

PLANNING COMMITTEE
Thursday 13th August 2020

- ADDENDUM TO AGENDA -

Item 6.1 – 20/01550/FUL 126-132 Pampisford Road, Purley, CR8 2NH

2.0 RECOMMENDATION

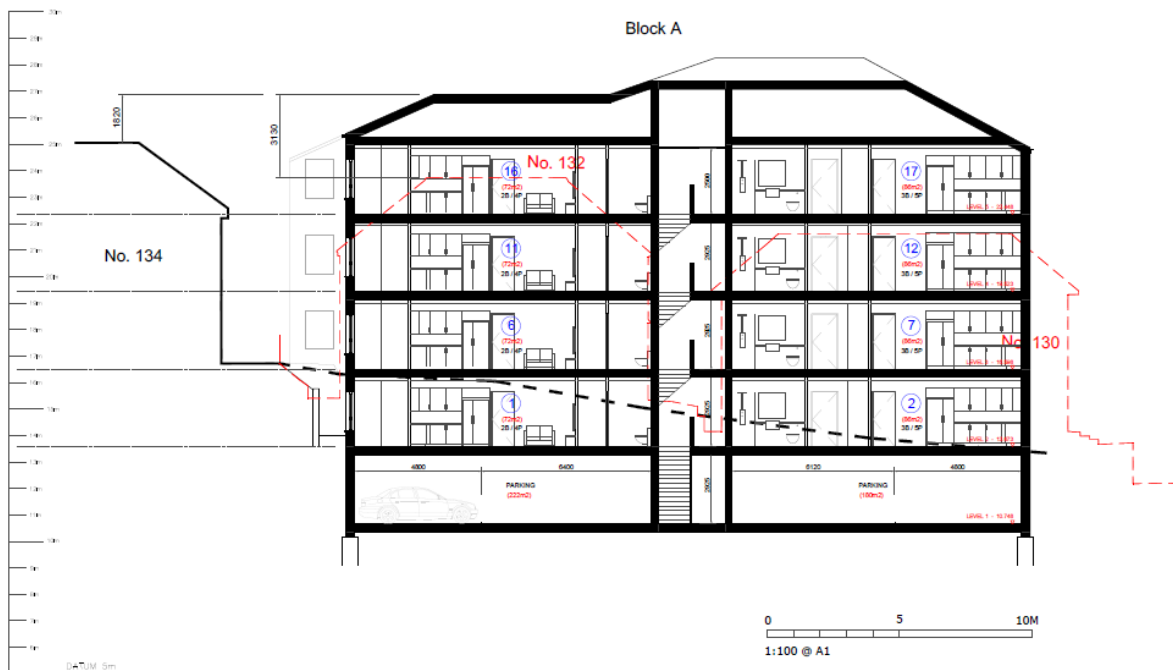
In paragraph 2.1 an additional obligation to be added into the legal agreement formally securing and maintaining an existing public right of access across the revised pathway at the front of the site.

6.0 LOCAL REPRESENTATION

Additional two written representations have been received in relation to the application from addresses that previously objected to the application. Some points were repetitions to points already mentioned in the report in addition to the below:

- The development would dwarf No.134 and would cast shadow onto the solar panels on the roof.

Officer Comment: A response to this point has already been included in the officer's report. The applicant submitted a section drawing to show the difference between Block A and No.134, below.



- There is no evidence of mitigation of climate change considered for the new development.

Officer Comment: the documents submitted with the application, and published on the Council's portal, include Energy Statement, Flood Risk Assessment, and both discussed sustainable mitigation measures to be implemented in the development.

- Committee Report responses to objections points disagreed with the residents.

Officer Comment: the responses clarified the Council position on raised concerns.

- The water pressure in existing properties is low and having this major development is bound to make it worse.

Officer Comment: Thames Water was consulted as part of the application and did not raise any concerns. Following a planning decision, the developer would naturally engage with Thames Water outside planning remit for water and sewage connection.

Amendments to Paragraph 8.101

Following the publication of the Committee Report the applicant submitted an amended site plan to include visitor cycle parking. Paragraph 8.101 would now read as follows:

Cycle Parking: Table 6.3 of The London Plan (2016) sets the cycle parking standards at one space per one-bedroom units and two spaces for all other bigger units; it also required major developments to have one space per 40 units for short stay. The proposed mix would require a total of 119 spaces and two short stay spaces. The proposal would have a total of 123 spaces total; under each of the four blocks with various rack arrangements; all of which would have levelled access and in proximity to the building entrances **and two visitor cycle spaces to the front of Block B**. The decision notice would include a condition to ensure that parking would be laid out as approved prior to occupation. ~~and that visitors' cycle parking would be installed as per policy~~

Item 6.2 – 19/03959/FUL – 12 Abbots Lane, Kenley, CR8 5JH

1.0 SUMMARY OF APPLICATION DETAILS

Drawing Nos.

Insert amended drawing numbers:

Hard Landscaping Rev B1 (06.08.2020); Soft Landscaping Rev C; 5 year Landscape Maintenance Plan, Tree Specifications Rev C, Planting Schedule Rev C.

6.0 LOCAL REPRESENTATION

Amendment to Paragraph 6.2:

Following the publication of the Committee Report an incorrect date has been noticed.

Paragraph 6.2 would now read as follows:

Cllr Steve O'Connell (Kenley Ward Councillor) referred the planning application to Planning Committee raising the following issues as part of his referral:

- Out of Character, cramped design, and too dominant.
- Outside the Kenley Focused Intensification Zone.
- Unviable Parking and Driveway.

- Detrimental impact on amenity of neighbouring properties.
- Incomplete and misleading plans and reports. [Amended and updated plans received **24.07.2020**].

An additional 2 written representations have been received raising the following material considerations from KENDRA and a neighbour:

Dominance of the two-storey building forward of the front building line and 4.3m from the highway and questioning the accuracy of the CGI images shown.

Officer Comment: CGI's are for illustrative purposes only and the development would need to be built out in accordance with the plans if approved. The set back of the building from the highway can be measured on the approved plans.

Newly submitted reports and drawings submitted and published after the committee report was published.

Officer Comment: The amended hard and soft landscaping plans submitted after publication of the committee report contained minor changes and did not warrant a re-consultation.

Questioning the accuracy of the slope gradient of the access road.

Officer Comment: There would be a change in levels of 1.3m from the highway to the start of the car parking area. The applicant has confirmed that the access driveway would have a slope gradient of 1:12.

Questioning location and amount of visitor parking provided.

Officer Comment: 14 car parking spaces are proposed for the 8 units. The 6 spaces that are in front of garages could be used as visitor parking for those dwellings.

8.0 MATERIAL PLANNING CONSIDERATIONS

Fig 3 (Site plan) amended image:



Fig 7 (Soft landscaping) amended image:



Item 6.3 – 19/02690/FUL - Buddhist Temple, 76 Beulah Hill

6.0 LOCAL REPRESENTATIONS

An additional paragraph should be added to this section:

Councillor Pat Ryan: Object to the development on the grounds of overdevelopment, excessive parking on the pavements and carriageway, detrimental Impact on the residential amenities of adjoining occupiers (noise in particular).

An additional four written representations have also been received in relation to the application. Two of these written representations are from 'existing' objectors, two are from 'new' objectors. The planning concerns raised in these letters which are not already mentioned/addressed in the Committee report are summarised as follows:

- Concerns were raised about the conduct of some of the staff in the temple in relation to requirements for visitors and the general reflection on the Buddhist Faith.
- Concerns were raised about the validity of the supporting representations.
- Concerns were raised about the exact nature (and enforceability) of the planning conditions referred to in the committed report.

Officer Comment: Staff conduct is not a planning matter (unless it leads to a breach of planning control).

Further details are provided on the proposed wording of a number of planning conditions as set out in section 2.0 of the report – specifically those relating to residential amenity. These are set out here due to their importance in the overall planning assessment.

Draft Planning Conditions

Condition 3

The site shall not be open to the public before the hours of 7am or after 7pm on any day, save for on Thursdays, where the site shall not be open to the public between before the hours of 7am or after 9pm. These restrictions shall apply EXCEPT for Lunar New Year and on any designated 'retreat' day. No more than 6 retreat days shall occur per year.

Condition 4

No amplification equipment (including amplified chanting, music, or PA equipment) shall occur outside the main building EXCEPT for on Lunar New Year, Buddha's Birthday or Vietnamese Mother's Day.

Condition 5

No more than 30 visitors/members of the public shall be present on the site at any one time, except for Vietnamese Mothers Day, Buddha's Birthday, Lunar New Year, and during visits from local schools when no more than 80 visitors/members of the public shall be present on the site at any one time.

Condition 6

Within 3 months of the date of this decision, a noise management plan shall be submitted to and approved in writing by the Local Planning Authority. This plan should set out a variety of physical and/or operational measures (including cut-out devices) to mitigate noise disturbance to nearby occupiers. The development shall thereafter operate in accordance with these approved measures for the remainder of its lifetime.

Condition 9

Security staff shall be hired to manage the venue during Lunar New Year, Vietnamese Mother's Day, Buddha's Birthday, and any public gatherings where visitor numbers exceed 60 per day, and these staff shall undertake the duties as set out in the submitted Travel Plan

Determination of retrospective Planning Application

- Concern was also raised that this application could not be determined as there is an existing enforcement notice on the site which requires the cessation of the use.

Section 70C of the 1990 Town and Country Planning Act states that a local planning authority may decline to determine an application for planning permission [or permission in principle] for the development of any land if granting planning permission for the development would involve granting, whether in relation to the whole or any part of the land to which a pre-existing enforcement notice relates, planning permission in respect of the whole or any part of the matters specified in the enforcement notice as constituting a breach of planning control (emphasis)

Officer Comment: The legislation states that the Council **may** decline to determine an application, not that it has to. The enforcement notice in question was issued way back in 1999, and the use and indeed the policy context was materially different to that of today, and therefore the Council considered it is appropriate to re-assess the development in this case.