

Committee	PLANNING COMMITTEE (B)	
Report Title	BARING HALL HOTEL, 368 BARING ROAD SE12 0DU	
Ward	Downham	
Contributors	Geoff Whittington	
Class	PART 1	Date: 25 OCTOBER 2012

<u>Reg. Nos.</u>	DC/12/79781
<u>Application dated</u>	22.03.2012
<u>Applicant</u>	BPTW Partnership on behalf of Jackson and Gilmore
<u>Proposal</u>	Demolition of the former Baring Hall Hotel building and associated outbuildings, together with the provision of hardstanding.
<u>Applicant's Plan Nos.</u>	400 P1, 401 P2, 402 P1 & 403 P1.
<u>Background Papers</u>	(1) Case File LE/302/M/TP (2) Lewisham Development Framework: Core Strategy (2011) (3) Adopted Unitary Development Plan (July 2004) (4) The London Plan (2011) (5) Lifetime Homes Standards (6) Residential Development Standards: SPD adopted 2006)
<u>Designation</u>	Adopted UDP - Existing Use

## **1.0 Property/Site Description**

- 1.1 The application site lies on the west side of Baring Road, at its junction with Downham Way. The site measures 0.14 hectares and is comprised of a former public house, known as the Baring Hall Hotel, which has been vacant since 2009. A spacious car-parking area is located at the rear, accessed from Downham Way.
- 1.2 The surrounding area of Grove Park provides a mix of residential and commercial activity, including a small shopping parade to the north of the site, houses to adjacent land and to the west on Reigate Road and a funeral parlour at 589 Downham Way. Shopping parades lie on Baring Road and Downham Way to the south, comprised of ground floor commercial uses, with residential above. The nearest schools are Pendragon Secondary School and Merlin Primary School.
- 1.3 Baring Road (A2212) is a particularly busy highway that leads to Bromley in the south and Lee to the north. Downham Way is also busy, leading to Downham in the west. The area is well served by public transport, with Grove Park Train Station directly opposite the application site, whilst a number of bus routes operate within the immediate area. The site has a Public Transport Accessibility Level (PTAL) of 4-5.

- 1.4 The application building is locally listed and subject to an Article 4 Direction, which removes the permitted development right to demolish. No other listed buildings are located within the immediate vicinity. The site is not within a conservation area, and is designated as being within an area of Local Open Space Deficiency.

## **2.0 Planning History**

- 2.1 In 2011, permission was refused at Committee (A) for the demolition of the existing buildings at Baring Hall Hotel, 368 Baring Road SE12 and the construction of a part single/ part three/ part four storey building to provide commercial space (Use Class A1/A2/A3 & A4) on the ground floor and 5 one bedroom, 5 two bedroom and 4 three bedroom self-contained flats, incorporating balconies and a 2-storey plus roofspace terrace of 1 two bedroom and 2 three bedroom houses, together with the provision of 3 car parking and 26 bicycle spaces, refuse stores, amenity space and vehicular access onto Downham Way. The reason for refusal being that:

The proposed development, by reason of its mediocre design, would fail to provide a suitable replacement for the existing Baring Hall Hotel building which is of significant historic, architectural and townscape quality in this prominent corner location and fails to justify the amount of development proposed for the site. As such, the development would fail to make a positive contribution to the visual character of the area, would fail to meet Core Strategy Objective 10: Protect and Enhance Lewisham's character and would fail to comply with Spatial Policy 5 Areas of Stability or Managed Change of the Council's Core Strategy and Core Strategy Policies 15 High quality design for Lewisham and 16 Conservation areas, heritage assets and the historic environment, saved Policy URB 3 Urban Design of the Unitary Development Plan and Policies 7.1 and 7.4 of the London Plan 2011.

- 2.2 On 14 September 2011, it was determined at Mayor and Cabinet that the Baring Hall Hotel was of sufficient character and quality to be locally listed and subject to an Article 4 Direction removing permitted development rights for demolition.
- 2.3 In mid 2012, an appeal was lodged by the applicants to the Planning Inspectorate in respect of the refusal issued to the proposed redevelopment of the site. It was agreed the appeal would be a Local Hearing held on 4 September 2012.
- 2.4 On 5 October, the Planning Inspectorate dismissed the appeal on grounds that the proposal would not accord with the heritage protection aims of policies in the London Plan, Core Strategy and Unitary Development Plan. In addition, the Inspector considered the proposal would be contrary to emerging policy that seeks to protect community facilities in Lewisham.

## **3.0 Current Planning Application**

- 3.1 The current application proposes the demolition of the former Baring Hall Hotel building and associated outbuildings. The provision of hardstanding would replace the structures, comprised of crushed gravel.
- 3.2 The demolition of the existing buildings would ultimately create an opportunity to redevelop the site in the future.

## **4.0 Consultation**

### Neighbours & Local Amenity Societies etc.

4.1 Letters of consultation were sent to 103 local residents on 11 April 2012, together with a notice displayed on site. Ward Councillors were also consulted.

4.2 Six letters were received from the occupiers of 26 Roseveare Road, 29 Winn Road, 30 Geraint Road, 39 Exford Road, 21 Horsa Road and 29 Chinbrook Road, objecting on the following grounds:

- (1) The Baring Hall is a distinctive building and enhances and adds character to the Grove Park area
- (2) Existing building should be refurbished/ converted into flats;
- (3) Need to conserve a sense of history for future generations.

### 4.3 Grove Park Community Group

We ask that Lewisham Council declines to determine the application under s.70B(4A) and (4B) of the T&C Planning Act 1990 in view of the fact that a similar application is under consideration by the Secretary of State.

(Letters are available to Members)

### Highways and Transportation

4.4 Unobjectionable in principle.

### Environmental Health

4.5 No objections raised.

## **5.0 Policy Context**

### Introduction

5.1 Section 70(2) of the Town and Country Planning Act 1990 (as amended) sets out that in considering and determining applications for planning permission the local planning authority must have regard to:

- (a) the provisions of the development plan, so far as material to the application,
- (b) any local finance considerations, so far as material to the application, and
- (c) any other material considerations.

5.2 Section 38 (6) of the Planning and Compulsory Purchase Act (2004) makes it clear that the determination of planning applications must be made in accordance with the development plan unless material considerations indicate otherwise.

5.3 The development plan for Lewisham comprises the Core Strategy, Development Plan Document (DPD) (adopted in June 2011), those saved policies in the adopted Lewisham UDP (July 2004) that have not been replaced by the Core Strategy and policies in the London Plan (July 2011). The National Planning Policy Framework does not change the legal status of the development plan.

## National Planning Policy Framework (NPPF)

- 5.4 The NPPF was published on 27 March 2012 and is a material consideration in the determination of planning applications. It contains at paragraph 14 a 'presumption in favour of sustainable development'. Annex 1 of the NPPF provides guidance on implementation of the NPPF. In summary this states that (paragraph 211), policies in the development plan should not be considered out of date just because they were adopted prior to the publication of the NPPF. At paragraphs 214 and 215 guidance is given on the weight to be given to policies in the development plan. In summary, this states, that for a period of 12 months from publication of the NPPF decision makers can give full weight to policies adopted since 2004 even if there is limited conflict with the NPPF. Following this period weight should be given to existing policies according to their consistency with the NPPF.
- 5.5 Officers have reviewed the Core Strategy and saved UDP policies for consistency with the NPPF and consider there is no issue of significant conflict. As such, full weight can be given to these policies in the decision making process in accordance with paragraphs 211, 214 and 215 of the NPPF.
- 5.6 The application was determined under the previous policy regime which has subsequently been replaced by the National Planning Policy Framework (NPPF) Shortly after the application was refused the Baring Hall Hotel was added to Lewisham's list of local interest buildings. These buildings are those that have been identified as being of local significance and which contribute towards local distinctiveness.
- 5.7 While the revoked Planning Policy Statement 5 (PPS5) stated a presumption in favour of the conservation of heritage assets, the NPPF gives a presumption in favour of sustainable development. However, conservation of heritage assets is one of the 12 core principles of the NPPF, which planning decisions should be based upon and is considered sustainable development:  
'conserve heritage assets in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of this and future generations.'
- 5.8 The NPPF also identifies three dimensions to sustainable development, of which two, social and economic, are relevant;  
'a social role – supporting strong, vibrant and healthy communities...by creating a high quality built environment';  
'an environmental role – contributing to protecting and enhancing our natural, built and historic environment.'
- 5.9 Furthermore, the NPPF states that;  
"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 judgment will be required having regard to the scale of any harm or loss and the significance of the heritage asset. "
- 5.10 When considering the quality of new buildings, their design must, "respond to local character and history, and reflect the identity of local surroundings and materials, while not preventing or discouraging appropriate innovation."

- 5.11 Although the NPPF instructs local planning authorities against imposing specific styles or tastes by unsubstantiated requirements, it clearly states that it is, “proper to seek to promote or reinforce local distinctiveness.”

Ministerial Statement: Planning for Growth (23 March 2011)

- 5.12 The statement sets out that the planning system has a key role to play in rebuilding Britain’s economy by ensuring that the sustainable development needed to support economic growth is able to proceed as easily as possible. The Government’s expectation is that the answer to development and growth should wherever possible be ‘yes’, except where this would compromise the key sustainable development principles set out in national planning policy.

London Plan (July 2011)

The London Plan policies relevant to this application are;

- 5.13 Policy 5.12 Flood risk management; 5.13 Sustainable drainage; 7.4 Local character; & 7.5 Public realm.

Core Strategy

The Core Strategy, together with the London Plan and the saved policies of the Unitary Development Plan, is the borough's statutory development plan. The following lists the relevant strategic objectives, spatial policies and cross cutting policies from the Lewisham Core Strategy as they relate to this application:

Spatial Policy 1: Lewisham spatial strategy; Spatial Policy 2: Regeneration and growth areas; Spatial Policy 5: Areas of stability and managed change; Policy 7: Climate change and adapting to the effects; Policy 10: Managing and reducing the risk of flooding; Policy 15: High quality design for Lewisham and Policy 16 Conservation areas, heritage assets and the historic environment.

Unitary Development Plan (2004)

The saved policies of the UDP relevant to this application are;

URB 3: Urban Design; URB 12: Landscape and Development; URB 13: Trees; & URB 20: Locally Listed Buildings.

**6.0 Planning Considerations**

- 6.1 The main issues to consider include the character of the existing building, the principle of demolition, the resulting impact upon the appearance of the streetscene, the loss of a community facility and whether the provision of hard landscaping would be a suitable replacement.

History of the Site

- 6.2 The application site is located on a prominent corner opposite Grove Park Train Station, at the junction of Baring Road and Downham Way and is occupied by the Baring Hall Hotel. The building was formerly in use as a public house, but since a fire incident forced the closure of the pub in 2009, the building has remained vacant.

- 6.3 The Baring Hall, built in 1882, was an early work by the architect Ernest Newton and formed part of the original Earl of Northbrook estate. The Baring Hall forms an important element of Grove Park and is acknowledged to be the most aesthetically pleasing building within the immediate area, particularly when compared to the unsightly 2-storey commercial parade located directly to the north of the site. Local objectors and groups have requested the existing building be retained, arguing that despite the fire damage, it remains structurally sound, thereby reducing the need to demolish, and if it cannot be used as a pub, it could be converted to accommodate another form of commercial activity.
- 6.4 The Baring Hall Hotel is a late Victorian purpose built hotel prominently located at the junction of Baring Road and Downham Way. It is located opposite the Grove Park station and is surrounded by several small parades of shops, mainly anonymous blocks, which make up the Grove Park Local Centre. The Downham Estate, a 1920s development, which spreads over much of the locality, adjoins Grove Park to the west of the hotel.
- 6.5 Grove Park as such came into existence after the arrival of the railway and construction of Grove Park station in 1870. Following this, a small selected estate of large villas for the middle class was developed to the west of Baring Road north of the railway tracks which remained surrounded by fields and farms until the beginning of the 20<sup>th</sup> century. The rural surrounding also appeared to make Grove Park an attractive location to visit, hence the construction of the Baring Hall Hotel.
- 6.6 The Hotel and train station marked the southern entrance to the estate. The Baring Hall Hotel remains in both scale and architectural quality the most significant building in the area, and this landmark quality is enhanced by its prominent corner position. The estate was re-developed during the 20<sup>th</sup> century with only one villa remaining in a much altered form in Somertrees Avenue. A few remainders of Grove Park's earliest development phase also remain at the eastern side of Baring Road south of the junction with Downham Way, though none are comparable in quality and state of preservation to the Hotel.
- 6.7 The Baring Hall Hotel is two storeys with a hipped roof and red brick external walls. There are gabled dormer windows and a projecting gabled bay to the first floor and roof. There is a balcony to the front elevation with an iron balustrade and a pedimented entrance to the side. An extension was built in the 1950s that extends to the rear along Downham Way. The building is located upon a generous plot with a large car park to the rear accessed via Downham Way.
- 6.8 The hotel was built when the Earl of Northbrook, Lord Baring, developed the southern part of his estate around the new Grove Park station. Norman Shaw's architectural practice was engaged to design the new hotel and it was his senior assistant, Ernest Newton who was responsible for the design of the hotel. Newton proceeded to have a distinguished career becoming President of the Royal Institute of British Architects (RIBA), a founding member of the Art Workers Guild and a Royal Academician. He was also awarded a CBE and became known as a distinguished Arts and Crafts architect. He was a local man, educated in Blackheath and responsible for several notable local buildings including St Swithun's Church in Hither Green Lane, the vicarage of which is already on Lewisham's Local List. The Baring Hall Hotel is an unusual example of a

commercial building by Newton as he principally built substantial residential properties in Kent, Surrey and Sussex.

#### Demolition of the Baring Hall Hotel

- 6.9 In 2011, English Heritage were asked to statutorily list the building, but considered it to be an early example of Newton's work lacking the qualities of his later work and as such did not meet the criteria for statutory listing. However, in the notification report English Heritage stated that;
- 6.10 "The Baring Hall Hotel ...[is]...locally significant as a landmark and a handsome piece of street architecture".
- 6.11 The building is prominently positioned on a busy road junction and as such makes a positive contribution to the local streetscape as a distinctive local landmark building. All four elevations are visible because of the corner plot it occupies and the architect has designed each to be viewed, not succumbing to using cheaper materials on its secondary elevations. The building is therefore considered to be of significant historic, architectural and townscape value.
- 6.12 The hotel is the last remnant of the artist estate that Lord Northbrook envisaged with the redevelopment of his estate in this part of Grove Park. It is significant as evidence of the evolution of this suburb, which is now dominated by early twentieth century residential properties.
- 6.13 The Council refused planning permission for the redevelopment of the site in August 2011 as it was considered that the proposed building was of a mediocre design compared to the Baring Hall Hotel.
- 6.14 In October 2011, the Baring Hall was locally listed, and the Council now has control over the demolition of the building due to the implementation of an Article 4 Direction. Under the circumstances, the Council considers that there are no grounds to justify the demolition of the existing building, the demolition of which should form part of any future development of the site.
- 6.15 Saved Policy URB 20 states that "the Council will seek to ensure and encourage the preservation and enhancement of Locally Listed Buildings of townscape merit and will use its powers where possible to protect their character and setting."
- 6.16 The reason for this policy is that "there are a number of buildings and groups of buildings of historic or architectural interest, which contribute significantly to the townscape but are not on the statutory list. The Council has control over the demolition of those which are in conservation areas, but elsewhere its powers are more limited. The Council will resist the demolition of Locally Listed Buildings, but should it prove necessary, a high standard of design, complementing the surrounding area and which outweighs their architectural and historic value, will be required in any replacement building. The Council will endeavour to protect the character and setting of Locally Listed Buildings by as far as possible treating them as if they were [statutorily] listed".
- 6.17 The Local Planning Authority will ensure the preservation, and resist demolition, of locally listed buildings, unless it is necessary to do so. In judging this *necessity* of demolition, the same criteria should be applied that would apply for statutory listed buildings. If there would be such a necessity, the replacement building(s) should be of such a quality that it is of similar if not higher quality than the locally listed building.

- 6.18 No case is made that this is necessary to demolish the building in terms of structural soundness, as no evidence has been submitted to this effect. Apart from some minor fire damage, and lack of general upkeep in recent years, the building is in relatively good condition.
- 6.19 The Council does not consider that financial considerations would be sufficient grounds to necessitate the demolition of a (locally) listed building. The current application makes no convincing case in respect of demolishing the building, neither does it address a possible refurbishment. Officers are of the opinion that this structurally sound building, located within a town centre and opposite a major regional railway station, should retain its position as the main focal point of Grove Park. There is no viable reason that has been presented to the Council why it could not be successfully converted into a commercially sustainable use or mix of uses. Given the status as a locally listed building, the Council would seek to adopt a flexible and positive approach to retain and make full use of the existing property.

#### Loss of a Community Facility

- 6.20 The building was formerly in use as a public house, but has remained vacant since 2009. It is considered that insufficient evidence has been provided to justify or mitigate the loss of this community provision, which is contrary to London Plan and Council policy. Grove Park is a busy centre that generates high pedestrian and vehicular movement, however it suffers generally from a lack of community provision, with the nearest public house being in Downham.
- 6.21 Policy 3.1 of the London Plan deals with ensuring equal life chances for all and states that:-
- 'development proposals should protect and enhance facilities and services that meet the needs of particular groups and communities. Proposals involving loss of these facilities without adequate justification or provision for replacement should be resisted.'*
- 6.22 Policy 3.16 Protection and Enhancement of Social Infrastructure states that:-
- 'Proposals which would result in a loss of social infrastructure in areas of defined need for that type of social infrastructure without realistic proposals for re-provision should be resisted. The suitability of redundant social infrastructure premises for other forms of social infrastructure for which there is a defined need in the locality should be assessed before alternative developments are considered.'*
- 6.23 In assessing the appeal relating to the 2011 refusal, the Planning Inspector identified the Baring Hall as a 'popular social centre for the community. Although that became tarnished in later years, there is potential for a new social centre in the location'.
- 6.24 Notwithstanding the national trend for pub closures, it has not been demonstrated that a viable use cannot be found for this locally listed building in conjunction with development of the rest of the site.'

- 6.25 The closure of pubs nationally has increased in recent years, however it is considered that there remains an opportunity to retain the existing Baring Hall Hotel for use as a pub. The loss of this important community focal point would clearly be contrary to London Plan and local policies.

#### Hard Landscaping

- 6.26 It is proposed that a crushed gravel hard surface be formed to replace the Baring Hall Hotel and associated outbuildings, measuring an area of approximately 743 square metres. The existing hardstanding area to the rear of the Baring Hall, which was formerly used as a car-park would be retained.
- 6.27 Even if an argument could be made that there was a necessity to demolish the existing building, policy URB 20 states that the replacement building should be of a high quality design, which would complement its surroundings and would outweigh the historical and architectural merits of the existing building. The architectural merits of the proposed development should be equal or more likely outweigh the merits of the existing building - in this case, hard landscaping clearly fails to provide a suitable replacement for the existing building.
- 6.28 The site is prominently located at a main junction, therefore the provision of a hard landscaped surface would be an undesirable addition to the streetscene, with no indication at this stage of the length of time it would remain in such condition.

#### Environmental Impact Assessment (EIA) Screening

- 6.29 A formal request has been made by the applicant for officers to undertake a screening of the site. Relevant matters, including the issuing of the local listing and Article 4 Direction have been addressed in the response. Officers are of the consideration that an EIA is not required in this case.

### **7.0 Consultations**

- 7.1 With regard to procedural matters, neighbour notifications have been carried out in accordance with the Council's usual procedure. Officers are satisfied that all statutory Council procedures have been followed and all neighbour concerns have been addressed.

### **8.0 Conclusion**

- 8.1 The Baring Hall Hotel is an important local landmark in Grove Park, which is both locally listed and protected from demolition by an Article 4 direction.
- 8.2 The proposed development would result in the demolition of this imposing building without sufficient justification or proven necessity to do so, whilst the provision of hardstanding upon this prominent site is wholly unacceptable.
- 8.3 It is also acknowledged that the Planning Inspectorate has recently dismissed an appeal relating to the proposed demolition and redevelopment of the site, for reasons including a failure to accord with heritage protection aims stated in London Plan and local policies, whilst resulting in the loss of of a community facility.
- 8.4 For these reasons, it is therefore recommended permission be refused.

## **9.0 Summary of Reasons for Refusal of Planning Permission**

9.1 It is considered that the proposal is inappropriate and will result in material harm, being contrary to Policies 10: Managing and Reducing the Risk of Flooding, Policy 15: High Quality Design for Lewisham and 16: Conservation Areas, Heritage Assets and the Historic Environment of the adopted Core Strategy (2011), saved policies Policy 19 Provision and maintenance of community and recreational facilities, URB 20: Locally Listed Buildings and LCE 2 Existing Leisure and Community Facilities of and Policies 7.4: Local Character, 7.8: Heritage Assets and Archaeology, 5.12: Flood Risk Management and 5.13: Sustainable Drainage of the London Plan (2011).

## **10.0 Recommendation      **Refuse Planning Permission** for the following reasons:**

- (1) The Baring Hall Hotel building has been identified by the local planning authority as a heritage asset, which has both historical value and architectural character and adds positively to the local distinctiveness of the area. Inadequate justification has been provided for the demolition of the existing building and as such its demolition would result in an unacceptable loss of a heritage asset and consequently, would result in unacceptable harm to the character and appearance of the surrounding area, therefore the proposal is contrary to Policies 7.4 Local character and 7.8 Heritage assets and archaeology of the London Plan (July 2011), Policy 16 Conservation areas, heritage assets and the historic environment of the adopted Core Strategy (June 2011), URB 20: Locally Listed Buildings, and relevant guidance in the National Planning Policy Framework.
- (2) The proposal would result in the unacceptable loss of a valuable amenity as a social and cultural place for the local community, contrary to Policies 3.1 Ensuring equal life chances for all, 3.16 Protection and enhancement of social infrastructure and 7.1 Building London's neighbourhoods and communities of The London Plan (July 2011), Policy 19 Provision and maintenance of community and recreational facilities of the adopted Core Strategy (June 2011) and Saved Policy LCE 2 Existing Leisure and Community Facilities in the adopted Unitary Development plan (July 2004).
- (3) The proposed hard landscaping of this predominantly located corner site would serve to impact detrimentally upon the character and appearance of the surrounding area and contrary to saved policy URB 3 Urban Design of the Unitary Development Plan (2004) and Policy 15: High Quality Design for Lewisham of the adopted Core Strategy (2011).