

LONDON BOROUGH OF BROMLEY

**TOWN PLANNING
RENEWAL AND RECREATION DEPARTMENT**

DELEGATED DECISION on 2nd July 2019

15/02452/AMD

**Bromley Court Hotel
Coniston Road
Bromley
BR1 4JD**

Robin Evans

Description of Development

AMENDMENT: to wording of Condition 22 pursuant to the permission 15/02452/FULL1 to allow the submission and approval of kitchen ventilation equipment/odour control details prior to the commencement of above ground works. Final description of condition to state:

22. In respect of the full planning permission hereby approved detailed plans of the appearance of and the equipment comprising a ventilation system for the kitchens which shall include measures to alleviate fumes and odours (and incorporating activated carbon filters where necessary) shall be submitted to the Local Planning Authority for approval prior to the commencement of development above ground floor level; after the system has been approved in writing by the Authority, it shall be implemented in accordance with the approved details before the use hereby permitted first commences and shall thereafter be permanently retained in an efficient working manner.

REASON: In the interest of the visual and residential amenities of the area and in order to comply with Policy 37 of the Bromley Local Plan 2019.

Proposal

AMENDMENT: To amend the wording of Condition No. 22 pursuant to the permission 15/02452/FULL1 to allow for the submission and approval of kitchen ventilation equipment/odour control details prior to the commencement of above ground works, rather than prior to the commencement of the development.

Amended condition to state:

22. In respect of the full planning permission hereby approved detailed plans of the appearance of and the equipment comprising a ventilation system for the kitchens which shall include measures to alleviate fumes and odours (and incorporating activated carbon filters where necessary) shall be submitted to the Local Planning Authority for approval prior to the commencement of development above ground floor level; after the system has been approved in writing by the Authority, it shall be implemented in accordance with the approved details before the use hereby permitted first commences and shall thereafter be permanently retained in an efficient working manner.

REASON: In the interest of the visual and residential amenities of the area and in order to comply with Policy 37 of the Bromley Local Plan 2019.

Proposal

The application seeks approval for a non-material amendment to the approved application 15/02452/FULL1. The application seeks to amend the wording of Condition No. 22 to allow the kitchen ventilation/extraction and odour control details pursuant to that condition to be submitted to and approved by the Council before above ground works of the development are constructed rather than before the commencement of the development overall. The Applicant states that it is too early in the development design process to have selected the specific ventilation/extraction and odour control equipment and mechanisms in order to approve Condition No. 22 before the commencement of the overall development. As such the Applicant seeks the flexibility to start to construct the wider development and to select and confirm to the Council the details of that equipment and plant once the development has progressed and before the above ground works on the development are constructed.

Further to the above the Applicant acknowledges that Section 96a of the Town and Country Planning Act provides the Local Planning Authority the power to make non-material changes to planning permission(s); including the power to impose new conditions and/or to remove or alter existing conditions; providing that the LPA is satisfied that the change is not material, having regard to the effect of this particular change, together with any previous changes made under section 96a, on the planning permission as originally granted. The Applicant goes on to state that there is no definition of "non-material" and that the Applicant considers that the provision of Section 96a applies in this case as it would allow an alteration an existing condition and as that alteration would not material change the outcome of the condition or the overall character, nature and/or function of the resulting building.

Consultations

No consultations have been undertaken.

Planning History

15/02452/FULL1 - Hybrid Planning Application comprising Full Planning Application for demolition of the existing plant rooms and refurbishment of the existing hotel including part one/three/four/five storey extensions and elevational alterations to provide function room, meeting rooms, beauty salon, kitchens, additional bedrooms, energy centre, staff accommodation and offices together with Outline Planning Application for the erection of a new leisure centre (including gym, activity room and swimming pool) (OUTLINE APPLICATION FOR APPROVAL OF LAYOUT AND SCALE) as well as alterations to the existing access and increased parking provision (total 92 spaces) was granted on 23 October 2015. Condition No. 1 of the Outline permission required the Applicant to submit the RM details relating to the access, appearance and landscaping for the approved leisure centre before the start of its construction and within 3 years of the grant of the outline permission.

15/02452/CONDIT - Approval of details pursuant to the following conditions was approved on 24 May 2019:

Condition 4 - Landscaping

Condition 5 - External materials

Condition 6 - Slab and roof levels

Condition 7 - Arboricultural method statement

Condition 8 - Excavation

Condition 9 - Arboricultural method statement and tree protection plan

Condition 11 - Energy assessment

Condition 12 - Surface water drainage system

Condition 13 - Drainage
Condition 14 - Construction method
Condition 16 - Turning areas
Condition 17 - Refuse
Condition 18 - Light to access drive and parking areas
Condition 19 - Construction management plan
Condition 20 - Acoustic assessment
Condition 21 - Secured by design
Condition 25 - Bicycle parking,

Condition 22 - Kitchen ventilation/odour control system remains outstanding.

18/03635/DET - Details of access, appearance and landscaping for the outline component of hybrid planning permission ref. 15/02452/FULL1 (granted for demolition of the existing plant rooms and refurbishment of the existing hotel including part one/three/four/five storey extensions and elevational alterations to provide function room, meeting rooms, beauty salon, kitchens, additional bedrooms, energy centre, staff accommodation and offices together with Outline Planning Application for the erection of a new leisure centre (including gym, activity room and swimming pool) (OUTLINE APPLICATION FOR APPROVAL OF LAYOUT AND SCALE) as well as alterations to the existing access and increased parking provision (total 92 spaces)) was approved on 5 June 2019.

Considerations

In deciding whether the proposed changes are acceptable as non-material amendments, careful consideration needs to be given to the following three points:

1. Do the proposed changes differ in substance from the development that was granted planning permission?

The Applicant states that the proposed change would not alter the intention or the result of the condition as the finally finished building would be fitted with the required equipment/plant before its first occupation and use. Moreover the Applicant considers that the proposed change would comprise a procedural alteration to the timescale for approving the required details which in any event would still take place prior to the above ground construction of the building and well before its completion and occupation.

On this basis the Council considers that the proposal would not substantially alter the resulting development.

2. Is the new development considered to deprive those who should have been consulted from such additional consultation as it may have a detrimental impact on the amenities of the neighbouring properties or the character of the area generally?

As mentioned, the proposal is mainly a procedural change to the administrative timescale for submitting and approving the proposed ventilation/extraction and odour control details. The actual installation of the approved equipment/plant and the operation of that equipment/plant would take place in the same way as in the current permission. As such the proposal would not result in any impact over and above that of the original consent. As such, it is not considered that there would be any increased material impact to neighbouring properties or amenities, nor that those who may be

interested in the proposal would be prejudiced or deprived as a result of granting this change to the wording of the condition.

3. Does the cumulative impact of this alteration result in a development that is quite different from the original permission?

As mentioned and on balance the proposed change would not alter the resulting development, moreover the process for determining the condition rather than its eventual outcome. As such the change is not considered to alter either the character of the area, the use of the building or the impacts on neighbouring amenities. The proposed amendment is considered to retain a significant similarity to the original permission. Taking the above into account, it is considered that in this instance the alterations to the building as indicated on the submitted plan would be viewed as a non-material amendment to the original permission.

Conclusion

As set out above the proposal would not materially alter the character and appearance or function of the approved building or compromise interests in the development such as from neighbouring properties and on this basis the proposed change would comprise a non-material amendment to the original permission

Recommendation:

APPROVE NON-MATERIAL AMENDMENT

Subject to the following condition(s) and informative(s):

Informatives

1. The Applicant is reminded that the conditions/informatives pursuant to the original permission 15/02452/FULL1 remain applicable in perpetuity and that any remaining conditions that have yet to be approved will require the details to be submitted to the Local Planning Authority.

Decision

Approve Non Material Amendment

For conditions or grounds of refusal please refer to the Decision Notice