

Section '3' - Applications recommended for PERMISSION, APPROVAL or CONSENT

Application No : 17/05825/RECON

**Ward:
Bromley Town**

Address : Bromley Court Hotel Coniston Road
Bromley BR1 4JD

OS Grid Ref: E: 539300 N: 170534

Applicant : Mr Cooper

Objections : YES

Description of Development:

Variation of Condition 5 pursuant to planning permission ref. 17/00422 for change of use of part of hotel to driving test centre (Sui Generis) for a temporary 12 month period RETROSPECTIVE APPLICATION to allow an extension of the temporary permission to 31/03/19

Key designations:

Biggin Hill Safeguarding Area
London City Airport Safeguarding
Smoke Control SCA 3

Proposal

Following the grant of planning permission under ref. 17/00422, a variation of Condition 5 is sought to allow for the use of two rooms within the hotel building as a drivers licence testing centre for a further temporary period up until 31/03/19. The proposal would utilise two rooms of the hotel, one used as an office and one as a waiting room.

No elevational alterations to the building are proposed.

6 car parking spaces would be provided for candidate/instructor parking for the proposed use, with tests starting and ending at the site. A further 6 of the hotel's existing car parking spaces will be used for staff.

Site and Key Constraints

The site comprises a large detached hotel building with associated grounds and car park to the front. The wider area is predominantly residential in character. There are no particular planning constraints at the site.

Comments from Local Residents and Groups

Nearby owners/occupiers were notified of the application and representations were received which can be summarised as follows:

Objections:

- Concern raised in respect to the increase in vehicle movements and parking and general congestion on surrounding highway network.
- Car parking for the hotel use is diminished by the proposal and further development of the hotel should provide suitable car parking.
- Vehicle test manoeuvres on Coniston Road already add to the parking and highway safety issues on the road.
- Additional 12 month consent would detract from neighbouring amenities and would create a further degree of permanence in the absence of a replacement facility. Concern is raised that the use may be permanent and not temporary as applied for.
- Increase in noise, disturbance and pollution
- The location is inappropriate for such a use, impacting on a large number of local residents.
- The use was already operating at the hotel prior to the grant of planning permission.
- Notification of the application has not included the entirety of Coniston Road residents.

Support:

- One supporting comment received.

Comments from Local Groups

Highways – following a visit to the site and a review of the latest occupancy survey, accident records, learner driver counts and parking stress on local roads, no objections are raised. Whilst the development would slow traffic, the level of tests and activity at the site and surrounding roads is not considered to result in a significant impact on highway safety.

London Borough of Lewisham – no comments received.

Environmental Health – no objections raised. The operation of the test centre at the site has not created significant issues as to warrant refusal of the application.

Policy Context

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.

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

According to paragraph 216 of the NPPF decision takers can also give weight to relevant policies in emerging plans according to:

- The stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given);
- The extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and
- The degree of consistency of the relevant policies in the emerging plan to the policies in the NPPF, the greater the weight that may be given).

The Council is preparing a Local Plan. The submission of the Draft Local Plan was made to Secretary of State on 11th August 2017. These documents are a material consideration. The weight attached to the draft policies increases as the Local Plan process advances.

The development plan for Bromley comprises the Bromley UDP (July 2006), the London Plan (March 2016) and the Emerging Local Plan (2016). The NPPF does not change the legal status of the development plan.

London Plan Policies:

- 6.13 Parking
- 7.4 Local Character
- 7.6 Architecture

Unitary Development Plan

- BE1 Design of New Development
- T1 Transport Demand
- T2 Assessment of Transport Effects
- T3 Parking
- T18 Road Safety

Draft Local Plan

- Draft Policy 30 – Parking
- Draft Policy 31 – Relieving Congestion
- Draft Policy 32 – Road Safety
- Draft Policy 37 - General Design of Development
- Draft Policy 88 - Hotels

Supplementary Planning Guidance

Supplementary Planning Guidance 1 – General Design Principles

Planning History

The site has a lengthy planning history, including permissions for extensions to the hotel building and associated signage. There is no recent and relevant planning history that is pertinent to the consideration of the current planning application.

Planning permission was granted under ref. 17/00422 for Change of use of part of hotel to driving test centre (Sui Generis) for a temporary 12 month period RETROSPECTIVE APPLICATION.

Condition 5 of this permission states:

‘The use of part of the building as a vehicle licence testing centre hereby permitted shall be limited for a period between 01/04/17 and 31/03/18 and shall revert to the previous hotel use on or before this date.’

Considerations

The main issues relating to the application are:

- the effect that it has on the character of the area
- the impact that it has on the amenities of the occupants of surrounding residential properties
- The impact on highway safety

Impact on Character

The proposal uses two of the existing rooms within the hotel to provide a vehicle licence testing centre facility with 6 associated car parking spaces. No elevational alterations are proposed.

The proposed use does not involve a change to the main hotel use of the site and is for a further 12 month period. A supporting document has been provided that outlines the requirement and reasoning for the further 12 month period. This document includes details of the DVSA’s advanced negotiations for a permanent location in Bromley which is anticipated to be completed by August 2018. The further 12 month period will provide contingency for any delays in this timetable.

It is considered that the overall operation of the hotel is not be affected by the proposal for this reason. As there are no elevational alterations to the building, the character of the hotel and wider area is not considered to be significantly affected. A condition can be imposed in order for the use to be reviewed following a further 12 month period, however it is anticipated that the DVSA will have found a suitable alternative location by this time and details of the forward plan have been received by the Council that outline this.

Impact on Residential Amenity

Policy BE1 of the UDP seeks to protect existing residential occupiers from inappropriate development. Issues to consider are the impact of a development proposal upon neighbouring properties by way of overshadowing, loss of light, overbearing impact, overlooking, loss of privacy and general noise and disturbance.

The proposal operates during daytime hours and is be confined to the existing building and hotel car park. It is not considered that the development generates a degree of noise and disturbance that impacts harmfully no the amenities of neighbouring residential properties, with up to 7 tests conducted daily from Monday to Friday only. The circumstances of the use are considered to match the previous permission and then increase in the temporary timeframe for the operation at the site is not considered to impact harmfully in light of the current situation. The proposal is therefore considered to comply with Policy BE1 of the Unitary Development Plan.

Highway Safety

The NPPF recognises that transport policies have an important role to play in facilitating sustainable development but also in contributing to wider sustainability and health objectives. The NPPF clearly states that development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.

London Plan and UDP Policies encourage sustainable transport modes whilst recognising the need for appropriate parking provision. Car parking standards within the London Plan, UDP and emerging draft Local Plan should be used as a basis for assessment.

Following a review of the latest occupancy survey, accident records, learner driver counts and parking stress on local roads, no objections are raised from a highway safety perspective to the extension of time proposed. Whilst the development would slow traffic, the level of tests and activity at the site and surrounding roads is not considered to result in a significant impact on highway safety. The proposal therefore complies with Policies T1, T2, T3 and T18 of the Unitary Development Plan.

Sustainability

The NPPF requires Local Planning Authorities to adopt proactive strategies to mitigate and adapt to climate change. London Plan and Draft Local Plan Policies advocate the need for sustainable development. All new development should address climate change and reduce carbon emissions.

Policy 5.3 Sustainable Design and Construction of the London Plan states that the highest standards of sustainable design and construction should be achieved in London to improve the environmental performance of new developments and to adapt to the effects of climate change over their lifetime. Policy 5.2 Minimising Carbon Dioxide Emissions of the London Plan states that development should make the fullest contribution to minimising carbon dioxide emissions in accordance with the hierarchy; Be Lean: use less energy; Be clean: supply energy efficiently and Be green: use renewable energy.

CIL

The Mayor of London's CIL is a material consideration. CIL is not payable on this application and the applicant has not completed the relevant form.

Conclusion

Having had regard to the above it was considered that the siting, size and design of the proposal is acceptable in that it does not result in a significant loss of amenity to local residents nor impact detrimentally on the character of the area. No impact on highway safety results from the proposal.

Background papers referred to during production of this report comprise all correspondence on the files set out in the Planning History section above, excluding exempt information.

RECOMMENDATION: APPROVED

CONDITIONS

- 1 The development to which this permission relates must be begun not later than the expiration of 3 years, beginning with the date of this decision notice.**

Reason: Section 91, Town and Country Planning Act 1990.

- 2 Before commencement of the use of the land or building hereby permitted parking spaces and/or garages and turning space shall be completed in accordance with the approved details and thereafter shall be kept available for such use and no permitted development whether permitted by the Town and Country Planning (General Permitted Development Order 1995 (or any Order amending, revoking and re-enacting this Order) or not shall be carried out on the land or garages indicated or in such a position as to preclude vehicular access to the said land or garages.**

Reason: In order to comply with Policy T3 of the Unitary Development Plan and to avoid development without adequate parking or garage provision, which is likely to lead to parking inconvenient to other road users and would be detrimental to amenities and prejudicial to road safety.

- 3 The development hereby permitted shall not be carried out otherwise than in complete accordance with the plans approved under this planning permission unless previously agreed in writing by the Local Planning Authority.**

Reason: In order to comply with Policy BE1 of the Unitary Development Plan and in the interest of the visual and residential amenities of the area.

- 4 The use shall not operate on any Sunday or Bank Holiday Xmas Day or Good Friday nor before 08:00 or after 16:00 on any other day.**

Reason: In order to comply with Policy BE1 of the Unitary Development Plan and in the interest of the amenities of the area.

- 5 The use of part of the building as a vehicle licence testing centre hereby permitted shall cease on or before 31/03/19 and shall revert to the previous hotel use on or before this date.**

Reason: In order that the situation can be reconsidered in the light of the circumstances at that time in the interest of the character and amenities of the area.