<sup>th</sup> January 1993;  
Planning permission for the erection of a single storey rear extension, internal and external alteration and new service access
- 95/00752/FUL and 95/00751/LBCALT – granted on 14<sup>th</sup> July 1995  
Planning and Listed Building Consent for the alterations to accommodation of single storey rear extension and wall, internal and external alterations and rear serving access details.
- 96/00945/FUL and 96/00946/LBCDEM – granted on 10<sup>th</sup> December 1996  
Planning and Listed Building Consent for the change of use of ground floor units from retail to public house and alterations to front elevation.
- 01/00921/FULL1 – granted on 23<sup>rd</sup> May 2001  
Planning permission for the installation of satellite dish on roof at rear
- 06/02952/LBC – granted 25<sup>th</sup> October 2006  
Retrospective Listed building Consent for the removal of internal staircase

The following is a list of advertisement consent and associated listed building consent application records for shop signs

- 87/03557/ADV – refused on 3<sup>rd</sup> May 1988 and subsequent appeal was dismissed;
- 88/00499/ADVILL – granted on 25<sup>th</sup> July 1988;
- 89/00202/ADV – granted on 15<sup>th</sup> May 1989;
- 96/01775/ADVILL and 96/02091/LBCALT;
- 98/01665/ADVILL and 98/01843/LBCALT
- 06/02307/ADV - refused  
Advertisement consent for an internally illuminated sign within main entrance
- 07/02812/ADV and 07/02811/LBC – granted 7<sup>th</sup> September 2007

### No. 171 High Street

- 83/02149/FUL – granted on 7<sup>th</sup> November 1983

Planning permission for the change of use to an estate agent.

- 84/00541/FUL – granted on 25<sup>th</sup> April 1984

Planning permission for the change of use of ground floor from employment agency to building society office

- 85/01224/FUL and 85/01222/LBCALT - Granted on 1<sup>st</sup> July 1985

Full planning and listed building consent for first floor rear extension (rear of 173).

- 86/02236/LBC - granted on 27<sup>th</sup> October 1986

Listed building consent for the maintenance repairs and external decoration and renovation of decorative cornice to front elevation.

Planning permission for the formation of disabled access and alterations to shopfront

- 02/00375/LBC – granted on 28<sup>th</sup> March 2002

Internal entrance lobby (LISTED BUILDING CONSENT)

The following planning application for a new shop front

- 84/02274/FUL – granted on 12<sup>th</sup> September 1984
- 85/00232/FUL – refused on 21<sup>st</sup> March 1985
- 85/01001/FUL – granted on 17<sup>th</sup> June 1985
- 99/02663/FULL1 – granted on 12<sup>th</sup> November 1999
- 06/02166/FULL1 and 06/02351/LBC – granted on 26<sup>th</sup> July 2006

The following is a list of advertisement and listed building consent application records:

- 84/02292/ADV and 84/02273/ADVILL – granted on 13<sup>th</sup> September 1984
- 85/00233/ADVILL – refused on 26<sup>th</sup> March 1985
- 85/00234/ADVILL- refused on 25<sup>th</sup> March 1985
- 85/00999/ADVILL – granted on 12<sup>th</sup> June 1986
- 85/01000/ADVILL – granted on 17<sup>th</sup> June 1985
- 87/03694/ADVILL – refused on 21<sup>st</sup> January 1988
- 87/03877/LBC – granted on 9<sup>th</sup> March 1988
- 99/02662/LBC – granted on 12<sup>th</sup> November 1999
- 06/00413/ADV and listed building consent – granted on 5<sup>th</sup> July 2006
- 11/01996/ADV and 11/01957/LBC – granted on 16<sup>th</sup> September 2011
- 13/04150/ADV and 13/04169/LBC – granted 7<sup>th</sup> February 2014

Between 1984 to 2006, 171 High Street was occupied by Bristol and West Building Society Between 2006 to 2013 - Britannia building society

### **Considerations**

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

- Principle of Development;
- Design, Scale and Massing;
- Impact on Heritage Assets;
- Enabling Development;
- Residential Amenity;
- Highways;
- Waste and Recycling Provision;

- Sustainability;
- Flood Risk and Drainage;
- Trees, Landscaping and Ecology; and
- CIL and S106 Planning Obligations.

### Principle of Development

- Land use

The application site forms part of the Secondary Shopping Frontage in the Bromley Town Centre and is located within Bromley Town Centre Conservation Area. The application property (173 to 177 High Street, also known as The Royal Bell) forms part of the Grade II Statutory Listed Building and have been vacant for 10 years. The application property is on the heritage at risk register. The application property was last occupied as a public house with ancillary kitchen, utility, storage and staff accommodation.

Paragraph 85 of the National Planning Policy Framework (NPPF) states planning decisions should support the role town centres play at the heart of the local community, by taking a positive approach to their growth, management and adaptation. Annex 2 of the NPPF categorizes hotels as one of the main town centre uses.

Policy 4.5 of the London Plan encourages the growth of the visitor's economy and seeks to achieve 40,000 net additional hotel bedrooms by 2036, of which at least 10 per cent of the hotel rooms should be wheelchair accessible.

Policies S2 and S10 of the UDP aim to ensure new development will complement the shopping function of the town centre. Policy S9 of the UDP states the Council will only permit proposals for additional restaurants and drinking establishments provided that the proposal would not have an adverse impact on residential amenity and would not cause undue traffic congestion or be detrimental to the safety of other road users and pedestrians.

The principle of introducing a new hotel with other commercial uses including a gym, swimming pool, catering facilities and a retail unit (measuring 50sq.m) on the ground floor is supported in land use terms. Hotels are considered as one of the main town centre uses and should be located within a Town Centre. The proposal to introduce a new retail shop on the ground floor would also complement the shopping function of this secondary shopping parade providing a more diverse choice and service in the Town Centre.

- Demolition of the former stable block

It is proposed to demolish and replace the stable block for the construct a 9 storey building. The original stable block is constructed in brick and falls within the curtilage of the proposal listed building at the date of its listing. The stable block is of some historical interest associated to the main listed building. The stable is accessed via a side passage from the High Street and survives to the rear of the site.

The proposed demolition would affect the special architectural or historic interest of the overall building. However, under para 196 of the NPPF the harm caused by the demolition of the stable block would have to be outweighed by the benefit of the reuse of the main listed building which is of far higher significance and importance. The location of the stable block is potentially the only area which could be considered for any new building aiming to achieve a deliverable scheme. Given the constraints and circumstances of the site and the fact that the stable block is not visible from the High Street at present, it is considered that the benefits would outweigh its harm and therefore its demolition is considered to be “less than substantial” in the context of this proposal.

### Design, scale and massing

Paragraph 124 of the NPPF states that the creation of high quality buildings and places is fundamental to what the planning and development process should achieve and good design is a key aspect of sustainable development. Paragraph 127 sets out the aims for planning decisions to ensure that developments:

- a) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;
- b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;
- c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);
- d) establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit;
- d) optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and
- e) create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.

UDP Policy BE1 states (i) all development will be expected to complement the scale, form, layout and materials of adjacent buildings and area; (ii) development should not detract from the existing street scene and should respect important view, skylines, landmarks or landscaping features. This approach is consistent with Policy 7.4 of the London Plan relates to local character and states that buildings should provide a high quality response that inter alia has regard to the pattern and grain of the existing spaces in orientation, scale, proportion and mass and allows existing buildings. Policy 7.6 of the London Plan also requires buildings inter alia to be of a proportion and scale that enhances, activates and appropriately defines the public realm and does not cause unacceptable harm to the amenity of surrounding land and buildings in relation to privacy, overshadowing, wind and microclimate – particularly tall buildings.

The Bromley Town Centre Conservation Area and in fact most parts of Bromley Town Centre is located on a slope. The general topography of the Town Centre Conservation Area slopes down from north to south along Bromley High Street and there is also an incline where Market Square drops down to Church Road. The ground level of the site is elevated when viewed from the southern part of the High Street.

The Bromley Town Centre Conservation Area Statement states that the siting and layout of new buildings in the Bromley Town Centre Conservation Area must be respectful of the character and appearance of the Conservation Area. New proposals are required to recognise and respond to the predominant scale, form and detailing of contributing buildings and reflect the bulk and spatial composition of structures and intervening spaces. The Bromley Town Centre Conservation Statement also requires new building not to become dominant elements or overwhelm existing structures and spaces. For example, it is good practice for new buildings to keep within the typical height of existing buildings, ideally remaining slightly lower than adjacent buildings.

The application site is mainly surrounded by 2 to 4 storey buildings. The application property is 4 storeys in height and is the tallest listed building along the High Street, at the heart of the historic market town. It is noted that there are modern buildings (over 5 storeys in height) located within the Conservation Area and visible from the site, including the Churchill Theatre and a part 5/part 6 storey office block at the rear of 145 High Street. These buildings are located approximately 200 metres and 140 metres south from the application site respectively. It should be noted that these buildings are neither located within nor adjoining to the Market Square Character Area in the Conservation Area. It should also be noted that these modern buildings are located on the southern part of the High Street, away from the Market Square. Furthermore, the topography of the application site approaching to the top of Martin's Hill is higher than the ground level of Churchill Theatre and the office block at the rear of 145 High Street.

The proposed new building would measure 28.2 metres in height. Whilst the proposed building would be sited behind the listed building and the properties facing Market Square, it should be noted that the proposed building would be approximately 20 metres taller than the adjoining 2 to 3 storey buildings at No. 1 to No. 8 Market Square and 11.2 metres taller than the ridge line of the listed building.

The footprint of the proposed building would be broadly rectangular in shape and almost fully infill its rear yard. The footprint and main body of the proposed building would measure 16.3 metres wide and 15 metres deep along the north elevation. It is noted that the proposed building is designed with small regressive on the upper floors aiming to reduce its scale and massing of the building. The proposed building would measure 14.5 metres wide and 13.3 metres deep between the 6<sup>th</sup> and 7 floors. The top floor would measure 11.5 metres wide and 10 metres deep.

The scale and massing of the proposed building is considered to be excessive when compared to the surrounding low rise buildings mainly between 2 to 4 storeys in height. The "regressive" design approach on the upper floors does

highlight the fact that the scale of the proposed building would be excessive and unsympathetic to its surrounding built environment and townscape. The proposed building, in particular the top floors between floors 6 to 8 would punctuate the skyline of the market town in a blunt manner.

In addition, maintenance and building management arrangement of building should be considered at the start of the design process. The rear wall of the proposed building would be aligned with its rear boundary. The proposed floor plans indicate that the access and external maintenance to the proposal building would be almost entirely reliant upon the neighbouring land, in particular the south and east elevation.

Having considered the siting, scale and massing of the proposed building and its relationship with its surrounding buildings, it is considered that the scale of the proposal would be excessive, overbearing, over-dominant and appear to be an incongruous feature in the area.

It is noted that the applicant has sought pre-application advice from the Victorian Society and Historic England. Both consultees have raised concerns regarding to the height, scale and treatment of the proposed 9 storey hotel building. The Victorian Society states *“there remain reservations about the height and treatment of the new hotel range, which are yet to be resolved successfully”*. Historic England states *“we are concerned about the scale of the proposed eight storey tower which we consider would fail to preserve or enhance the character of the Bromley Town Centre Conservation Area in its current form and would also harm the setting of the listed building. We strongly recommend that options are explored to reduce or redistribute the mass of the extension so it responds more successfully to the prevailing townscape scale”*.

Whilst pre-application advice has not been sought from the Council’s planning officers, the applicant was informed following submission of the application that the scale and massing bulk of the proposed building would be excessive and the scale of the proposed building should be reduced.. The Victorian Society has also commented on the current application. Whilst it remains supportive of the proposal, the concerns regarding to the height of the proposed buildings was raised. Their comment states *“The proposed height should be very carefully justified in the submitted application and its absolute necessity clearly established with respect to the viability of the scheme as a whole”*. Since the application was submitted to the Council, there has been no change to the proposed new building in terms of its proposed height, scale and internal layout. The applicant considers that the proposal in its current form is justified in heritage and all planning terms.

With regard to the request to reduce the scale of the new development, the internal layout of the proposal indicates that 10 staff and office rooms would be provided on the third floor of the listed building. The provision of on-site staff and office accommodation is not an uncommon practice. However, the site is located at a highly sustainable location and serviced by 24 hour bus routes. It is considered that the scale of the proposed building could be reduced by replacing some of the staff and office accommodation with hotel rooms. The outlook of the staff and office accommodation appears to be better than some of the proposed hotel rooms in the

proposed building with windows being located 0.8 metres to the opposite wall or 1.6 metres to the flank wall of a three storey commercial block.

- Detailed design

The design and access statement indicates that a barrel vaulted roof, flat roof glass lantern roof and a hipped roof were considered. The applicant considered that a traditional hipped roof with laminate timber structure to the soffit of the roof would be the best option and fit with the architecture of the Bromley Town Centre Conservation Area. As the site is surrounded by buildings with a variation of pitched and flat roof, it is considered that the proposed roof profile design would be acceptable at this location.

The prevailing type of materials in the immediate surrounds will often influence the choice of main facing material. It is often desirable for a new building to blend into its surrounds by using complementary materials to ensure that it does not inappropriately draw the eye or undermine local distinctiveness. The external finishes of the building would be mainly constructed in brick with a mixture of off-white bricks to the pilasters and red roman brick. Brick is considered to be one of the most durable materials and the choice of brick colour is considered acceptable and reflects the listed buildings.

The proposed windows would be double glazed recessed arch crittal windows. The windows between first and fifth floors would be surrounded by decorative brick works and panels of patterned brick work on the east and west elevation of the proposed building. Grouping windows into vertical band will allow the fenestration to be read as a vertical grouping rather than a horizontal one. The siting of the proposed window and off-white strips will present a degree of proportion and symmetrical arrangement. The Victorian Society has welcomed the inclusion of decorative brickwork panels on the arches on the first to fifth floors, recessed windows and inverted arches to the parapet at eighth-floor level. These measures are indicated on the proposed building with different treatment on different elevations.

Whilst the use of different materials and decorative brick panels can often help to articulate and add interest to a façade, the proposed elevational treatment on the proposed buildings would present an inconsistent and incoherent appearance on a tall building and highly visible from public views. For instance, the proportion of the windows above the fifth floor appears to be driven by the proposed internal layout. The recessed bay windows with buff or polychrome brickwork would be limited between the first to fifth floors and dissimilar to the upper floors (6<sup>th</sup> to 8<sup>th</sup> floors). The brick panels and elevational treatment on the east elevation appear to be disparate from the elevational treatment on the north elevation. The top floor penthouse is designed with larger crittal style glazing with blue colour brick. The top floor appears to be an add-on floor and distinct from the lower floors of the proposed building. The terrace would be surrounded by an inverted arch and balustrade made of mild steel and wrought iron akin to a domestic boundary wall. Officers note that there is a unique design challenge to provide a non-intrusive prominent building at this constrained site. The proposed elevational treatment represents an adventitious attempt to break down the bulk and massing of this

building. The window design, arrangement and proportion on the proposed building would magnify and highlight the bulkiness of the proposed building, in particular the upper floors between the 6<sup>th</sup> and 8<sup>th</sup> floors.

Overall, it is considered that the scale, bulk and design of the proposed 9 storey building would be an intrusive development at this historic part of a market town. The scale and massing of the proposed building should be reduced. The façade, window and elevation treatment of the proposed building should be more consistent and coherent on all elevations.

#### Impact on Heritage Assets (Listed building, Conservation Area and Townscape)

The Council has a statutory duty to consider a proposals impact on listed buildings, including their settings and conservation areas. This is contained in Sections 66(1) and 72(1) (respectively) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended), which is reflected in central, regional and local policy and guidance.

Chapter 16 of the NPPF (Para 192-202) relates to the implications of development for the historic environment and provides assessment principles. It also identifies the way in which any impacts should be considered, and how they should be balanced against the public benefits of a scheme.

Paragraph 192 of the NPPF states that in determining planning applications local planning authorities need to take into account:

- a. the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;
- b. the positive contribution that conservation of the heritage assets can make to sustainable communities including their economic vitality; and,
- c. the desirability of new development making a positive contribution to local character and distinctiveness.

Paragraph 193 states when considering the impact of a proposed development on the significant of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.

Substantial harm is a high bar and in determining whether work to a listed building/heritage asset would constitutes harm on heritage asset, it would be essential to consider whether the adverse impact would have a seriously affects upon key elements of its special architectural or historic interest.

The NPPF has strong presumption against proposal would lead to substantial harm to or total loss of significance of a designated asset. The Local Planning Authority should refuse consent, unless it can be demonstrate that the substantial harm or loss is necessary to achieve substantial public benefits that outweigh that harm or loss (Paragraph 195).

- The setting and significance of The Royal Bell Hotel

The setting of a heritage asset is defined within the NPPF Glossary as, *“the surroundings in which a heritage asset is experienced. Its extent is not fixed and may change as the asset and its surroundings evolve. Elements of a setting may make a positive or negative contribution to the significance of an asset, may affect the ability to appreciate that significance or may be neutral”*.

The significance is defined within the NPPF glossary as *“The value of a heritage asset to this and future generations because of its heritage interest. The interest may be archaeological, architectural, artistic or historic. Significance derives not only from a heritage asset’s physical presence, but also from its setting”*.

The listing description summarises the architectural and historic significance of the listed building (including 171 High Street). Historic England outlines the significances of the Royal Bell Hotel as follows:-

The Royal Bell Hotel is located along Bromley High Street and next to the historic market place in the Bromley Town Centre Conservation Area. Although much of the town centre has been subject to large-scale redevelopment, the northern end of the High Street (where the Royal Bell is located) retains its historic market town character with a fine grain of buildings of 2-5 storeys in height. To the north of the High Street is the Grade I listed Bromley College - a former almshouse complex of exceptional architectural and historic interest and one of the most important listed buildings in the Borough.

The Royal Bell was built in 1898 on the site of an earlier coaching inn to a design by Ernest Newton. Newton was local to the Bromley area and is well known as one of Norman Shaw’s most talented and prolific pupils, and as a major exponent of the Arts and Crafts Movement. The Royal Bell is therefore of much historic interest for its association to Newton, and as a long-standing hostelry in one of the oldest parts of the Borough.

The Royal Bell incorporates Arts and Crafts, as well as Jacobean and Queen Anne motifs into its impressive façade. Of particular note are its canted lead-covered bow and tripartite windows which feature decorative pargetting and a heavy dentil cornice above. The interior is similarly decorative, particularly the mosaic entrance lobby, Jacobean staircase, and double-height ballroom. The ballroom was subject to insensitive alterations in the 1990s involving the removal of a section of flooring to reveal the floor below, and the blocking off of its minstrel’s gallery and removal of its balustrade. Despite these changes, the building remains of much architectural interest. The courtyard to the rear of the Royal Bell contains two stable blocks which are accessible via an original undercroft along the High Street. This ensemble contributes to the understanding of the original plan of the Royal Bell. Architecturally, however, the stables have been negatively affected by recent alterations, and the courtyard now has a somewhat utilitarian setting due to its concrete surfacing and large retail units within Walter’s Yard immediately behind the site. The Royal Bell has been closed for several years and subject to a number of stalled redevelopment schemes. As such its condition has deteriorated and is currently included on Historic England’s Heritage at Risk Register.

Historic England supports of the proposal to undertake extensive conservation work to the Grade II listed building, in particular the reinstatement of the Ballroom and Minstrels' Gallery and extensive package of repairs including to Ernest Newton's distinctive pargeting to the main elevation. The proposed use will provide a compatible and sustainable use within the building and should facilitate its removal from the Heritage at Risk Register. As such, it is considered that the proposed internal and external refurbishment works to the listed building would be acceptable and is recommended that the listed building consent application (ref: 18/0321/LBC) be approved.

However, Historic England objects to the works for the 9 storey building which is subject to planning permission (ref: 18/03252/FULL). The proposal is considered to have a harmful impact to the modest market town character of the Bromley Town Centre Conservation Area.

The Bromley Town Centre Conservation Area is categorised into 7 character areas (Market Square, High Street – Northern section, High Street – Central pedestrianized section, Ravensbourne Valley, Queens Gardens and Wilmore Road East). The Bromley Town Centre Conservation Area (CA) was first designated in 1985. At that time the designation was focused around the historic core of Market Square and the northern part of the Bromley High Street which the application site forms part of.

The former Royal Bell hotel building (171 to 177 High Street) is the tallest historic building located within the High Street - North Character Area. The height of prevailing buildings within this historic core (including modern buildings) are mainly 2 to 3 storey in height on the eastern side of the High Street, 2 to 4 storey in height on the western side of the High Street, with the exception of 171 High Street comprises of 5 floors and 171 to 177 comprise of 4 floors. There is no modern building dominant or higher than the application property, of high significance in this character area.

The application property is adjoining to the Market Square Character Area with a building height typically 2 to 3 storeys in height. The character of the Market Square is intimate and also dominated by large 1930s locally listed neo-Tudor building in the centre. No. 162 to 178 High Street is the tallest building in this character area (5 storey occupied by Primark).

With regard to tall/tallest buildings in other character areas, there are 5 storey office blocks facing Kentish Way (A21) within the Bromley North Character Area. 2 to 4 storey buildings exist within the Widmore Road, Queens Garden and Ravensbourne Valley Character Areas.

There are a few clusters of modern buildings in the central part of the High Street Character Area where the ground levels are lower than the core of the historic market town. The applicant has indicated that there are tall and large scale buildings in the Conservation Area, such as the Glades, Churchill Theatre and an office block located to the rear of 145 High Street (Nat West Bank). It should be noted that the Glades is located outside the Conservation Area boundary, the

Churchill Theatre was opened in July 1977 before the area was designated as a Conservation Area and the building has a low rise frontage facing the High Street and is located 200 metres away from the application site. The rear of No.145 High Street is a part 5/part 6 storey building originally constructed as an office and is located 140 metres away from the application site. As these post-war buildings are located outside the historic core character areas and constructed after the area was designated as a conservation area. It is considered that the existing modern buildings should not be considered as a reason to introduce an intrusive building at the historic core of the Bromley Town Centre Conservation Area. Furthermore, the Churchill Theatre is considered as a landmark in the Local Plan and should not be used as a benchmark to introduce large scale building that would overwhelm the historic environment of Bromley Town Centre.

Due to the siting and excessive scale of the proposed 9 storey building, it is considered that the proposed would have a material and significant harm to the setting of the heritage assets. In line with Paragraph 193 of the NPPF great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.

The site adjoins Site P opportunity area (Sainsbury's) in the Bromley Town Centre where new development is required to complement the existing character of the conservation area and the listed building. Should this proposal in its current scale be allowed, a new building benchmark will be set in the Bromley North Character Area.

There are 10 key views and 22 statutory listed buildings within the Bromley Town Centre Conservation Area. For large scale development including a tall building, a visual impact assessment covering the relevant key views and listed buildings in the conservation area and town centre should be provided.

As part of this application, 3 "Townscape studies" images are provided as part of the Design and Access Statement and Heritage Statement. The locations of the images are as follows: -

#### 1. Widmore Road – outside the Old Town Hall

The image indicates that the fifth floor of the proposed building would be above the ridge line of No. 9 Market Square. The submitted section/ elevation plan indicates the spot height of the proposed building is 67.35 metres AOD. This is consistent with the Council's Mapping record which indicates that the spot height outside the Old Town Hall on Widmore Road is 67 metres AOD. It is considered that this image does correspond to the submitted drawings.

#### 2. Church Road

The spot height on Church Road, near the junction to Tetty Way is 65 metres AOD. This view indicates that the top floor of the building would be visible.

### 3. High Street

This view indicates that the proposed building would be visible from the fourth floor. The proposal would be 20.2 metres (5 storeys) higher than the adjoining building facing the Market Square.

The submitted images indicate that the proposed 9 storey tower would significantly break the roofline of the area. It should be noted that the proposed building would be 5 storeys taller than the adjoining buildings. As such, it is considered that the proposed new building will have a significant visual impact when viewed from Widmore Road, Church Road and High Street – central.

At pre-application stage and planning consultation stage, Historic England requested a visual assessment including views to include the Grade I listed Bromley College and Grade II listed Star and Garter Pub located on the northern section of the High Street be provided. However, no further visual assessment covering these statutory buildings and historic core of the Bromley Town Centre Conservation Area have been provided, except a diagram that indicates the proposed building would be visible from the High Street.

The Royal Bell Hotel building is considered to be a building with high architectural and historic significance in Bromley. The listed building had an important role and landmark status and this is reflected in its scale and prominence on the site and within the Conservation Area. The proposed 9 storey building would materially harm the setting of the listed building and appear as an overbearing and imposing addition visible from the neighbouring roads. It is considered that the proposed building, in its current scale and height would have a material harm and leading to substantial harm to the setting of the heritage assets.

#### Enabling Development

Paragraph 202 states that the LPA should assess whether the benefits of a proposal for enabling development, which would otherwise conflict with planning policies but which would secure the future conservation of a heritage asset, outweigh the dis-benefit of departing from those policies.

Historic England published policy guidance relates to enabling development – Enabling Development and the Conservation of Significance places. It states: -

Enabling Development that would secure the future of a significant place, but contravene other planning policy objectives, should be unacceptable unless:

- a. it will not materially harm the heritage values of the place or its setting;
- b. it avoids detrimental fragmentation of management of the place;
- c. it will secure the long-term future of the place and where applicant, it continues use for a sympathetic purpose
- d. it is necessary to resolve problem arising from the inherent needs of the place, rather than the circumstances of the present owner, or the purchase price paid
- e. sufficient subsidy is not available from any other source;

- f. it is demonstrate that the amount of enabling development is the minimum necessary to secure the future of the place, and that its form minuses harm to other public interest;
- g. the public benefit of securing the future of the significant place through such enabling development decisively outweigh the dis-benefits of breaching other public c policies

Taking into account the other conclusions in this report, the proposal would fail to either preserve or enhance the identified heritage assets in the Town Centre, in breach of the National, London and Local planning policies. As such, the proposal would not comply with criteria (a).

The application submission does not identify a hotel or businesses operator in line for the proposed commercial uses. Whilst the proposed businesses could potentially be operated or managed by a party and the proposed use as a hotel would celebrate the internal of the listed building, the risk described in criteria (b) to (d) would remain as this is largely driven by the market conditions.

The planning statement provided indicates that there is no subsidy available. However, it is unclear whether all possible avenues have been explored or exhausted by the current owner to bring the building back into its former use. For example, no details are provided to confirm whether any successful/unsuccessful grants or application have been sought from Historic England or the Heritage Lottery Fund. The proposal is therefore, not compliant with criteria (e).

The planning statement states that the proposal is an “enabling development” case in line with the Historic England guidance (Enabling Development and the Conservations of Significant Places). The applicant considers that the proposal for a 50 bed hotel and commercial uses is the minimum required to make the development viable as indicated in the valuation and viability report.

The applicant’s valuation and viability report (June 2018) indicates that the proposal (for a 50 bed hotel including the revenue of other commercial uses – gym, pub/restaurant and retail) would be unviable with a deficit (of £1 million). This report was not prepared in accordance with Historic England’s guidance with no conservation deficit calculated/identified. The detailed costing plan and adequate market evidence to support the revenue for a 50 bed hotel were also absent.

Further details of the construction costs were subsequently provided which indicated that the proposal would be viable with a 61 bed hotel (11 storey) and the proposal would be unviable with a 47 bed hotel (9 storey). The additional details have been robustly assessed by an agreed independent viability consultant and quantity surveyor. The key findings are summarised as follows:

#### 1. Commercial revenue

The application indicates that a 47 bed hotel scheme would result in a deficit (circa £747k). However, the revenue of other commercial uses within the proposal has been removed from the applicant’s latest appraisal/calculation. It should be noted that these other commercial revenues were included in their original viability

submission (arriving at a £1 million loss). The proposal including the revenue of other commercial uses (gym, restaurant/pub, retail would be viable and achieve a sizeable surplus of £1.75 million excluding a 15% developer's profit). Therefore, the suggestion that the proposal for a 47 bed hotel would be unviable is not supported. The quantum of the proposal to provide a 50 bed hotel is not the minimum required to deliver a viable scheme.

## 2 Hotel revenue valuation

The hotel revenue valuation by Allen & Smith is priced and based on residential-led development for residential purposes. This approach for a hotel valuation is at odds and is not a standard valuation approach. The independent viability consultant has looked at this variable independently and considered that the suggested room rate is not unreasonable per room.

## 3. Market Value of the heritage assets

The applicant's viability report adopted a purchase price together with the addition of purchaser's costs. This does not follow the Historic England Guidance note which states "*The case of enabling development normally rests on there being a conservation deficit. This is when the existing value (often taken as zero) plus the development costs exceeds the value of the place after development. Developments costs obviously include not only repair, but also, if possible or appropriate conversion to optimum viable use, and a developer's profit appropriate to the circumstances. A development appraisal in such cases produces a negative residual value. If so, enabling development... may be justified, but only sufficient to cover the conservation deficit. i.e. to bring the residual value up to zero*".

The Guidance goes on to note that "*one of the most common problems when dealing with proposed enabling development is that too high a purchase price was paid for the property*".

Developer should approach acquisition of heritage assets in full cognisance of the works required to bring the asset back into beneficial use. Para 5.6.1 states "*Given that the market value of the property is theoretically the sum remaining once development costs have been subtracted from end value, the result for some significant places in very poor conditions will be negligible or negative. The actual purchase price paid by the developer must be disregarded if it is based on the hope or anticipation of consent for development contrary to established planning policy*".

Paragraph 5.6.3 indicates that if a heritage asset is in such a state of disrepair that it is incapable of a reasonably beneficial use, the site concerned should be valued on the agricultural value of the land (i.e a few thousand pounds). Paragraph 5.6.4 states that where a property is capable of a beneficial use, the market value must take account of the structural condition and the planning constraints upon it.

Officers have had due regard to the additional details provided by the applicant, Historic England Guidance and advice from a professional independent viability assessor. Based on the information provided, it is considered that a proposal with

less than 47 bedrooms would be viable and the suggested quantum of proposed development in the current proposal is therefore, not accepted and does not comply with criteria (f).

Furthermore, a technical survey prepared by Broadgate Estate for the British Land (Dated 15<sup>th</sup> June 2017) indicates that the repair cost of the building enabling it back to its last use (including demolition of the stable) was £1.2 million. It is noted that these repair costs/work is not as extensive as the proposal put forward in the current application. There are no other development appraisals to investigate any other uses or bringing the property back into its last use as a public house with residential rates above.

The site is located in a highly sustainable location and Bromley Town Centre. There are 9 hotels dispersed within or on the edge of Bromley Town Centre. In the absence of a detailed and local hotel study investigating the past, current and future market, it is considered that the quantum of this proposal development would result in material heritage harm and should not be supported.

Para 4.7 of the Historic England (enabling development ) guidance states before any enabling development is considered the applicant normally needs to demonstrate that real efforts have been made, without success, to continue the present use or to find compatible alternative uses for the place. This should normally include the offer of the unrestricted freehold or long leasehold on the market at a realistic price reflecting the condition of the place, and, so far as ownership allows, with an appropriate curtilage. The offer of a short lease or the imposition of restrictive covenants would normally reduce the chance of finding a new use. The minimum period of active marketing would be 6 months.

The listed building has a long history of vacancy with no recent successful occupiers. Officers note that the site has been subjected to marketing. However, full marketing details of the property, in particular 6 months before the exchange of the property in March/April 2018 have not been provided.

Paragraph 196 states where a proposed development will lead to a less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.

The Bromley Town Centre Conservation area is a living part of the urban area, officers acknowledged the potential opportunity and benefit of this proposal and what it would offer at the Town Centre. The key benefit arising from this proposal is the refurbishment and repair works to the listed building and great weight should be attached when balancing against its irreversible impact and harm to the setting of the listed building/conservation heritage asset. However, the proposal fails to demonstrate the benefits of the development of the site; in particular the quantum of this proposal would clearly and substantially outweigh the irreversible material harm to the heritage assets in Bromley. The scale of the proposed building should therefore be reduced to mitigate its harm to an acceptable level.

- Inclusive Design/Wheelchair units

London Plan Policy 7.2 requires new development in London to achieve the highest standards of accessible and inclusive design and supports the principles of inclusive design. The London Mayors' Accessible London: Achieving An Inclusive Environment SPG requires 10 percent of the hotel room should be accessible.

5 accessible hotel rooms would be provided. Internal lifts would be installed in the listed building and the proposed 9 storey buildings. The proposed lift would be accessible to all floors. It is considered that an accessible environment will be created to cater wheelchair users.

### Residential amenities

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.

#### - Sunlight and daylight

A daylight and sunlight assessment prepared in accordance with the Building Research Establishment (BRE) handbook 'Site Layout Planning for Daylight and Sunlight' is submitted as part of this application. The Vertical Sky Component (VSC) test has been applied. This test measures the amount of daylight received at the centre of the window face, before and after the proposed development is constructed. This is considered to be the most appropriate test for measuring the level of impact upon a neighbouring residential building. When the VSC is below 27% as existing, the BRE guidelines recommend that daylight values are not reduced by more than 0.8 of the former value (i.e. more than a 20% reduction in daylight as a result of the proposal).

The nearest residential properties are located at No. 4A Market Square and there are 4 rear habitable room/bedroom windows. 4A Market Square is a 3 storey building which comprises of a restaurant on the ground floor with two individual residential flats above, known as Flat 1 and Flat 2. The refurbishment works to the listed building would have no significant impact on the residential amenities enjoyed by the neighbouring properties, except the proposed 9 storey building would be located 17 metres opposite to the rear bedroom windows.

The daylight and sunlight report indicates that the first floor rear windows (R1/141 and R2/141) would experience a reduction between 29% and 32% to its former VSC value. The second floor rear windows (R1/142 and R2/142) would also experience 24% to 25% loss of its former VSC value. These reductions would be greater than 20% and mostly noticeable by the occupiers. However, such reduction is considered to be commensurate in an urban location and would not warrant as a single reason to refuse this application.

#### - Outlook and sense of enclosure

It is noted that the proposed building would be located 17 metres opposite to the upper floor rear windows at No. 4A Market Square. However, it should be noted that the proposed building would be 9 storeys in height and almost fully occupies the area between the listed building and its rear/side boundaries. Due to the siting, substantial scale and massing of the proposed building, it is considered that the proposal would have an adverse impact on residential amenities in terms of loss of outlook and unneighbourly increased sense of enclosure.

In summary, the proposal would have an adverse impact on residential amenities in terms of loss of outlook and unneighbourly increased sense of enclosure, contrary to Policy BE1 of the UDP.

### Highways

The site is located within an area with good access to public transport links (PTAL rating of 6a, on a scale between 0 to 6b where 0 is worst and 6b is best). The NPPF recognises that transport policies have an important role to play in facilitating sustainable development but also in contributing to wider sustainability and health objectives. All developments that generate significant amounts of movement should be supported by a Transport Statement or Transport Assessment. Plans and decisions should take account of whether the opportunities for sustainable transport modes have been taken up depending on the nature and location of the site, safe and suitable access to the site can be achieved for all people. It should be demonstrated that improvements can be undertaken within the transport network that cost effectively limit the significant impacts of the development. The NPPF clearly states that development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.

#### - Parking standards

London Plan (Parking addendum to Chapter 6) states that provision for hotel parking spaces should be limited to its operational needs and cater for disabled users and requirement for taxis, coach pick up/drop off and delivery/servicing. Development should provide for one coach parking space for 50 room hotels.

Leisure use should provide appropriate levels of coach parking to suit their individual demand to help reduce congestion and improve visitor safety. For non-food retail uses between 40 to 60sq.m, a maximum of 1 parking space should be provided.

The site was last occupied as a public house with an expanse of food provision. The proposal would provide a 50 bed hotel including other commercial uses (a retail unit, catering unit, gym, ballroom for business and events). The proposal is a car-free development and should be considered as a site with good public transport accessibility. However, there are no off-street parking spaces provided to accommodate the operational requirements and needs of the proposed uses.

The transport statement indicates that there are public car parks or spaces in the town centre. It is proposed to use a triangular plot of land located between the rear

yard and Walter's Yard to create a "shared surface" environment for servicing and delivery, coach and taxi pick-up/drop off. The transport statement indicates that the trip generated associated to this proposed development can be accommodated by the existing road network. The trip generation data (TRICS) was derived based upon another hotel development at the Old Town Hall. The Council's Transportation and Highways has advised that the submitted data is not satisfactory. The Old Town Hall site has two disabled parking spaces within the site, dedicated spaces for its operational use and could be serviced from Court Street as well as South Street. The application site is located on the High Street and the circumstance is different between the sites. The TRICS data should be updated and related to the application site. The servicing and delivery on Walters Yard will need to take into account the servicing of the Sainsbury's Store, Wetherspoon Public House and the commercial premises on the High Street.

At the time of writing this report, officers have been advised that the applicant is preparing the required TRICS data. Should there be further highway information or response received, this will be verbally reported.

- Cycle storage

Table 6.3 of the London Plan (Policy 6.9) sets the minimum cycle storage standards for new development of which, 1 long stay cycle storage space should be provided per 20 hotel bedrooms and 1 short stay storage space be provided per 50 bedrooms. For a restaurant, drinking establishment and non-food retail uses with a floor area below 100sq.m, there is no requirement to provide cycle storage spaces. A minimum of 4 cycle storage spaces should be provided. The proposal would provide 6 cycle stands with a capacity of 12 storage spaces. As such, it is considered that adequate cycle storage would be provided. It is noted that a further cycle stand with a capacity of 2 spaces would be provided outside the freehold of the applicant. Subject to a legal agreement to confirm the rights of this land, it is considered that the provision of a further cycle stand would be acceptable.

Waste and recycling provision

Policy 5.17 of the London Plan (2016) states that development proposals should minimise waste and achieve a high reuse and recycling performance. The proposed ground floor plan indicates that a bin storage area would be located to the rear of the building. The Council's waste services were consulted and no comment was provided. The location of waste storage is considered acceptable as it would be adjacent to Walters Yard. However, it is unclear whether this storage area would be shared with other proposed uses including the gym, restaurant and the retail unit. Should planning permission be recommended, it is considered that a waste strategy covering all the proposed uses should be provided and arrangement and secured by a planning condition in the event that permission is granted.

## Sustainability

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

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

The Applicant has provided an energy strategy report which indicates that a combined Heat and Power System (CHP) would be installed and this will achieve a carbon reduction of 27.9kg CO<sub>2</sub> per year which equates to a 35% of the total carbon emission. The Council's Energy Officer was consulted and no objection is raised.

## Flood Risk and Surface Water Drainage

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

The site is located within Flood Zone 1 and is not subject to fluvial water flooding. The site is subject to a medium risk of surface water flooding. In order to ensure adequate surface water run-off can be restricted a surface water drainage strategy should be secured by a planning condition. The Council drainage officers have reviewed the drainage assessment and have recommended that the details of a surface water drainage system (including storage facilities where necessary) are submitted to and approved in writing by the Local Planning Authority before any part of the development is commenced.

## Trees, Landscaping and Ecology

London Plan Policy 7.9 (Biodiversity and access to nature) states development proposals should wherever possible make a positive contribution to the protection, enhancement, creation and management of biodiversity. When considering proposals that would affect a site of recognised nature conservation interest, the proposal should avoid adverse impact to the biodiversity interest; minimise its impact and seek mitigation; and only in exceptional cases where the benefits of the proposal clearly outweigh the biodiversity impacts seek appropriate compensation.

UDP Policy NE3 states where development proposals are otherwise acceptable, but cannot avoid damage to and/or loss of wildlife features, the Council will seek through planning obligations or conditions (i) inclusion of suitable mitigation measures; and, (ii) the creation, enhancement and management of wildlife habitats and landscape features.

UDP Policy NE5 states planning permission will not be granted for development that will have an adverse effect on protected species unless mitigation measures can be secured to facilitate reduced disturbance or provide alternative habitats.

A preliminary ecological appraisal and bat survey are submitted which indicates that site has a low potential for crevice dwelling species to utilise features within the stable block building. The main building is considered to have negligible potential for bats. The bat survey indicates that there was a low level of bat activity at the site. A total of two bat species (common pipistrelle and soprano pipistrelle) were recorded foraging around a nearby street lamp. There are no bats emerging from the on-site building. Should planning permission be recommended, the mitigation measures suggested for the installation of bat boxes on the new building should be provided. The bat boxes should be located at least 3 metre above ground level and be oriented south-west to south-east. This could be secured by a planning condition if permission is granted.

### **CIL and s106 Planning Obligations**

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

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

Paragraph 122 of the Community Infrastructure Levy Regulations (April 2010) puts the above three tests on a statutory basis, making it illegal to secure a planning obligation unless it meets the three tests. From 5th April 2015, it is necessary to link Education, Health and similar proposals to specific projects in the Borough to ensure that pooling regulations are complied with.

Policy IMP1 (Planning Obligations) and the Council's Planning Obligations SPD state that the Council will, where appropriate, enter into legal agreements with developers, and seek the attainment of planning obligations in accordance with Government Guidance.

In this instance it would be necessary for the development to mitigate its impact in terms of the following matters:-

- Highways works to provide a shared surface area

The scheme would also be subject to Mayoral CIL.

Implications for Disadvantaged Groups:

The implications for disadvantaged groups identified below are an integral part of the consideration of the development and community benefits as set out in the report: The proposed development is designed to ensure the proposed building including the listed building can be accessible to wheelchair user.

## **Conclusion**

The principle to redevelop the site including the demolition of the former stable block to provide a hotel and other commercial uses is supported in land use terms. The proposed refurbishment works to the listed building would bring a vacant building back into use and provide more services in a town centre and potentially remove the building from the heritage at risk register. Historic England are supportive of the works to the Listed Building.

However, the proposed new 9 storey building is considered excessive in height, scale and bulk, and would overwhelm and over-dominate the listed building and its surroundings. The proposal would also have an adverse impact on the setting to the listed building and fail to preserve or enhance the heritage assets in the Bromley Town Centre Conservation Area. The elevational treatment and design do represent an adventurous attempt to break down the bulk of the proposed building, however, due to its siting and relationship with surrounding buildings and being situated at the historic core of the market town, within the High Street – North Character Area and adjoining to the Market Square Character Area surrounded by low rise buildings, it is considered that the proposed 9 storey building would have a material and irreversible harm to the heritage assets in Bromley. Historic England objects to the proposed new building.

The site is located in a highly sustainable location and 10 rooms within the listed building are allocated for staff and office uses. The development appraisals do not demonstrate the quantum of the development would be the minimum required for a viable scheme. As such, it is considered that the benefit derived from this proposal would not outweigh the harm likely to arise.

The proposal also fails to demonstrate adequate servicing and delivery arrangements, coach pick up and drop off points for the proposal can be provided for or accommodated satisfactorily in the area.

The scale of the proposed building to the rear of the existing building should be reduced to complement and reflect the setting and significance of its surroundings and the conservation area.

In summary, with regard to all of the matters set out above, whilst the works to the Listed Building are considered acceptable, the proposed new building is not. In light of these conclusions the planning application is recommended for refusal, and the Listed Building Consent, being solely concerned with the works to the Listed Building itself, is recommended to be granted (the formal recommendation is found under the heading for the Listed Building Consent elsewhere on this agenda).

**RECOMMENDATION: Planning permission be refused for the following reasons:**

1. The proposed 9 storey building, by reason of its excessive height, scale, massing and bulk would appear as an intrusive development, over-dominant and punctuate the skyline in a blunt manner. The scale of the proposed 9 storey building also fails to adequately reflect and respect the properties in the surrounding area providing an inharmonious relationship with its surroundings. As such, the proposal would be contrary to Policies 7.4 and 7.7 of the London Plan, Policies BE1 of the Council's UDP and Policies 37, 38 and 41 of the Council's Draft Local Plan.

2. The proposed 9 storey building, by reason of its siting, relationship with the main listed building, excessive height, scale, bulk, massing and elevational design and treatment would fail to adequately respect the setting and significance of the listed building and Bromley Town Centre Conservation Area. The proposal also fails to demonstrate the quantum of the development would be an optimal viable use. The proposal would result in a material and irreversible harm to the heritage assets at the core of the historic part of the Conservation, contrary to Policy 7.8 of the London Plan, Policy BE1 and BE8 of the Council's UDP, Policies 38 and 41 of the Council's Draft Local Plan, Bromley Town Centre Conservation Area Statement (2011) and Historical England Guidance - Enabling Development and the Conservation of Significant Place.

3. The proposed 9 storey building, by reason of its siting, scale and distance to the rear bedroom windows at Flat 1 and Flat 2 of No. 4 and 5 Market Square would have an adverse impact on residential amenities in terms of loss of outlook and unneighbourly sense of enclosure, contrary to Policies BE1 of the Council's UDP.

4. The proposal fails to demonstrate adequate servicing and delivery arrangements and that satisfactory coach pick up and drop off can be provided or accommodated within the existing transport network and in the absence of relevant TRCIS data, the impact of the proposal cannot be fully assessed in this instance, contrary to Policies 6.3 and 6.13 of the London Plan, Policies T1, T2, T3 of the UDP, Policies 30, 31, 32 and 33 of the draft Local Plan.