



**Late Observations Sheet
DEVELOPMENT MANAGEMENT COMMITTEE
28 March 2024 at 7.00 pm**

Late Observations

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DEVELOPMENT MANAGEMENT COMMITTEE

Thursday 28 March 2024

LATE OBSERVATION SHEET

4.1 24/00068/FUL- The Old Meeting House, St Johns Road, Sevenoaks, Kent, TN13

3LR

Further representations have been made, following the original planning assessment. Response to these observations are detailed below.

Parking proposal considered impractical

A third party comments has expressed the view that the proposed parking for the development is impractical and considers existing parking to be highly constrained, and a basis for rejecting the current proposal.

Officer Response:

The parking provision for the scheme has been considered in paragraphs 132 to 163 of the Committee Report. For much of the week occupancy of the building is expected to be no more than 20-25 people, and less than this during many parts of the day. One peak time on a Friday lunchtime is expected, where 60-70 people may attend.

The Report therefore confirms the proposed use is expected to generate a parking requirement between 1 to 5 for the majority of the week, based on parking policy, and four of these spaces can be accommodated on the site. As such on-street parking demand would be one space for the majority of the week. This would rise to a requirement for 14 parking spaces on a Friday lunch time only – requiring 10 parking spaces to be accommodated on local roads for a 2-hour period.

The Highways Officer has accepted this parking provision can be accommodated and has further requested a planning condition to further reduce reliance on the private car. A Travel Plan will be required, prior to the use commencing, under planning condition 4 set out in the Committee Report.

It should be further noted that the Kent Vehicle Parking Standards (SPG4) advises on 'maximum' parking for uses, rather than prescribing minimum standards, to take account of opportunities to propose sustainable travel and reduce parking provision within sustainable locations.

Representations received

Third parties have queried whether the 245 representations received have been analysed by area, to understand if those in favour live local to the proposed development.

Officer Response:

Representations have not been sub-categorised by area, however Officers can confirm that letters of support and letters of objection have been received both by residents who are local to the site, as well as from interested parties located further afield.

Historic place of worship and noise impacts from proposed new use

A third party has highlighted that the previous use of the building as a place of worship was more limited and that there were considerably fewer cars on the roads at this time. They also comment that the existing office use has restricted hours of operation to protect neighbouring amenity.

Third parties query how external activity noise levels could be controlled and by whom.

Third parties query how residential amenity will be protected with comings and goings from the site at the suggested operating hours?

Officer Response:

The Committee Report considers the impact of the extended operating hours of the building on neighbouring amenities under paragraphs 94 to 126 of the Committee Report. Paragraph 107 onwards in particular addresses concerns regarding external noise. Paragraph 120 confirms the assessment as follows:

As occupation figures would be low (no more than five persons) before the hours of 7am, and would not occur throughout all 12 months of any given year, the Environmental Health Officer is satisfied that the noise generated at these less sociable hours of the day/night would not be materially harmful to surrounding residents. It is not considered that this level of occupation would give rise to “excessive” noise, activity or vehicle movements, as is the requirement of ADMP Policy EN2.

In line with these comments, and the expert views of the Environmental Health Officer, Officers propose to restrict occupancy levels and operating hours of the premises under planning conditions 5 and 6 of the Committee Report, to limit ‘excessive’ noise.

Recommendation for temporary planning consent

Third parties have queried why Officers have recommended an 18-month permission, rather than the 12 months recommended by the Highways Authority.

Officer Response:

Planning condition 2 provides for an 18-month period of approval from the date of the permission being issued. This is addressed in paragraph 158 of the Committee Report which highlights that a number of planning conditions are recommended which require details to be discharged before the use could commence operation. As these details would need to be submitted to the Council, approved and implemented before the use

is begun, which would take a period of months, officers consider it reasonable to apply a temporary period of 18-months from the date of approval.

This would enable a period of time discharge and implement details before the use commences, and then enable the use to commence and be monitored for a 12-month period.

Use of temporary planning consent

A third party has stated the report does not show how the regulations relating to the granting of temporary planning permission are being exercised.

A third parties highlighted there are legal judgements that call into question the use by planning authorities of temporary permissions and the ability for a planning authority to refuse a full permission at the end of any granted temporary period.

Officer Response:

The Town and Country Planning Act 1990 section 72 specifically allows for planning permission to be granted for a limited period, through attaching a condition that requires the discontinuance of any use of land at the end of a specified period.

National Planning Policy Guidance (NPPG), under Paragraph: 014 Reference ID: 21a-014-20140306, further states, with reference to interpreting the Act:

“Circumstances where a temporary permission may be appropriate include where a trial run is needed in order to assess the effect of the development on the area or where it is expected that the planning circumstances will change in a particular way at the end of that period.

A temporary planning permission may also be appropriate to enable the temporary use of vacant land or buildings prior to any longer-term proposals coming forward (a ‘meanwhile use’).”

Officers have addressed use of a temporary permission under paragraph 157 of the Committee Report. The site is currently vacant and the temporary permission would enable a trial run, both of which are reasons the NPPG highlight a temporary permission can be used appropriately. The use of an 18-month permission is further justified under paragraph 158 of the Committee report (and see above officer response within these late observations).

The NPPG further expressly states that:

“There is no presumption that a temporary grant of planning permission will then be granted permanently.”

Officers are satisfied that the recommendation for a temporary permission is being exercised correctly, in line with national policy.

Supplementary Information

Use of planning conditions

Third parties have highlighted paragraph 55 to 56 of the National Planning Policy Framework makes clear that planning conditions should only be used where they satisfy six tests (kept to a minimum, necessary, relevant to planning and to the development permitted, enforceable, precise and reasonable).

Third parties believe there is a lack of detail within the Officer Report to justify that conditions 2 and 5 are precise and enforceable.

Officer Response:

Condition 2:

Condition 2 applies a limited period to the grant of planning permission. As explained in the previous section, and while it has been concluded that the impacts of the use are likely to be acceptable, the condition is considered necessary to 'test' the proposed use for a limited period. The condition is relevant to the use being proposed, reasonable, and enforceable – as the condition would enable enforcement to occur if the use extended beyond the 18-month date of the permission.

The third party has requested the condition is more explicit/precise. The condition wording is considered to be sufficiently precise and explicit in its wording. To clarify the process for assessment of impacts, Councillors may wish the stated reason for imposing the condition to be more precise. Suggested wording for Councillors to consider is:

"In order that any other proposal for the use of the building for a longer period as a place of worship is the subject of a separate application, to be determined on its merits, having regard to the impact of the use on parking and highways safety and residential amenity as supported by policies EN1, EN2, EN7, T1 and T2 of the Sevenoaks Allocations and Development Management Plan."

Condition 5:

Condition 5 relates to the operating hours of the permission. Officers consider the wording is sufficiently precise to be enforced. The Committee Report explains why these operating hours are considered necessary to make the development acceptable, are relevant to the proposed use and reasonable to impose.

Planning Condition 6

Third parties dispute that planning condition 6 (occupancy restrictions) will protect neighbouring amenity. Third parties express concern users will breach the occupancy conditions imposed.

Officer Response:

The noise and transport sections of the Committee Report explain that provided occupancy levels are restricted, noise and transport impacts can be suitably managed. Expert consultees on noise and highways matters have not raised objections to the scheme and are satisfied the scheme can proceed with planning conditions.

It cannot be assumed an applicant will breach a planning condition. Condition 6 (occupancy condition) is considered to be appropriately worded to enable enforcement action, should a breach occur. Such wording has been used by National Planning Inspectors to impose on mosque schemes. An example appeal is APP/P5870/A/13/2206647 where the Planning Inspector allowed 'a temporary permission for four years for a change of use from vacant offices (class B1) to a place of worship (class D1)' with the following occupancy planning condition:

"The building shall not be occupied by more than 95 persons during the occasions of Salat-al-Jumu'ah prayers on Fridays, two occasions of Festival Eid prayers each year, and prayers on the first five and 26th nights of Ramadan. At all other times the building shall not be occupied by more than 40 persons. A register shall be maintained of the number of persons present in the building, which shall be made available to the local planning authority on request."

This condition was considered to meet the tests for imposition of planning conditions and is similar to the wording proposed under planning condition 6 the Committee Report.

Planning Condition 8

A third party disputes the effectiveness of parking marshalls as a way to alleviate parking pressures on the road, stating this interferes with the public highway warranting police advice.

Third parties state "the report notes that there are some restricted parking bays to ease the already parlous parking in St. John's Road. Truly the beginning of an acknowledgement that there is already a parking issue which has needed redressing for years before this application. I can only conclude the bays referred to are based on the road outside the URC church. Space for 4 cars max."

Officer Response:

Reference to parking bays within the Committee report refers to the four parking bays allocated within the site itself to provide on-site parking.

Planning condition 4 (Travel Plan) is a pre-commencement condition, and requires a Travel Plan to reduce dependency on the private car to be submitted for the approval of the Council, with the Highways Agency in consultation. This will enable an appropriate Transport Plan to be agreed.

Supplementary Information

Planning condition 8 requires the four parking bays on site to be provided prior to the site use commencing.

The use of a parking marshal at peak time was proposed by the applicant and is intended to assist in smooth operation of the site, rather than interfere with highways. Councillors may wish to remove reference to parking marshals within the wording of condition 8 or to limit their remit to managing parking within the site.

Wider use of site

A third party highlights that previous applications by the applicants have referred to an intention to further develop the site, and highlight fundraising websites referring to a more diverse use of the building, including having a Madrassa and Da'wah Centre.

Third parties highlight that a Madrassa school offers religious instruction 5 days per week usually after primary or secondary school attendance, with the potential to cause further traffic congestion in St. John's Road.

Officer Response:

Officers have addressed wider uses of the site under paragraphs 175 to 177 of the Committee Report.

For clarity, the planning assessment must consider only what is before the Council within the planning application submission. The assessment cannot consider speculative development and any planning decision taken would not set a precedent for any future development or expansion of the site. Each development would be assessed on its own individual merits and constraints.

To address wider concern that use class F1(f) could enable dominant use of the building as a place of religious instruction, rather than worship, the use is being restricted through the proposed occupancy conditions and hours of operation. This would mean that impacts on residents and the transport network would remain appropriately managed.

Proposed amendment to condition 3

It has been suggested whether condition 3 can be expanded to require all windows and doors to remain shut when the use is in operation, to limit noise outbreak from the building.

Officer Response:

The planning condition can be expanded in this way, should Councillors wish to amend this condition. Suggested wording is highlighted below in yellow:

3) No development shall occur for the new use hereby permitted, until a noise management plan has been submitted to, and approved by, the Local Planning Authority in writing. The noise management plan shall include:

- specifications of the noise insulation measures to be implemented as outlined in Section 3 of the Noise Impact Assessment (NIA) by MRL Acoustics dated June 2023 (report ref MRL/100/1933.1v1)

- details of a scheme to manage internal and external noise amongst the building users (for example, public notices, welcome pack for occupants to address noise on approach/when leaving the site)

- details shall confirm that all windows and doors must remain shut whilst the use of the building is in operation.

- details of proposed sound testing, which shall be commenced within one month of the implementation of the agreed scheme and carried out for a period of no less than nine months, and the results of the sound test and noise levels shall be submitted to the Local Planning Authority to ensure the noise levels detailed in the Noise Impact Assessment (NIA) have been achieved, in accordance with BS 8233: 2014 (or later revision). Where noise levels have been exceeded, a scheme to address these exceedances and a timescale for their implementation shall be provided.

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