

STATEMENT OF CASE

LBB Ref: 17/05825/RECON

PINS Ref: APP/G5180/W/18/3199222

Planning appeal by Mr Cooper against the refusal of planning permission in respect of the variation of condition 5 of planning permission reference 17/00422 (granted for the change of use of part 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 March 2019

1. Introduction

- 1.1 The appeal relates to the refusal of planning permission in respect of the variation of 5 of planning permission reference 17/00422 (granted for the change of use of part of hotel to driving test centre (sui generis) for a temporary 12 month period RETROPECTIVE APPLICATION to allow an extension of the temporary permission to 31 March 2019. The application was received by the Council on 13 July 2017.
- 1.2 The Council refused permission by Notice dated 14 February 2018 for the following reason:

“The continued use of the site as a driving test centre, by reason of noise and increase in vehicular activity, would result in a detrimental impact upon the amenities of nearby neighbours and would compromise road safety in the area, thereby contrary to Policies BE1 and T18 of the Unitary Development Plan and draft Policies 37 and 32 of the Unitary Development Plan.”

2.0 Appeal Site and Surroundings and Proposal

- 2.1 The appeal site comprises a large detached hotel building with associated grounds and car park to the front. The proposal uses two of the existing rooms at first floor level, within the hotel to provide a vehicle licence testing facility with six associated car parking spaces for instructors/students, and an additional six car parking spaces

allocated for staff. The proposal operates during daytime hours and is confined to the existing building and hotel car park. The DVSA employs 6 examiners conducting 7 tests per day) equating to 42 tests daily from Monday to Friday.

2.2 The hotel resides on a spacious site (approximately 1.11 hectares) around 1 mile north of Bromley Town Centre with attractive landscape gardens to the rear. The site is surrounded by residential development and the wider area is predominantly residential in character. The A21 is situated to the east and is a strategic route providing access to Lewisham to the north and the M25 motorway to the south. The site is within an area with a public transport accessibility level (PTAL) rating of 1b equating to 'very poor'.

2.3 The site to the front is paved and laid out for car parking for 86 cars.

Photographs attached as **Appendix 1**.

3.0 Relevant history

3.1 The site has a lengthy planning history, including permissions for extensions to the hotel building and associated signage. The most relevant planning history in relation to the current appeal is as follows:

3.2 Under planning reference 17/00422 permission was granted for the change of use of part of the hotel to a driving test centre (sui generis) for a temporary 12 month period (retrospective application), subject to conditions.

3.3 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.”

4.0 Consultations

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

Objections (over 40 objections were received)

- 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.

4.2 Comments from Consultees

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.

5.0 National planning policies and guidance

5.1 The National Planning Policy Framework (NPPF) sets out the Government's planning policies for England and how these are expected to be applied. It sets out the Government's requirements for the planning system only to the extent that it is relevant, proportionate and necessary to do so. It provides a framework within which local people and their accountable councils can produce their own distinctive local and neighbourhood plans, which reflect the needs and priorities of their communities.

5.2 Paragraph 2 of the 'Introduction' states that ***"Planning law requires that***

applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise. The NPPF must be taken into account in the preparation of local and neighbourhood plans, and is a material consideration in planning decisions.”

- 5.3 Paragraph 11 of the NPPF indicates that ***“Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise.”***
- 5.4 Paragraph 12 states that ***“This NPPF does not change the statutory status of the development plan as the starting point for decision making. Proposed development that accords with an up-to-date Local Plan should be approved and proposed development that conflicts should be refused unless other material considerations indicate otherwise”***
- 5.5 Paragraph 14 states that ***“At the heart of the NPPF is a presumption in favour of sustainable development, which should be seen as a golden thread running through both plan-making and decision making.”***

The Unitary Development Plan

- 5.6 The relevant policies used by the Council to refuse the application are Policies BE1 and T18 of the Unitary Development Plan (UDP). These were saved policies which are considered to be generally consistent with the Framework.
- 5.7 The Council is committed to the need to protect the living conditions and environment of all local residents of the Borough. Paragraph 9.7 of the UDP clarifies this further, ***“The Council wishes to secure the creation of an attractive townscape and pleasant living and working conditions by ensuring that all new development makes a positive contribution to the area in which it is located”***.
- 5.8 **Policy BE1: Design of New Development** requires that all development proposals will be expected to meet the required criteria including:
- (v) the development should respect the amenities of occupiers of neighbouring buildings and those of future occupants and ensure their environments are not harmed by noise, and disturbance or by inadequate daylight, sunlight or

privacy or by overshadowing.

- 5.9 **Policy T18: Road Safety** requires the Council to consider the potential impact on road safety and will seek to ensure road safety is not adversely affected.
- 5.10 The Draft Local Plan was endorsed in its entirety for public consultation on 20 July 2016. The submission of the Draft Local Plan was made to Secretary of State on 11 August 2017 and the hearings for the Examination in Public were completed in December 2017. These documents are a material consideration. The weight attached to the draft policies increases as the Local Plan process advances. Draft policy 32 and 37 is considered the most relevant policy of the Council's emerging Local Plan.
- 5.11 **Draft Policy 32** seeks to ensure that road safety is not significantly adversely affected by the potential impact of any development.
- 5.12 **Draft Policy 37** new development will be expected to meet a number of criteria including (e) respect the amenity of occupiers of neighbouring buildings and those of future occupants.

6. Planning Merits

- 6.1 Members and local residents considered that the continued use of part of the site as a driving test centre, would have a detrimental impact upon the amenities of nearby neighbours and would compromise road safety in the area. Members are not bound to accept the recommendations of officers to approve an application if they consider that there are reasonable and sustainable planning grounds for taking a contrary decision.
- 6.2 The appeal seeks to vary condition 5 of permission reference 17/00422 to allow an extension of the temporary permission for the continued use of part of the hotel as a driving test centre.
- 6.3 As outlined above, the appeal site is located within what is a predominantly residential area. The surrounding area is formed by a medley and intimately narrow residential roads. Some houses have off street parking and however a number of cars are parked on-street.

- 6.4 The change of use has been in operation for over a year, local residents have experienced an increase in traffic consisting of learner drivers, carrying out various vehicle maneuver's in order to both carry out the driving test and familiarization of the roads by learner drivers in preparation for their forthcoming test.
- 6.5 Although there are restricted hours for the actual test centre, whereby approximately 42 tests are conducted each day between 9am and 5pm, this does not prevent the learner drivers learning the route and practicing on the roads local to the test centre outside of these hours.
- 6.6 Residents experience learner drivers practicing the route from as early as 7am to 9pm during weekdays and weekends alike. Whilst the learners are practicing they quite often drive slowly, maneuvering, breaking hard, stopping in front of driveways, thus causing problems for local residents wishing to pull into their drives or anticipating their manoeuvres. Local residents have witnessed at least 8-10 learner cars using the side roads in the middle of the day. Residents have alleged damage to parked cars by the learner drivers such as scratched cars and wing mirrors having been hit and broken.
- 6.6 In the Council's opinion the accumulation of the candidates undergoing the tests and those preparing for their tests by using the local roads practicing their manoeuvres is detrimental to both the character and amenity of the surrounding quiet residential area and results in a negative impact on highway safety.

7.0 Conclusion

- 7.1 It is considered that the appeal proposal would have a detrimental impact upon the amenities of nearby neighbours and would compromise road safety in the area.
- 7.3 It is therefore requested that the appeal is dismissed.

Appendix 1 suggested conditions

Appendix 2 Photographs

Suggested Conditions Appendix 2

Whilst not prejudicing its case in any way, should the Inspector be minded to allow the appeal, the Council would ask that consideration be given to the imposition of the following conditions:

1. The use hereby permitted shall only be for a temporary period until 31 March 2019.

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

2. The use shall not operate on any day before 0900 hours or after 17.00 hours Monday to Friday, excluding Bank Holiday, Christmas Day or Good Friday.

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











