

# The Friends of Bromley Town Parks & Gardens

and

## Bromley Civic Society

(Member of: Civic Voice, The London Forum, The Federation of Bromley Residents Associations)

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The Inspector  
c/o The Planning Inspectorate  
Room 319  
Eagle Wing  
Temple Quay House  
2 The Square  
Temple Quay  
Bristol BS1 6PN  
Dear Sir,

3<sup>rd</sup> April 2013

### PROOF OF EVIDENCE

#### **Planning appeal by CSC Bromley Ltd at Queens Garden, Kentish Way, Bromley APP/G5180/A/12/2189178 and APP/G5180/E/12/2189183 – Rule 6**

##### 1. GROUNDINGS FOR REFUSAL

1.1 We fully support the Council's grounds for refusal of the application including the concerns re possible increased evening noise to local residents.

##### 2. STATUS OF THE AAP

2.1 It is important to note that the Town Centre Area Action Plan was prepared in advance of the formulation of a Core Strategy/LDF. While the AAP Inspector accepted the Council's reasoning behind this back to front process he was concerned that in matters relating to development affecting the conservation area there was no conservation area appraisal in place. (paras 7.4 & 7.5). He stated in para 7.6 "*Therefore, I consider it important for soundness, that regardless of the criteria listed to guide development in the Opportunity Site policies, it is stated clearly in the Area Action Plan that the overriding consideration for those Opportunity Sites which have an impact on the Conservation Area will be the criteria in the appraisal, to ensure that new development enhances and or preserves the character and appearance of the Conservation Area (IC13).*"

2.2 The subsequent 2011 appraisal document completed in 2011 says of Queens Garden : page 28 *The character that the Council wishes to preserve in this area is that of a quiet landscaped enclave with mature trees close to the busy shopping centre". And on page 43 "Site M comprises the Queens Gardens a public open space on the eastern side of the conservation area. In addition to the guidance contained in the AAP, measures should be taken to protect the*

listed iron gates to the southern section of Queen's Gardens as well as the openness of the park.  
See **APPENDIX 1**

2.3 Similarly the Chief Planner reported to Members when commending the AAP for adoption: "The current adopted UDP polices appertaining, for example, to the Conservation Area, its boundary, Listed buildings and Affordable Housing, have **NOT** been reviewed as part of the process and they therefore remain the **OVERRIDING POLICIES** regarding such issues." Para 3.4 report to Development Control Committee - October 2008 See **APPENDIX 2**

### 3. EVIDENCE AGAINST THE DEVELOPMENT FROM THE NATIONAL PLANNING POLICY FRAMEWORK INTRODUCED MARCH 2012 :

3.1 By the time this appeal is heard the UDP will be redundant and in the absence of a Core Strategy /LDF the NPPF and the Conservation Area appraisal are the principle documents regarding heritage asset considerations. The following is an examination of these matters.

#### 3.2 Achieving sustainable development

*"11. Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise."*

*"12. This National Planning Policy Framework does not change the statutory status of the development plan as the starting point for decision making. Proposed development that accords with an up-to-date Local Plan should be approved, and proposed development that conflicts should be refused unless other material considerations indicate otherwise. It is highly desirable that local planning authorities should have an up-to-date plan in place."*

**Comment :** Conservation Area Policies are the material considerations referred to above and are the overriding considerations referred to in section 2 above

#### 3.3 Section 11 Promoting healthy Communities

*"73. Access to high quality open spaces and opportunities for sport and recreation can make an important contribution to the health and well-being of communities. Planning policies should be based on robust and up -to -date assessments of the needs for open space, sports and recreation facilities and opportunities for new provision. The assessments should identify specific needs and quantitative or qualitative deficits or surpluses of open space, sports and recreational facilities in the local area. Information gained from the assessments should be used to determine what open space, sports and recreational provision is required."*

*"74. Existing open space, sports and recreational buildings and land, including playing fields, should not be built on unless:*

- *an assessment has been undertaken which has clearly shown the open space, buildings or land to be surplus to requirements; or*
- *the loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location; or*
- *the development is for alternative sports and recreational provision, the needs for which clearly outweigh the loss.*

**Comment:** The Italian Garden and Glades Terrace in their own right and together with the rest of Queens Garden are in our view “*high quality open spaces for recreation*” and “*make an important contribution to the health and well-being of communities* .” In our view none of the exceptions in para 74 which might allow building appear to apply.

### 3.4 Section 12 Conserving and enhancing the historic environment

*126. Local planning authorities should set out in their Local Plan a positive strategy for the conservation and enjoyment of the historic environment, 29 including heritage assets most at risk through neglect, decay or other threats. In doing so, they should recognise that heritage assets are an irreplaceable resource and conserve them in a manner appropriate to their significance. In developing this strategy, local planning authorities should take into account:*

- *the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;*
- *the wider social, cultural, economic and environmental benefits that conservation of the historic environment can bring;*
- *the desirability of new development making a positive contribution to local character and distinctiveness; and*
- *opportunities to draw on the contribution made by the historic environment to the character of a place.*

**Comment:** The Town Centre Conservation Area is a designated HERITAGE ASSET as are its component contributory parts eg the Italian Garden. The proposed development, in our view, fulfils none of the above objectives and is at the expense of the heritage asset .

3.5 *129. Local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise. They should take this assessment into account when considering the impact of a proposal on a heritage asset, to avoid or minimise conflict between the heritage asset’s conservation and any aspect of the proposal*

**Comment:** the Glades Terrace is the setting of Queens Garden and the Italian Garden as designated heritage assets and the proposal clearly has a detrimental impact through actual loss of open space and landscaping which is part of its essential character and appearance.

3.6 131. In determining planning applications, local planning authorities should take account of:

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

**Comment :** the proposed use is at the expense of the contribution made by the existing heritage asset and fails to recognise that the recreational nature of the Garden is a valuable asset to the economy of the town in its own right.

3.7 132. When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. The more important the asset, the greater the weight should be. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. As heritage assets are irreplaceable, any harm or loss should require clear and convincing justification. Substantial harm to or loss of a grade II listed building, PARK OR GARDEN should be exceptional.

**Comment:** the proposal will cause harm to the heritage asset both through loss of the Italian Garden within its boundary and loss of the landscaped Glades terrace which forms its setting.

3.8 133. Where a proposed development will lead to substantial harm to or total loss of significance of a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits that outweigh that harm or loss, or all of the following apply:

- the nature of the heritage asset prevents all reasonable uses of the site; and
- no viable use of the heritage asset itself can be found in the medium term through appropriate marketing that will enable its conservation; and
- conservation by grant-funding or some form of charitable or public ownership is demonstrably not possible; and
- the harm or loss is outweighed by the benefit of bringing the site back into use.

134. Where a development proposal will lead to 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 securing its optimum viable use.

**Comment:** None of the above exceptions apply and there is no public benefit in restaurant development which is not already available or cannot be further provided for elsewhere within the town. In particular the proposals are a direct threat to the Council stated aim to make nearby East Street a preferred centre for restaurant provision.

3.9 *135. The effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that affect directly or indirectly non designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.*

*137. Local planning authorities should look for opportunities for new development within Conservation Areas and World Heritage Sites and within the setting of heritage assets to enhance or better reveal their significance. Proposals that preserve those elements of the setting that make a positive contribution to or better reveal the significance of the asset should be treated favourably.*

**Comment:** the proposals do nothing to better reveal the significance of the CA and in the case of the Glades Terrace do not preserve an element which makes a positive contribution to it by its decorative open aspect both in terms of its planting and through loss of views of the sympathetic architectural treatment of the pavilion Centre overlooking the Terrace and Garden.(see also our para 8.3)

3.10 *138. Not all elements of a World Heritage Site **or Conservation Area** will necessarily contribute to its significance. **Loss of a building (or other element) which makes a positive contribution to the significance of the Conservation Area or World Heritage Site should be treated either as substantial harm under paragraph 133 or less than substantial harm under paragraph 134, as appropriate, taking into account the relative significance of the element affected and its contribution to the significance of the Conservation Area or World Heritage Site as a whole.***

**Comment :** in our view the Italian garden and Glades Terrace are related 'elements' which contribute positively to the Conservation Area and the proposals represent substantial harm to both the CA and its setting.

3.11 *140. Local planning authorities 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 disbenefits of departing from those policies.*

**Comment:** the applicants are trying to suggest that a benefit of the development is the greening up of parts of the ugly hard-standing against the east wall of the Glades which is within the conservation area boundary. Since this hard-standing was a requirement of the fire precautions in the original permission and causes considerable harm to the appearance of the Conservation Area we suggest that , if no longer required, it is the responsibility of the Glades to make good the damage without causing further damage by this restaurant proposal. Equally, if no longer needed then the Council has an existing statutory duty to 'enhance' the area which comes into force and it is unreasonable to regard the restaurant proposals as enabling development upon which the greening of the hard-standing depends.

3.12 141. Local planning authorities should make information about the significance of the historic environment gathered as part of plan-making or development management publicly accessible. (They should also require developers to record and advance understanding of the significance of any heritage assets to be lost (wholly or in part) in a manner proportionate to their importance and the impact, and to make this evidence (and any archive generated) publicly accessible.<sup>30</sup> However, the ability to record evidence of our past should not be a factor in deciding whether such loss should be permitted.

**Comment:** as a matter of interest it is important to note that members of the DCC and full Council were asked to adopt the AAP with development proposals on the protected historic core of Queens Garden without being told that the potential development sites they were being asked to approve were contrary to the conditions imposed by the restricted covenant nor was the terms of the covenant ever made known publicly throughout the consultation process ( see section 6 below).

#### 4. RELEVANCE OF THE AREA ACTION PLAN & QUEENS GARDEN COVENANT

4.1 The applicants lay great emphasis on the AAP to justify the development. However, following the AAP Inspector's report from the public hearing there is little left of Policy OSM other than an untested aspiration to have restaurant development around the unspecified edge of the Garden.

4.2 Both OSM sites earmarked in the adopted AAP (right) were disqualified at the public hearing – the northern one because it was on “Green Space” which OSM forbids. Of the second site on the hard-standing beside the long east wall of the Council officer informed the Inspector that any development here “could not project out beyond the existing loggias” (making development as shown in the adopted AAP map impossible and unviable).



4.3 The major part of this second site is also designated Urban Open Space which precludes development of this nature. This led the Inspector in his report to conclude that : *It seems to me from the examination that a range of options may come up for consideration as either temporary or more permanent solutions to provide café or restaurant uses in connection with Queens Gardens. These could include breaking through the main wall of The Glades to provide a facility within the building itself, with probably some limited outside use, so that customers can take advantage of Queens Gardens.* (para 6.65)

4.4 It also transpires that both sites adopted in the AAP are on land protected by covenant and given to the people of Bromley in 1898 for use as a public park in perpetuity, the terms of which are binding upon the Council and which forbids any development of the kind aspired to in the adopted AAP.

4.5 It is notable and a matter of concern that the terms of the covenant were never made known to the public or Members of the Council prior to adoption of the AAP or to the AAP Inspector. These only came to light after the Inquiry by an application to the Council by a member of the Civic Society seeking the information through the Freedom of Information Act. What this reveals is that the proposals by the Council in the adopted AAP on its own land would be in direct breach of the covenant.

4.6 The Council advertised its intention to sell off the Italian Garden, subject to planning permission, as a departure from the AAP.

We might reasonably conclude that the current revised location of the development departing from the adopted AAP is due to the covenant having now been put in the public domain and the revelation that the adopted AAP proposals would have breached the terms of the covenant. The first public acknowledgement of the covenant is in the minutes of the Executive Committee 1<sup>st</sup> February 2012 in a report in the non public part of the meeting which stated “*the proposed development would not extend into the original Queens Gardens, which was protected by a restrictive covenant*”.

4.7 For information the protective covenant states:

*THAT the Council and their successors will at all times use the said land as a garden and Pleasure Ground only for the inhabitants of Bromley aforesaid and for the general public and will not use the said land or any part thereof or permit the same to be used for any other purpose whatsoever AND will **not erect or permit to be erected on the said land** or any part hereof any buildings whatsoever other than and except (if so desired by the Council) a Caretakers Lodge rustic summer houses or implement sheds or other erections for the convenience of the public to be used exclusively in connection with the said premises as a Public Garden and Pleasure Ground without the previous consent in writing of the said Coles Child or other the owner or owners of the Bromley Palace Estates. “ See **Appendix 3***

4.8 Conclusion – we take the view that the AAP policy OSM is flawed and an unreasonable basis upon which to assess the Appeal proposals. We agree with the AAP Inspector that the appropriate location, if any, would be either within the Glades building with the side wall opened up or within a redeveloped pavilion site – in either case with no significant incursion onto open space other than, perhaps a single cafe for park users.

## 5. BACKGROUND TO THE CONSERVATION AREA DESIGNATION.

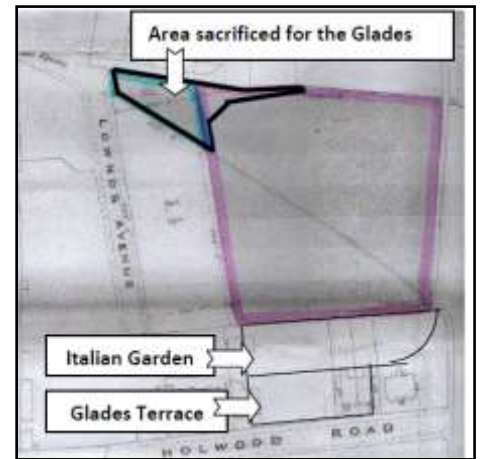
5.1 For information, the conservation area covering Queens Garden and the site of what was to become the Glades Terrace and Italian Garden was designated by the Greater London Council on recommendation from its Historic Building Division in September 1985 after a period of fairly fruitless discussion with Bromley Council which resulted in only a very small designation. The GLC designation includes the whole of the appeal site.

5.2 With the demise of the GLC in 1986 Bromley sought to cancel the designation but with the transfer of the GLC’s historic buildings function to English Heritage the Council were forced to seek a compromise with EH. The Council agreed to make their own designation in 1987 which adopted most of the GLC designation including Queens Garden and what was to become the Italian Garden (previously the open space of back gardens of houses in Holwood Road later demolished for the Glades development). The Terrace occupies where the houses stood and although not included in the CA designation and being within the proposed development site was nevertheless set aside as open space complimenting that of Queens Garden and what was to become the Italian Garden. Appendix 4 a & b



**6. THE TERRACE AND ITALIAN GARDEN AS LAND MADE AVAILABLE IN COMPENSATION OF COVENANTED LAND SOLD TO TO BUILD THE GLADES**

6.1 The map right is from the covenant on which we have outlined the north west covenanted area sold to CSC and upon which the Glades concourse was constructed.



6.2 The Italian Garden and Glades Terrace were created on what had been the back gardens and houses in Holwood Road acquired by compulsory purchase. In selecting the CSC scheme over the other three contending developers reasons for the choice were summarised in the October 1986 Policy and resources committee minutes including *"Queens Garden was to be attractively extended and enlarged to form an integral part of the new shopping centre."* It is important to understand that the above statement refers only to the Glades Terrace site and not the Italian Garden site, ownership of which was retained by the Council and never part of the development site.



6.3 In 1987 the Council also adopted the GLC conservation area designation covering what is now the Italian Garden while Holwood Road was still intact. See comparison maps – left shows the conservation area boundary now and right shows the pre Glades situation.

6.4 Bearing in mind the loss of the northwest part of the Garden it is our contention that the Italian Garden is essentially

compensation for the covenanted land sacrificed for the Glades development and not in itself an extension or enlargement described in the Policy and Resources report. On that basis It is only the Glades Terrace which is the extension and which should not be lost. The Glades Terrace is the only meagre scrap of public open space provided within the Glades development itself and in our view is an important part of the setting of the conservation area as it was intended and understood to be when proposed. **See APPENDIX 5**

6.5 For information photos below show the original site of the listed Gates adjacent to Market Square and the land behind which is now the Glades main concourse.





## THE PROPOSALS IN RELATION TO THE AAP

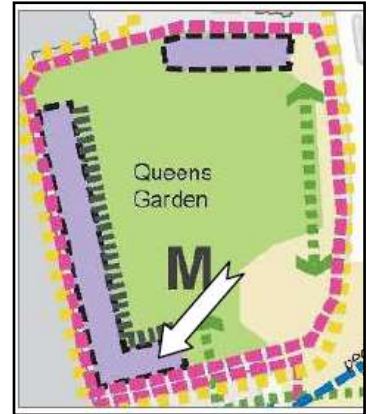
7.1 On the appeal site what remains of the development sites identified and adopted in the AAP is just the small section of hard standing in the south west corner adjacent to the Italian Garden all are shown by the arrow on the AAP diagram (right). The AAP diagram is unspecific in terms of scale and detail.

7.2 The applicants have produced their own version (below right) shown on the hatched area and claim the residue extends well into the green space of the Italian Garden itself. However this cannot be the Council's intention when defining the area because the area shown comprises areas of shrubs and trees and conflicts with the AAP statement "New cafes and restaurants will be permitted around the edge of the Garden provided that development does not result in the loss of any green space."

7.3 In addition the AAP Inspector was also informed that the proposed western site was only on the hard standing and from the evidence he concluded :

*6.65 It seems to me from the examination that a range of options may come up for consideration as either temporary or more permanent solutions to provide café or restaurant uses in connection with Queens Gardens. These could include breaking through the main wall of The Glades to provide a facility **within the building itself**, with probably some limited outside use, so that customers can take advantage of Queens Gardens. Some of the people using the café would be garden users anyway. Another option would be to provide a **similar facility in the future retail extension to The Glades on to The Pavilion site.***

*6.66 In the meantime a café (singular) could be provided on the terrace or on part of the hardstanding area shown diagrammatically on page 197. With Belgo already in existence offering a bar and eating facility at the entrance to The Glades, the **viability** of other than a small scale café in the short term to serve those using Queens Gardens might be in some doubt.*



## 8. VIABILITY & RELEVANCE OF OPPORTUNITY SITE E

8.1 The viability of development is rightly questioned by the Inspector. We are concerned that public open space would be sacrificed forever for a development which might well fail because of its remote location. It should also be noted that we were informed by CSC that the named operators shown by CSC ie. Waggamama, Carluccios and Strada are shown for illustrative purposes had not actually signed up when the planning application was submitted.

8.2 From the applicant's point of view, and this may be the intention, the proposals could turn out to be little more than an inexpensive, temporary single storey shed which would be redundant as or when the Pavilion, opportunity site E is redeveloped for retail giving thr Glades an enlarged footprint.

## 9 CONSERVATION AREA CONSIDERATIONS

### 9.1 Design and design revisions

The small height reduction of 40cm (1ft 4ins) over the previous scheme and slight set back make no significant difference to the basic principles of the Council's previous objections and we agree with their continued objections. 'The proposal would be an over-intensive development of the site, detrimental to the character and appearance of the Bromley Town Centre Conservation Area by reason of its size, site coverage, design and the loss of openness and public amenity to Queens Gardens, contrary to policy BE1 of the Unitary Development Plan, policy OSM of the Bromley Town Centre Plan and the Conservation Area Statement.'



9.2 The design of the frontages bear little difference to those inside the Glades and High Street itself being of the universal plate glass, doorway and fascia with signage formula. There is no appreciable architectural response to the Garden setting. Even if the proposals were acceptable in principle the design itself, in our view, fails to meet the statutory requirement to enhance the character and appearance of the CA and the provisions of the NPPF. The general impact will be to create a High Street ambience



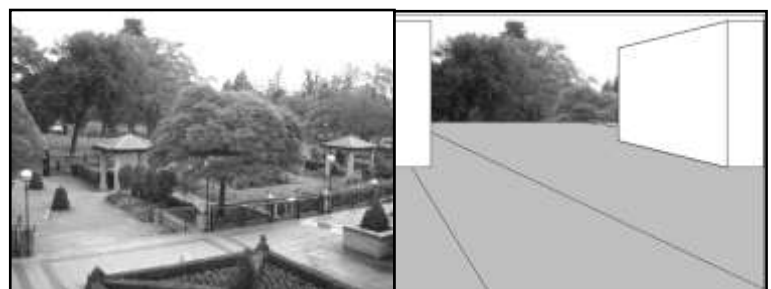
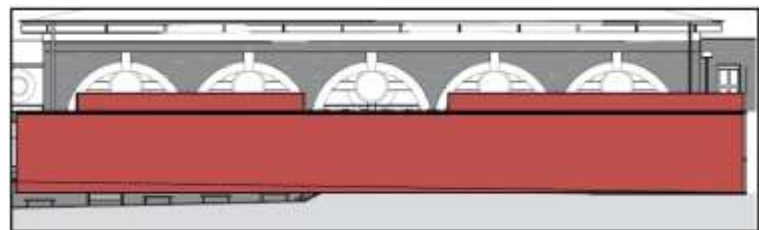
into the garden setting contrary to the Council's stated aim on page 28 of the Conservation Area Statement adopted by DCC last year which reads : *The character (of Queens Garden) that the Council wishes to preserve in this area is that of a quiet landscaped enclave with mature trees close to the busy shopping centre.* (APPENDIX 2)

### 10.3 VIEW INTO THE CONSERVATION AREA FROM THE PAVILION WALKWAY.

The sequence of views through the five archways from the upper walkway is one of the finest views into the Conservation Area and will be almost entirely lost. The roof line chops off the foreground and the ventilation plant surrounds reduce what is left to just one small area because they are above eye level and block the views from all but one of the five viewing areas. The diagram far right is for illustrative purposes.

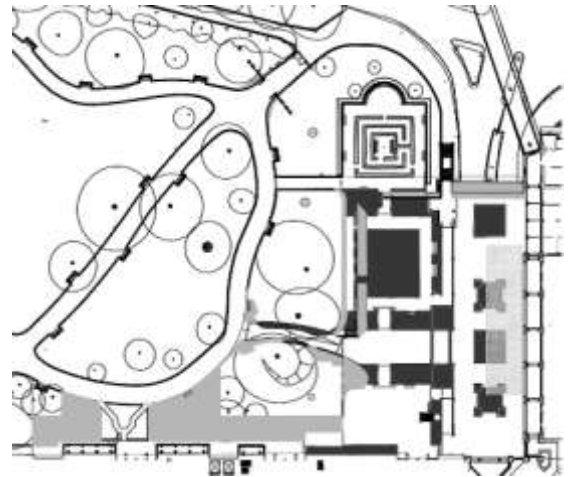
Clearly the proposals detracts from the lovely view into the CA in direct contravention of UDP Council Policy BE 13 which reads:

*A development proposal adjacent to a Conservation area will be expected to preserve or enhance its setting **and not detract from views into or out of the area.***



## 11. LANDSCAPING INTERPRETATION

11.1 The AAP pledges that there would be “no loss of green space” for any development as part of OSM. The applicant’s Green Space analysis (map right) makes the assumption that it is acceptable to sacrifice existing green space provided other green space is created. The case put is that if the hard-standing is ‘painted green’ by the use of ‘grasscrete’ then it is acceptable to lose the shrubs, trees and flower beds of the Italian Garden and Terrace. The exchange is illustrated in the applicant’s map with greened up areas shown in grey and existing green areas to be lost shown in black.



11.2 We regard this trade off as absurd based upon an extreme and unacceptable interpretation of the AAP and in direct conflict with the statutory Conservation Area policies. It is the loss of conserved OPEN SPACE which, in ours and the Council’s view, is the issue.

11.3 As already stated the NPPF in para 74 lays emphasis on retaining OPEN space rather than simply green space and none of the NPPF caveats which might allow this loss would appear to be addressed or satisfied. In our view this and this and the Conservation Area policies override those of the AAP and the applicants self serving interpretation of it.

11.4 The hard- standing on the west side destroyed the original Victorian planting of trees and shrubs to allow access for emergency vehicles. The applicant proposes greening up with what is described as an “interlocking modular grass reinforcement cellular system”. We suggest this this could and should be implemented independently of any other proposal both in order to redress the apparently unnecessary damage already done in the past and as part of the Council’s own duty to ‘enhance’ the Conservation Area. In this the Friends and /or Civic Society are more than willing to seek Heritage Lottery funding for restoration of the historic planting.

( Photos below show the trees and shrubs lost to create the hard-standing and the current situation)



## 12. RELOCATION OF THE GATES

12.1 We have concerns about the vulnerability of the gates if vehicles are allowed to pass through and the nonsensical situation if this necessitates the piers to be sited wider than the joint width of the gates.

12.2 Given the loss of the Gates original position beside Market Square the present location at least makes some sense as an ornamental feature making a transition between the original Garden layout and the more formal and ornamental Italian Garden.

12.3 The proposed relocations site is arbitrary, meaningless and will not show the listed structures to their best advantage.

## 13 . PROPOSED NEW EMERGENCY VEHICLE ACCESS

13.1 There is concern that the proposed vehicle access from the main path arbitrarily intrudes into the original landscaping between two mature trees. The existing pathway currently leading to the Listed gates is not intended for this purpose and will hasten the loss of trees through soil compaction and need for roadway reinforcement.

## 14. WITHDRAWAL OF COUNCIL OBJECTIONS RELATING TO NOISE AFFECTING LOCAL RESIDENTS

14.1 The applicant's agent has persuaded the Council drop its objection re noise to local residents on the basis of a 2007 appeal decision relating to the L'Abbaye (now Belgo ) restaurant /Bar adjacent to the north side of Queens Garden. The Agent threatened a claim of costs against the Council if the current Glades appeal is upheld.

14.2 While the Council has caved in on this we ask the Inspector to nevertheless consider this matter because we believe the L'Abbaye/ Belgo appeal not to be relevant for the following reasons:.

14.3 While the Appeal Inspector did not think there would be significant noise or disturbance he accepted that this could not be proved and attached a condition that the development, which was for and open air seating area, should be for a six year trial period after which the development should be discontinued (assuming that if there proved to be no problem then the trial proposals would be formalised).

14.4 In the event the proposals were never implemented so it has never been established whether noise levels would have been acceptable or not. While the Inspector may or may not feel the present appeal proposals would create a noise problem we contend that the L'Abbaye / Belgo decision cannot reasonably be cited as giving a definitive view. There is obvious concern that the proposed restaurants might indeed generate noise but also could well convert to drinking establishments with detrimental consequences. See APPENDIX 6 for L'Abbaye/ Belgo appeal decision.

## Conclusions

Given that both the development sites adopted in the AAP have been dropped and the current proposals are a substantial departure from the AAP the document would appear to us to have little weight other than as an aspiration for development which when translated into this planning application proves to be unsustainable .

Given the acknowledged overriding nature of Conservation Area policies and, in our view, the unsustainable nature of the proposals under the terms of the new NPPF we urge that the Appeal will be dismissed.

Yours faithfully

Tony Banfield  
Chair of The Friends and Bromley Civic Society



## Appendix 1 - Extracts from the Town Centre Conservation Area Appraisal and Management Plan Statement - 2011

*Bromley Town Centre Conservation Area Appraisal*

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### **Queens Gardens Character Area**

The Queens Gardens Character Area is located to the east of the Glades Shopping centre and encompasses the Queens Gardens, Queens Road and is contained by Kentish Way to the east.

Queens Road is located to the south of Widmore Road and runs parallel to the Glades Shopping Centre and Kentish way. Queens Road is a remnant of the character of Bromley Town Centre prior to the construction of the Glades and Kentish Way. Queens Road contains pairs of two storey red brick Victorian houses with canted bay windows and ornate detailing. To the south end of the street lies Queens Gardens.

Queens Gardens is an important park linking the town centre and the civic centre. It was originally known as White Hart Field and was linked to Market Square by White Hart Slip. Today the Glades shopping centre is located over White Hart Slip but the right of way has been maintained. Queens Gardens has many mature trees and is enclosed to its west side by the understated rear elevation of the Glades shopping centre. The 18<sup>th</sup> Century gates that at one time served Plaistow Lodge remain in situ and are Statutory Listed Grade 2.

The Glades Shopping Centre is a substantial structure stretching south from Widmore Road to Elmfield Road. The building has been designed and detailed to complement the town centre with differing but harmonious treatments to the various parts. The building has been excluded from the conservation area but still has an impact on its character as its eastern elevation dominates the Queens Gardens.

Kentish Way is the by-pass for the town centre and links Masons Hill to the South to Tweedy Road in the north. It is flanked by a number of large trees at Queen's Gardens and provides a vista northwards which is terminated by the former Library and the Baptist Church.

The character that the Council wishes to preserve in this area is that of a quiet landscaped enclave with mature trees close to the busy shopping centre.

### **KEY VIEWS**

A number of key views into and out of the Conservation have been identified and are included as figure 10. These include views from Martins Hill out to the Ravensbourne Valley, from Queens mead up to the Parish Church and other views within the Conservation Area.

**Site C:**

Site C includes the Grade 2 Listed former Town Hall building and the South Street Car Park. Any proposals to reuse the Grade 2 Listed Town Hall should be sympathetic to the internal and external fabric and features of the structure. As such, only uses that can be proven not to damage the special interest of the Listed Building will be considered.

**Sites G, H and N:**

Sites G, H and N comprise the western side of the High Street and reaches from the Churchill Theatre south to Bromley South Station.

Sites N and part of G are located within the Conservation Area. As such, redevelopment may include the demolition of a number of structures south of the Churchill Theatre. Therefore, a Heritage Statement should also be provided with any proposal to develop this area, this assessment would allow for the contribution of the existing structures to the conservation area to be fully understood.

**Site M:**

Site M comprises the Queens Gardens a public open space on the eastern side of the conservation area. In addition to the guidance contained in the AAP, measures should be taken to protect the listed iron gates to the southern section of Queen's Gardens as well as the openness of the park.

**Site P:**

Site P comprises the Sainsbury's building and is near the oldest part of the Bromley Town Centre. Development must integrate with surrounding properties, complement the existing character of the Bromley North Village, improve views from adjacent rear elevations, upgrade the site perimeter and create better pedestrian flows to the town centre. As such, any development proposal should be accompanied by sufficient contiguous elevations in order to assess the impact on adjacent historic buildings.

**Enhancement Action by the Council**

The Council has a diverse variety of statutory and administrative responsibilities, which can impact in a variety of ways upon the integrity and vitality of the conservation area. Street works, traffic management and placement of infrastructure components will attempt to reconcile conservation area objectives with wider functional objectives.

The Council owns or manages a number of properties within the conservation area, and as a responsible landowner and manager will attempt to pursue the objectives for the conservation area outlined in this document as part of its responsibilities.



## APPENDIX 2 – Extract from officer report to Development Control Committee - October 2008

### 3. COMMENTARY

- 3.1 The Draft AAP has been prepared following wide ranging consultation with key stakeholders, land owners, developers as well as the public on the Preferred Options (January 2006) and Revised Preferred Options (October 2007). The Draft AAP has taken into account the responses to both consultation exercises. Each stage of the process has therefore informed the next. The two consultation exercises indicated a high level of support for the renaissance of the town. The objective of which is to create an attractive and successful town centre which will confirm Bromley's status as one of London's main metropolitan centres and enhance the quality of life and opportunities for the borough's residents and businesses.
- 3.2 It is essential to strike an acceptable balance between residential and other activities normally found within a town centre creating sustainable communities and a balance of uses. The need to accommodate additional housing within the town is consistent with the increasing emphasis being placed on housing by the government and the Mayor of London not only to meet demand but to also encourage the evening economy and help to prevent anti-social behaviour. A residential element within mixed use development is often also necessary to help to fund other uses that by themselves may not be commercially viable
- 3.3 The scale and mix of the proposed development is considered compatible with the town's catchment and role within the regional hierarchy. It is also essential that any other potential projects within the town are not considered in isolation and that they are viewed within the context of the overall vision for the future as detailed in the Draft AAP. Members will need to be aware that by agreeing to the proposed level of future development they will be committing to the Sustainable Transport element of the plan and there may be sites that will need to deliver significant height or density levels in order to bring about the commercial regeneration of the town by providing the number of residential units set out in these documents.
- 3.4 The current adopted UDP policies appertaining, for example, to the Conservation Area, its boundary, Listed buildings and Affordable Housing, have not been reviewed as part of the process and they therefore remain the overriding policies regarding such issues. It will be important, therefore, that developers and other interested parties, consider both the policy direction in the AAP as well as relevant policies in the adopted local plan.
- 3.5 A Transport Strategy has been written to support the AAP. It also provides a framework for wider transport interventions in the town.
- 3.6 The accompanying Sustainability Appraisal (SA) assesses the likely social, economic and environmental effects of the Draft AAP. The SA has been an integral part of the preparation of the Draft AAP to ensure that necessary mitigation measures are incorporated to minimise the impacts of proposals. The findings of the SA indicates that overall the proposals set out in the Draft AAP will have positive social and economic benefits and that the environmental impacts can be mitigated through appropriate measures such as the implementation of a comprehensive transport strategy, protection of the historic and natural environment and public realm improvements.

#### Planning Objectives

- 3.7 The Draft AAP contains eight key objectives which underpin the overall strategy, as detailed below :-
- OBJECTIVE 1: Promoting **economic growth** and local employment opportunities, increasing the quality of commercial floorspace and economic opportunities in the town centre for benefit of Borough and London as a whole;

APPENDIX 3 - Transcript of the original Queens Garden Indenture

THIS INDENTURE made the twenty first day of December One Thousand Eight Hundred and ninety seven

BETWEEN Coles Child of the Bromley Palace in the County of Kent Esquire of the one part and the Urban District Council of Bromley in the County of Kent being the local authority under the Public Health Act 1875 for Bromley aforesaid (hereinafter called "the Council") of the other part

WHEREAS Coles William John Child (commonly called Coles Child) late of Bromley Palace aforesaid Esquire being then and continuing to the time of his decease hereinafter mentioned seised of the hereditaments hereinafter conveyed for an estate of inheritance in fee simple in possession free from encumbrances duly made his LAST WILL dated the fourth day of February One Thousand eight hundred and seventy and thereby appointed Ernest Edwin Stahlscmidt William Bristow Thomas Edward Scudamore and Stephenson Clarke Executors and Trustees thereof

AND DEVISED his Manor or Lordship of Bromley and all that the White Hart Field the paddock in front of the said Bromley Palace and certain other hereditaments therein mentioned all which fields formed a block of eighty and a half acres or thereabouts to the use of his son the said Coles Child (party hereto) intail with divers remainders over in events which have not happened

AND WHEREAS the said Testator died on the sixteenth day of January One Thousand eight hundred and seventy three without having revoked or altered his said in part recited Will and the same was duly proved in the Principal Registry of the Probate Division of the High Court of Justice by all the said Executors on the seventh day of February One Thousand eight hundred and seventy three

AND WHEREAS by an Indenture dated the sixth day of April One Thousand eight hundred and eighty three and made between the said Coles Child of the one part and Charles Christopher Ellison of the other part (and which was intended to be enrolled as a Disentailing Assurance in the Chancery Division of Her Majesty's High Court of Justice pursuant to the provisions of the Fines and Recoveries Abolition Act) ALL and singular the hereditaments of freehold tenure constituted or comprised in the devise hereinbefore in part recited of the Bromley Estates of the said Coles William John Child under his said Will And all and singular other (if any) the Freehold hereditaments then held subject to uses or upon trusts corresponding with the limitations of the Bromley Estates under the said Will were granted conveyed and disposed of by the said Coles Child unto the said Charles Christopher Ellison and his heirs (subject as to the hereditaments and premises affected thereby but which do not include the hereditaments hereby conveyed) to a term of One thousand years therein referred to to the use of the said Coles Child his heirs and assigns forever

AND WHEREAS the lastly recited Indenture was duly enrolled in the Chancery Division of Her Majesty's High Court of Justice on the seventh day of April One Thousand eight hundred and eighty three

AND WHEREAS the said Coles Child has agreed to grant to the Council as such local authority as aforesaid the hereditaments hereinafter described for the purposes hereinafter mentioned and the Council have agreed to enter into such covenants as are hereinafter contained

NOW THIS INDENTURE WITNESSETH that in consideration of the premises the said Coles Child as Beneficial Owner hereby conveys unto the Council ALL that piece or parcel of land being part of a field known as The White Hart Field in the Parish of Bromley aforesaid in the County of Kent containing by admeasurements two acres one rood and four and a half perches and delineated in the plan drawn hereon and thereon coloured pink TO HOLD the same hereditaments unto and to the use of the Council in fee simple for the purposes only of a Garden and Pleasure Ground for the inhabitants of Bromley aforesaid but subject to the existing rights of way over the footpath across the White Hart Field aforesaid

AND THIS INDENTURE ALSO WITNESSETH that in consideration of the premises the said Coles Child as Beneficial owner hereby grants unto the Council and all persons going to or from the said Public Gardens or Pleasure Grounds a perpetual but not exclusive right to go pass and repass either with or without horses carts and carriages over and along all or any part of the land delineated on the said plan and thereon coloured blue EXCEPT and Reserving unto the said Coles Child his heirs executors administrators and assigns and all persons lawfully authorised by him or them full right and power to make at any time over all or any part of the last mentioned land a road or way for foot passengers horses carts and carriages and with or without footpaths drains and sewers lamps and fences but with full liberty for the Council and such other persons as aforesaid to pass and repass either with or without horses carts and carriages over the said road for the purposes of entrance to and egress from the said Public Gardens

TO HOLD the same unto and to the use of the Council except and reserved as aforesaid to the intent and for the purpose only of affording better access for the Inhabitants of Bromley aforesaid and the general public to the hereditaments coloured pink on the said plan concurrently with the said Coles Child his heirs executors administrators and assigns and all persons by him or them thereunto authorised and subject to the existing rights of way shewn on the said plan and subject to the performance by the Council of the covenants by them hereinafter contained

AND THE COUNCIL do hereby for themselves and their successors covenant with the said Coles Child his heirs executors administrators and assigns and other the owner or owners for the time being of the Bromley Palace Estates and with the intent that the benefit of this covenant may from time to time be enforceable by such owner or owners against the persons or Corporation in whom for the time being the hereditaments hereby conveyed may be vested

THAT the Council and their successors will at all times use the said land as a garden and Pleasure Ground only for the inhabitants of Bromley aforesaid and for the general public and will not use the said land or any part thereof or permit the same to be used for any other purpose whatsoever

AND ALSO will forthwith commence to well and tastefully plant and lay out upon the same hereditaments flower beds walks trees turfs shrubs and plants with such seats as may be necessary and keep and preserve the said land in good order and condition as a Garden and Pleasure Ground and well and sufficiently preserve all the walks seats turf plants flowers shrubs and trees to be laid out and placed and planted as aforesaid and for the time being growing therein

AND as often as the same or any of them shall die or decay to set and plant others in their place of a good or better sort and will make and enforce such Rules and Regulations for the use and enjoyment of the said land as a public Garden and Pleasure Ground as will secure the same being at all times kept and preserved in such good order and condition as aforesaid

AND will maintain and keep the hereditaments coloured blue on the said plan and the fence on the North side thereof in good and tidy order and condition

AND will not erect or permit to be erected on the said land or any part hereof any buildings whatsoever other than and except (if so desired by the Council) a Caretakers Lodge rustic summer houses or implement sheds or other erections for the convenience of the public to be used exclusively in connection with the said premises as a Public Garden and Pleasure Ground without the previous consent in writing of the said Coles Child or other the owner or owners of the Bromley Palace Estates

AND ALSO will before any of the said excepted buildings are erected submit the plans for the same for the approval of the Surveyor for the time being of him or them IN WITNESS whereof the said Coles Child hath hereunto set his hand and seal and the Council have caused their Common Seal to be hereunto affixed the day and year first above written.

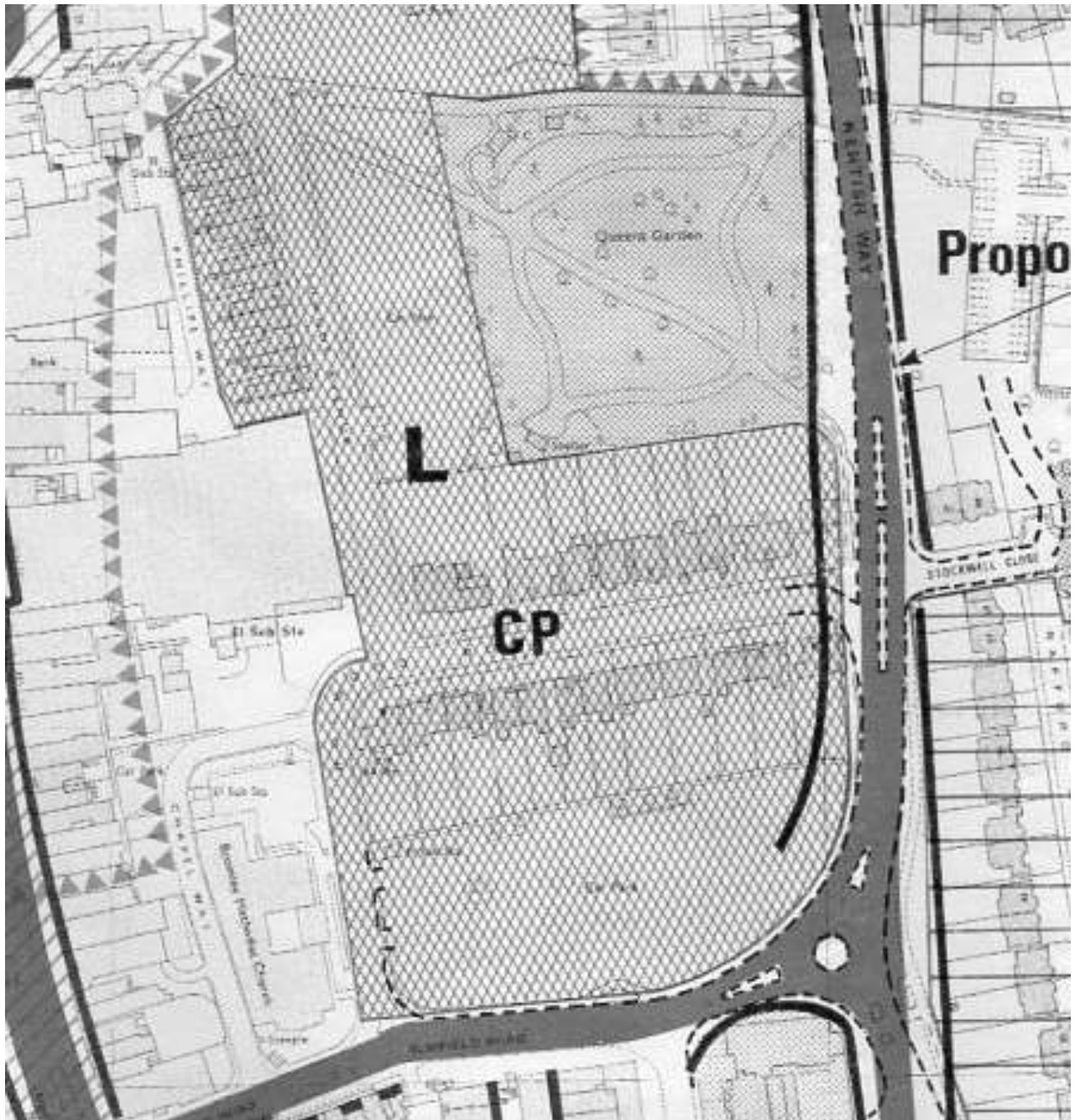
Signed and Sealed

Coles Child

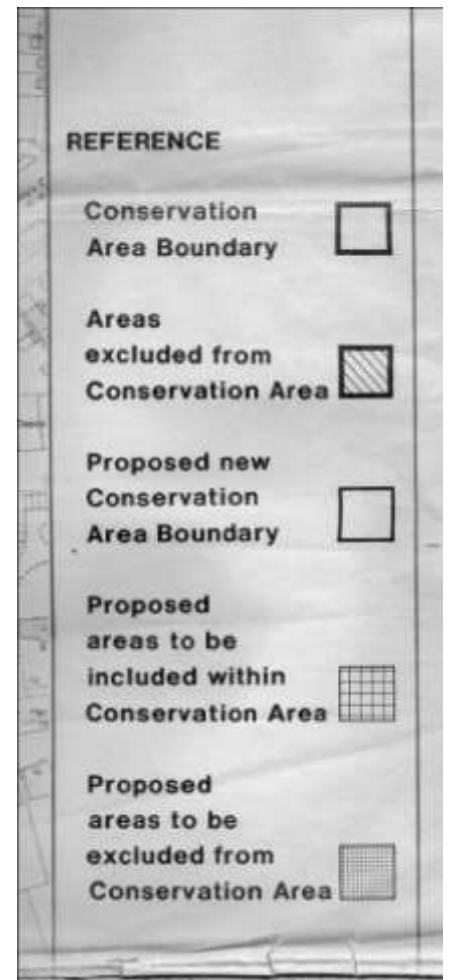
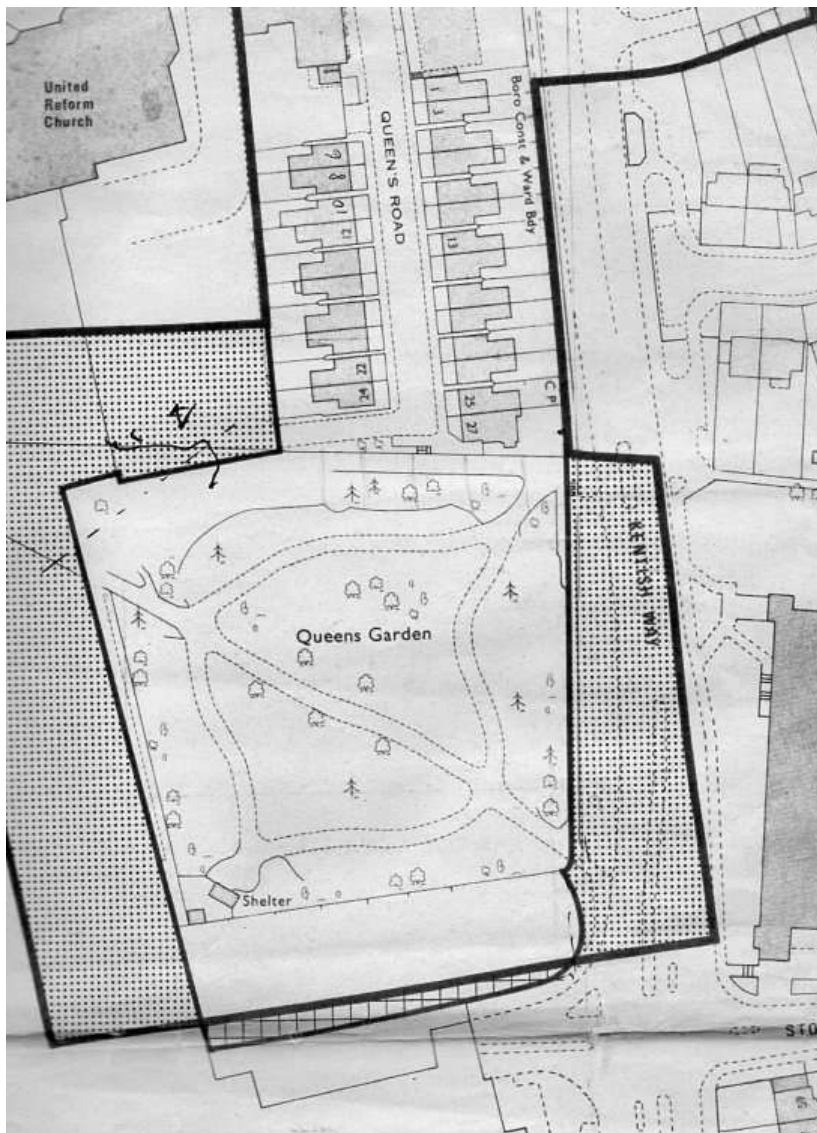
Signed and Sealed

Mayor and Town Clerk for the Council

**APPENDIX 4a – 1984 Borough Plan map showing proposed shopping centre site with houses in Holwood Road to be compulsory purchased several years later.**



**APPENDIX 4b** – extract from council map BTC 79F dated 12 February 1991 showing conservation area boundary (solid line) and modifications after construction of the Glades (light solid line). Note that the new building was removed from the CA boundary but part of the southern boundary of the CA is modified to line up with what was actually constructed and is now the edge of the Glades Terrace. The map was further modified so that the area to the right of the Garden covering part of Kentish Way was subsequently retained within the CA boundary.



**APPENDIX 5** – Extract from Council policy & Resources selection of CSC for shopping centre development over the other three contenders on the basis that Queens Garden would be extended. Note that this was before the Council's own designation of Queens Garden and what is now the Italian Garden as a Conservation Area.

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acceptable to them although, in terms of location, the Capital and Counties scheme was probably the one they most preferred. The Methodist Church was prepared to consider being included in the project subject to certain conditions.

The Sub-Committee had agreed that it was not easy to rank the schemes in a precise order as each one had its individual strengths and weaknesses. Nevertheless the scheme submitted by Capital and Counties designed by Chapman, Taylor and Partners ranked as high or higher than the other schemes on most criteria. This proposal offered the best relationship in terms of pedestrian flows to the southern end of the High Street. It avoided demolishing property in the centre of the High Street which occurred in each of the other schemes. The car parking arrangements and disposition of units were both attractive and the scheme achieved a substantial increase in Queens Garden. Members considered that the Capital and Counties scheme stood on its own and was preferred to the others on the planning design and physical aspects.

The scheme submitted by Capital and Counties contained a total of about 390,000 sq. ft. gross retail floorspace. This figure included 60,000 sq. ft. of displaced space so that the scheme comprised approximately 330,000 sq. ft. of additional shopping floorspace. A total of 70 retail units gave a good range of both large and standard shop units.

The scheme also included two department stores, one of about 54,000 sq. ft. and another of approximately 72,500 sq. ft. There was also a 50,000 sq. ft. extension to Marks and Spencer's trading on two levels. Two main shopping levels had links with existing shopping at the junction with Elmfield Road and High Street, and on White Hart Slip. There was also a subsidiary link opposite "The Bromley Mall".

The leisure centre, adjoining an enlarged Queens Garden, included a large leisure pool with other smaller pools, squash courts, a large sports hall, an activities hall and changing areas. There was also provision for a possible restaurant and snooker hall on the upper level.

Queens Garden was to be attractively extended and enlarged to form an integral part of the new shopping centre. In addition, the scheme provided 20 housing units.

A total of 1,450 car parking spaces would be provided, split into three separate parking areas. There would be 790 spaces with easy access to the scheme off Kentish Way, 260 spaces below the leisure centre and 400 spaces with access from Widmore Road.

If this scheme were chosen some minor amendments would be needed to deal with reservations expressed on various matters such as servicing, highways, car park layout and the design of the leisure centre. It was felt that these should be capable of being resolved satisfactorily without significantly affecting the financial offer.



## APPENDIX 6 – L'Abbaye/Belgo appeal decision.

### Formal Decision

18. I allow the appeal, and grant planning permission for installation of decking with umbrellas, lighting and fencing and use of the land for the placing of tables and chairs on land adjacent to Abbaye, Queens Gardens, Kentish Way, Lownds Avenue, Bromley, BR1 1NG in accordance with the terms of the application, Ref DC/06/00916/FULL1, dated 13 March 2006, and the plans submitted with it, subject to the following conditions:

- 1) The development hereby permitted shall begin before the expiration of three years from the date of this decision.
- 2) No customer shall be permitted to be within the application site and all lighting shall be extinguished outside the following times: 10:00hrs - 22:00hrs Mondays to Saturdays, 12:00hrs – 21:00hrs on Sundays.
- 3) No development shall take place until details and samples of the materials to be used in the construction have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.
- 4) No amplified or other music or other form of broadcasting shall be played within the application site.
- 5) The structure hereby permitted shall be removed and the use hereby permitted shall be discontinued on or before the date 6 years from the commencement of the use. On or before that date, the land shall be restored to its former condition in accordance with a scheme of work submitted to and approved in writing by the Local Planning Authority. The appellants shall inform the Local Planning Authority of the date of commencement within one week of commencement of the use.
- 6) Before the development hereby permitted commences, details of a scheme of lighting shall be submitted to and approved by the Local Planning Authority. The development shall not be carried out otherwise than in accordance with the approved scheme.
- 7) Before the development hereby permitted commences, a detailed method statement of the construction of the decking and protection of trees and tree roots shall be submitted to and approved by the Local Planning Authority. The development shall not be carried out otherwise than in accordance with the approved scheme.

*RH Baker*

