

---

# Appeal Decision

Site visit made on 5 November 2018

**by Simon Warder MA BSc(Hons) DipUD(Dist) MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 9 November 2018**

---

**Appeal Ref: APP/G5180/W/18/3199222**

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

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission under section 73A of the Town and Country Planning Act 1990, as amended by the Planning and Compensation Act 1991, for which a previous planning permission was granted for a limited period.
  - The appeal is made by DVSA (Mr Cooper) against the decision of the Council of the London Borough of Bromley.
  - The application Ref DC/17/05825/RECON, dated 12 December 2017, was refused by notice dated 14 February 2018.
  - The application sought planning permission for the change of use of part of hotel to driving test centre (Sui Generis) for a temporary 12 month period without complying with a condition attached to planning permission Ref DC/17/00422/FULL2, dated 10 April 2017.
  - The condition in dispute is No 5 which states that: *'The use of part of the building as a vehicle licence testing centre hereby permitted shall be limited for a period between 1 April 17 and 31 March 18 and shall revert to the previous hotel use on or before this date.'*
  - The reason given for the condition is: *'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.'*
- 

## Decision

1. The appeal is allowed and planning permission is granted for the change of use of part of hotel to driving test centre (Sui Generis) for a temporary period at Bromley Court Hotel, Coniston Road, Bromley BR1 4JD, effective from 31 March 2018 in accordance with application Ref DC/17/05825/RECON, dated 12 December 2017, subject to the following conditions:
  - 1) The use hereby permitted shall cease on or before 31 March 2019.
  - 2) The use shall not operate on any day before 0900 hours or after 1700 hours and not at all on Sundays, Bank Holidays, Christmas Day or Good Friday.

## Preliminary Matters

2. The original permission allowed part of the ground floor of the hotel to be used as a driving test centre. The condition in dispute requires that use to cease and the hotel use to be re-instated on or before 31 March 2018. The appeal seeks to extend the period of use of the driving test centre to 31 March 2019. The description of **development in the original decision refers to a 'temporary 12 month period'**. I have omitted '12 month' from the description used in
-

paragraph 1 above, since the outstanding period for which permission is sought is now less than 12 months.

3. The revised National Planning Policy Framework (the Framework) was **published after the appellant's statement was submitted**. The appellant was given the opportunity to comment on it.

### **Main Issues**

4. The main issues are the effects of the proposal on highway safety and the living conditions of neighbouring occupiers, with particular regard to noise and disturbance.

### **Reasons**

5. Bromley Court Hotel is located within a predominantly residential area, although there is fairly direct access to the A21 and the wider highway network via Avondale Road. The residential roads immediately around the hotel are lightly trafficked and subject to on-street car parking, albeit that many dwellings also have off street parking. In places, the on-street parking results in single file vehicle movements.
6. The driving test centre operates from two rooms within the hotel and has six parking spaces for candidates. Test centre staff use the general hotel parking. Surveys have been undertaken which show that there is adequate capacity within the hotel site to accommodate the parking generated by the test centre.
7. **The appellant's evidence is that seven examiners conduct six tests per day.** Therefore, a total of 42 tests take place per day and a condition on the original permission restricts the operation of the test centre to, essentially, business hours. Of itself therefore, the use generates a relatively small number of additional vehicle movements. I saw on the site visit that the egress from the hotel, whilst flanked by site boundary walls, offers adequate visibility in both directions, given the fairly low speed and volume of traffic on Coniston Road. Moreover, the appellant states that the test routes require candidates to leave the area via Avondale Road and predominantly use main roads in the wider area. As such, I consider that the movements arising directly from the test centre could be accommodated on the local roads without detriment to highway safety.
8. However, local residents are concerned that the presence of the test centre has attracted an increased number of learner drivers to use the roads around the hotel to practice. A significant number of local residents refer to concerns about highway safety, inconvenience caused by cars moving slowly and manoeuvring into private drives, congestion, noise, disturbance and pollution from vehicle emissions. The extent and timing of this activity is beyond the **appellant's control** and the appellant considers that it results from the character of the roads themselves being conducive to driving practice, rather than the presence of the test centre. Furthermore, the highway authority has advised that there have been no reported accidents in the area since the test centre has operated from the hotel and this has been corroborated by published accident data submitted by the appellant. Nor is there any record of the test centre receiving complaints.
9. Nevertheless, I recognise that locating the test centre at the hotel is likely to have resulted in some additional traffic movements on the surrounding roads

- and that this has caused concern to local residents. However, the Council has not presented substantive evidence of unacceptable levels of noise, disturbance or pollution in the area as a result of the test centre use. Having regard to the nature and scale of the additional movements, I consider that their effect on the living conditions of local residents is likely to be limited in extent.
10. The movements generated directly by the test centre are limited in number and take place during the day. This could continue to be controlled by condition and should minimise noise and disturbance. Restricting the time of operation of the test centre also ensures that the activity does not coincide with the busiest times of the main use of the hotel.
  11. Importantly, the current proposal is also for a limited period of time. I have no reason to doubt the appellant's **intention** to relocate the test centre before the end date now proposed. As such, it would continue to operate from the hotel for considerably less than six months from the date of this decision.
  12. In the meanwhile, the use of the hotel as a test centre would allow the DVSA to achieve continuity in the provision an important public service. The efficient and timely provision of driving tests should help to ensure a good standard of driver behaviour and, therefore, contribute to general highway safety. The ability of residents to drive also improves mobility and access to job opportunities and is, therefore, a benefit to the local economy as well as the individual driver. London Plan (LP) Policies 3.16 and 4.1 support the provision of social infrastructure and the development of a strong, stable and diverse economy across all parts of London.
  13. Taking all of these considerations together, I find that the appeal proposal would not be detrimental to highway safety. Its benefits outweigh the limited, temporary harm as a result of inconvenience to road users and its effect on the living conditions of neighbouring occupiers from noise, disturbance and pollution.
  14. **Consequently, the proposal would not conflict with Policy T18 of the Council's** Unitary Development Plan 2006 (UDP) which seeks to ensure that proposals do not adversely affect highway safety. Nor would it conflict with Draft Policy 32 of the emerging Local Development Plan 2016 (eLDP) which has similar aims. Amongst other things, UDP Policy BE18 requires proposals to respect the amenity of occupiers of neighbouring buildings with regard to noise and disturbance. Draft Policy 37 of the eLDP includes a similar requirement. The appeal proposal conflicts with these policies to a limited degree. However, having regard to the absence of conflict with UDP Policy T18 and the support provided by LP Policies 3.16 and 4.1, I find that the proposal would not conflict with the development plan when read as a whole.

### ***Other Matters***

15. A number of residents in the neighbouring London Borough of Lewisham have objected to the lack of consultation at the application stage. However, I have taken their concerns into account and have determined the proposal on its planning merits. The effect of the proposal on property prices is not a planning matter.

### **Conditions**

16. The original permission was subject to five conditions and the appellant's statement accepted that they should be imposed if permission is granted at appeal, subject to the modification of the disputed condition 5. However, the use is currently in operation and the required car parking spaces have been provided. Original conditions 1 (time limited for commencement), 2 (provision of parking spaces) and 3 (development in accordance with approved plans) are no longer required. As such, I agree with the Council that only the two remaining conditions are necessary.
17. The Council has suggested wording for these conditions, including a change to the hours of operation of the use. The appellant has not objected to the suggested conditions. A condition to control the times of operation of the use is required in order to safeguard the living conditions of nearby occupiers. For this reason I have reinstated the restriction on Sunday operating which was included in the original permission. A condition requiring the use to cease on or before 31 March 2019 is necessary since that is the basis of the assessment in this decision and any additional period would require further justification.

### **Conclusion**

18. For the reasons set out above, the appeal should be allowed.

*Simon Warder*

INSPECTOR