

Decision Maker: PLANS SUB-COMMITTEE NO. 1

Date: Thursday 31 July 2014

Decision Type: Non-Urgent Non-Executive Non-Key

Title: PLANNING APPEAL AT THE PORCUPINE PUBLIC HOUSE, 24 MOTTINGHAM ROAD, MOTTINGHAM SE9

Contact Officer: Tim Horsman, Development Control Manager
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Chief Officer: Chief Planner

Ward: Mottingham and Chislehurst North;

1. Reason for report

A planning appeal has been submitted against the Council's refusal to grant planning permission for the redevelopment of the Porcupine Public House. One of the five reasons of refusal relates to crime prevention issues. The appellants have been in discussions with the Metropolitan Police Crime Prevention Officer to overcome these concerns and this report considers the options in relation to whether to pursue this ground of refusal at the appeal.

2. **RECOMMENDATION(S)**

That the appeal is contested on grounds 1, 2, 4 and 5 and not ground 3 relating to crime prevention

Corporate Policy

1. Policy Status: Existing Policy:
 2. BBB Priority: Quality Environment Vibrant, Thriving Town Centres:
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Financial

1. Cost of proposal: No Cost:
 2. Ongoing costs: Not Applicable:
 3. Budget head/performance centre: Planning/Legal
 4. Total current budget for this head: £
 5. Source of funding:
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Staff

1. Number of staff (current and additional): 1
 2. If from existing staff resources, number of staff hours: 2
-

Legal

1. Legal Requirement: Non-Statutory - Government Guidance:
 2. Call-in: Not Applicable:
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Customer Impact

1. Estimated number of users/beneficiaries (current and projected): N/A
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Ward Councillor Views

1. Have Ward Councillors been asked for comments? Yes
2. Summary of Ward Councillors comments: Will be reported verbally

3. COMMENTARY

Planning application 13/04160/FULL1 was refused at Plans Sub Committee and in accordance with the recommendation, five grounds of refusal were imposed. These related to: 1. Highways and transport; 2. Loss of TPO trees; 3. Inadequate security measures; 4. Loss of community facility and 5. Overdevelopment of the site.

The third refusal ground was recommended as a consequence of comments from the Metropolitan Police Crime Prevention Officer and reads as follows:

3) The proposed development would not incorporate adequate security and crime prevention measures in the design and layout of building and public areas, and would therefore be contrary to Policy BE1 of the Unitary Development Plan.

As part of the process leading up to the inquiry, in accordance with Planning Inspectorate guidance the Council is required to discuss with the appellants whether any of the issues raised at application stage can be overcome. Whilst it is intended to robustly defend the fundamental objections and refusal grounds relating to highways, loss of community facility, trees and overdevelopment, the appellants have been in discussions with the Metropolitan Police Crime Prevention Officer and the Council in an attempt to find a solution to the concerns raised about security measures within the site as set out in the 3rd refusal ground.

A gate is now proposed, set back into the site to prevent access to the rear of the development out of opening hours, alongside a package of security measures such as CCTV. As a consequence the Police have withdrawn their objections to the scheme. Additionally there are no highways or amenity concerns about the proposed gate and details can be the subject of a planning condition should the appeal be allowed. It is therefore now considered that the proposed development is capable of incorporating adequate security and crime prevention measures in the design and layout and would not be contrary to Policy BE1 of the UDP.

The Council therefore now has no evidence to support this particular ground of refusal and this report seeks Members approval to contest the appeal on the remaining 4 grounds and not ground 3.

4. POLICY IMPLICATIONS

Policy BE1 of the Unitary Development Plan

5. FINANCIAL IMPLICATIONS

Members are advised that there may be a risk of a costs award for unreasonable behaviour should the Council pursue this ground of appeal in light of the revised information.

6. LEGAL IMPLICATIONS

These are addressed in the report

7. PERSONNEL IMPLICATIONS These are addressed in the report

Non-Applicable Sections:	None
Background Documents: (Access via Contact Officer)	Planning application and appeal documents for application 13/04160/FULL1; Bromley UDP