

## **SECTION '2' – Applications meriting special consideration**

**Application No :** 16/05650/RECON

**Ward:**  
**Kelsey And Eden Park**

**Address :** Public Conveniences Opposite  
Goodwood Parade Upper Elmers End  
Road Beckenham

**OS Grid Ref:** E: 536190 N: 168448

**Applicant :** Mr & Mrs Smith

**Objections :** NO

### **Description of Development:**

Variation of Condition 4 of application ref: 16/02258/FULL3 to read "The rooflights shall be installed in such a manner as to ensure the trees are unaffected by the works and are to be installed from inside the building" and variation of Condition 6 to read "The building is to be used as a health clinic/centre only. The building is to have a maximum of three staff, of which a maximum of two are to be practitioners. Meetings are to be by appointment only. The maximum number of appointments in any one day is to be 36"

### **Key designations:**

Biggin Hill Safeguarding Area  
London City Airport Safeguarding  
Smoke Control SCA 15

### **Proposal**

Under ref: 16/02258/FULL3 planning permission was granted for 'Change of use of existing public conveniences building to health clinic/centre (Class D1) and associated elevational alterations'. The application was granted subject to a number of conditions, including condition 4 which stated:

"No demolition, site clearance or building works shall be undertaken, and no equipment, plant, machinery or materials for the purposes of development shall be taken onto the site until an arboricultural method statement detailing the measures to be taken to construct the development and protect trees is submitted to and approved in writing by the Local Planning Authority.

The statement shall include details of:

- Type and siting of protective fencing, and maintenance of protective fencing for the duration of project;
- Type and siting of scaffolding (if required);
- Details of the method and timing of demolition, site clearance and building works

Depth, extent and means of excavation of foundations and details of method of construction of new foundations

Location of site facilities (if required), and location of storage areas for materials, structures, machinery, equipment or spoil, and mixing of cement or concrete;

Location of bonfire site (if required);

Details of the location of underground services avoiding locating them within the protected zone

Details of the method to be used for the removal of existing hard surfacing within the protected zone

Details of the nature and installation of any new surfacing within the protected zone

Methods proposed for the watering of the trees during the course of the project

The method statement shall be implemented according to the details contained therein until completion of building works, and all plant, machinery or materials for the purposes of development have been removed from the site."

Condition 6 of permission ref: 16/02258 also stated:

"The use hereby permitted shall be carried out only by Mr and Mrs Smith."

The applicant seeks the variation of Condition 4 to read;

"The rooflights shall be installed in such a manner as to ensure the trees are unaffected by the works and are to be installed from inside the building";

and the variation of Condition 6 to read;

"The building is to be used as a health clinic/centre only. The building is to have a maximum of three staff, of which a maximum of two are to be practitioners. Meetings are to be by appointment only. The maximum number of appointments in any one day is to be 36."

This application has been "called in" by a ward councillor.

## **Location**

The application site comprises a redundant public convenience block located in the middle of a triangular grass island (Elmers End Green) bordered by Elmerside Road, Croydon Road and Goodwood Parade (Upper Elmers End Road).

## **Consultations**

Nearby owners/occupiers were notified of the application and no representations were received.

Any further comments received will be reported verbally at the meeting.

## **Comments from Consultees**

The Council's Highways Officer was consulted and has advised the following;

"Variation of Condition 6 does appear to offer a way forward in principle and the suggested wording would seem to cover all the aspects that are considered desirable from the highway point of view.

There is also a suggestion that the operators of the facility would direct staff and visitors to the pay and display car park located to the rear of Goodwood Parade and accessed from Dunbar Avenue. This would be of limited value depending on staff/visitors direction of travel and availability of parking spaces. It could also focus pedestrian crossing movements towards the point where Croydon Road joins the gyratory system due to the location of the made up paths on the green. This would not be ideal. I would thus not insist on this approach.

Subject to the condition being varied in accordance with the suggested wording there would be no objection from the highway point of view."

The Council's Arboricultural Manager has stated that no objections are raised to the variation of Condition 4.

## **Planning Considerations**

The application falls to be determined in accordance with the following policies of the Unitary Development Plan:

C4 Health Facilities  
NE7 Development and Trees  
T3 Parking  
T18 Road Safety

London Plan:

Policy 3.17 Health and Social Care Facilities

National Planning Policy Framework

Paragraph 206 details the six tests for imposing planning conditions. A condition should be necessary, relevant to planning and the development permitted, enforceable, precise and reasonable in all other respects.

National Planning Practice Guidance: Use of Planning Conditions

## **Planning History**

Under ref: 16/02258/FULL3, planning permission was granted for the Change of use of existing public conveniences building to health clinic/centre (Class D1) and associated elevational alterations.

Under ref: 16/04016/RECON, planning permission was refused for the 'Removal of Condition 6 of application ref: 16/02258/FULL3 approved for 'Change of use of existing public conveniences building to health clinic/centre (Class D1) and associated elevational alterations' to allow the use to be carried out by any owner/occupier of the building and variation of Condition 4 of application ref: 16/02258/FULL3 to read 'The rooflights shall be installed in such a manner as to ensure the trees are unaffected by the works'. The application was refused for the following reason:

"The proposed removal of Condition 6 would limit the restriction of the approved use in terms of on-street parking demand, and highways and pedestrian frequency to the site, which would have a detrimental impact on highway and pedestrian safety and would give rise to a potential unacceptable rise in on-street parking demand, thereby contrary to Policies T3 and T18 of the Unitary Development Plan (2006)."

## **Conclusions**

In assessing the proposal the main issues are whether the proposed variation of condition 4 would cause harm to the neighbouring trees, and whether the removal of condition 6 would result in a significant adverse impact on pedestrian and highway safety.

This current application follows a recent refusal, under ref: 16/04016/RECON, for the variation of condition 4 and removal of condition 6 of application ref: 16/02258/FULL3. This application was refused as the removal of condition 6 would limit the restriction of the approved use in terms of on-street parking demand, and highways and pedestrian frequency to the site, which would have a detrimental impact on highway and pedestrian safety and would give rise to a potential unacceptable rise in on-street parking demand, thereby contrary to Policies T3 and T18 of the Unitary Development Plan.

Condition 6 of application ref: 16/02258 refers to the personal permission of the permitted use of the building as a health clinic/centre by the applicants Mr and Mrs Smith only. As part of the submitted documents in relation to this original permission (ref: 16/02258), the applicant provided trip generation data in relation to the previous and proposed use of the building, and also stated they wished to seek a personal permission for the proposal to overcome highways issues.

The previous comments advised by the Council's Highways Officer in relation to the application submitted for the change of use to a health clinic/centre (ref: 16/02258) were based on the length of appointments making it likely that demand for on-street parking by visitors would be unlikely to exceed 4 spaces (2 per consulting room), assuming appointments do not overrun, at any one time. This was considered acceptable given the limited availability of on-street parking within an acceptable walking distance. Also, the Council considered that it would not be unreasonable to say that pedestrian movements associated with the conveniences may have been at a similar level to that proposed in the application. However, any significant increase over this level was considered to be a safety concern. As such, the condition in question was considered appropriate by the Council in allowing the

original change of use application, necessary to make the development acceptable and to enable the Council to reconsider the situation in the event of a change of user in the interest of the amenities of the area, including in relation to highways issues.

The statement submitted with this current application states that in order to allow the council to retain control of the on-street parking demand and highways and pedestrian frequency to the site, together with the use of the building, the condition is now proposed to be varied rather than removed. The applicant wishes to vary condition 6 of approved application ref: 16/02258 to remove the personal permission element, but to read; "The building is to be used as a health clinic/centre only. The building is to have a maximum of three staff, of which a maximum of two are to be practitioners. Meetings are to be by appointment only. The maximum number of appointments in any one day is to be 36".

The Council's Highways Officer has advised that the variation of Condition 6 appears to offer a way forward in principle and the suggested wording would seem to cover all the aspects that are considered desirable from the highway point of view. Therefore, Members may consider that the variation of condition 6 in the manner proposed would be acceptable and would not result in any detrimental harm to highway and pedestrian safety or give rise to an increased demand to on-street parking demand above that which was considered acceptable under the original grant of planning permission for the change of use under ref: 16/02258/FULL3.

Policy NE7 of the Unitary Development Plan (2006) seeks to ensure that proposals for new development take account of existing trees on the site and adjoining land. Condition 4 was imposed on the original permission as concerns had been raised as to the impact of the installation of the proposed rooflights on the neighbouring trees. The application has submitted a statement with this current application stating that "the rooflights can be installed from inside the building as the frames and flashings are installed first with the glazing being installed afterwards". This current application therefore seeks to vary the condition to read "The rooflights shall be installed in such a manner as to ensure the trees are unaffected by the works and are to be installed from inside the building". Following consultation with the Council's Arboricultural Manager, it is considered that the aims of Policy NE7 can be achieved through this wording and as such the proposed variation of Condition 4 is considered to be acceptable in this instance.

Background papers referred to during production of this report comprise all correspondence on the file, excluding exempt information.

## **RECOMMENDATION: APPROVAL**

### **subject to the following conditions:**

- 1 The development hereby permitted shall begin not later than three years from 27th July 2016.**

**REASON: Section 91, Town and Country Planning Act 1990.**

**2** Unless otherwise agreed in writing by the Local Planning Authority the materials to be used for the external surfaces of the development hereby permitted shall as far as is practicable match those of the existing building.

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

**3** The development hereby permitted shall not be carried out otherwise than in complete accordance with the plans approved under planning permission ref: 16/02258/FULL3 (Rd525.2 dated Mar 2016, Rd525.3 dated Apr 2016) 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 rooflights shall be installed in such a manner as to ensure the trees are unaffected by the works and are to be installed from inside the building.

**REASON:** To ensure that all existing trees to be retained are adequately protected and to comply with Policy NE7 of the Unitary Development Plan.

**5** The use shall not operate on any Sunday or Bank Holiday Xmas Day or Good Friday nor before 9am or after 7pm 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.

**6** The building is to be used as a health clinic/centre only. The building is to have a maximum of three staff, of which a maximum of two are to be practitioners. Meetings are to be by appointment only. The maximum number of appointments in any one day is to be 36.

**REASON:** To enable the Council to reconsider the situation in the event of a change of user in the interest of the amenities of the area.

**7** Details of the design and materials to be used for the proposed security shutters shall be submitted to and approved in writing by the Local Planning Authority before any work is commenced. The works shall be carried out in accordance with the approved details and permanently maintained thereafter.

**REASON:** In order to comply with Policy BE1 and BE20 of the Unitary Development Plan and in the interest of the appearance of the building and the visual amenities of the area.