

4.1 19/00009/FUL

Date expired 27 March 2019

Proposal: Change of use application of ground floor unit from A1 (retail) to D1 (Christian place of worship) and various associated community facilities.

Location: Post Office, Post Office Counters Ltd, London Road  
Swanley BR8 7AA

Ward: Swanley St Mary's

#### **Item for decision**

The application has been referred to the Development Control Committee by Councillor Dyball on the grounds of inadequate parking, loss of a prime site for retail and noise.

**RECOMMENDATION:** That planning permission be GRANTED subject to the following conditions:

1) The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

In pursuance of section 91 of the Town and Country Planning Act 1990.

2) The development hereby permitted shall be carried out in accordance with the following approved plans and details: Site Location Plan, 1903-02, 1903-03

For the avoidance of doubt and in the interests of proper planning.

3) The use hereby permitted shall not commence until details of a noise attenuation scheme, assessing potential noise breakout from the proposed use and measures to control it, has been submitted to and approved in writing by the Local Planning Authority. The use shall be carried out only in accordance with the approved details.

To protect the amenities of nearby residential properties and to comply with policy EN2 of the ADMP.

4) The premises shall be used only as a place of worship and shall not be used for any other purposes falling within the D1 use class without the benefit of further planning permission.

To protect the amenities of nearby residential properties and to ensure the use does not result in adverse highway or parking conditions, to comply with policies EN2, T1 and T2 of the Sevenoaks ADMP.

5) The premises shall be occupied by no more than 120 people at any one time.

To protect the amenities of nearby residential properties and to ensure the use does not result in adverse highway or parking conditions, to comply with policies

EN2, T1 and T2 of the Sevenoaks ADMP.

6) The use hereby permitted shall take place only between the hours of 08:00 and 20:00 on any day.

To protect the amenities of nearby residential properties and to comply with policy EN2 of the ADMP.

7) Prior to the first use of the premises, a Travel Plan, including details of the promotion of sustainable means of transport for future users, shall be submitted to and approved in writing by the local planning authority. The Travel Plan shall be implemented in accordance with the approved details.

To ensure the development has an acceptable impact on local traffic and parking, and to mitigate the potential impact of the development on the Air Quality Management Plan, to comply with policies T1 and EN2 of the Sevenoaks ADMP.

### **Informatives**

1) The applicant is reminded that this planning permission does not include any external alterations to the building, including any new plant or mechanical equipment. Further planning permission may be required for these elements.

2) The applicant is advised to contact Environmental Health, Food Safety Team at the initial design stage, with respect to advice on compliance with food safety legislation in relation to the kitchen use.

3) Owing to the likelihood of the existing buildings containing or being constructed of asbestos products, the applicant is advised contact the Health and Safety Executive (HSE) for advice on the submission of a suitable method statement for removal. Any asbestos found on site must be removed in a controlled manner by an appropriately qualified operator.

### **National Planning Policy Framework**

In dealing with this application we have implemented the requirements in the National Planning Policy Framework to work with the applicant/agent in a positive, proactive and creative way by offering a pre-application advice service; as appropriate updating applicants/agents of any issues that may arise in the processing of their application and where possible and if applicable suggesting solutions to secure a successful outcome. We have considered the application in light of our statutory policies in our development plan as set out in the officer's report.

### **Description of Proposal**

1 Change of use of ground floor unit from A1 (retail) to D1 (Christian place of worship) and associated community facilities.

## Description of Site

- 2 The site lies on the western side of the pedestrianised section of London Road, in Swanley town centre. It contains a part 1 part 2 storey detached building with flat roof.
- 3 The application relates to only part of the existing building which currently contains the vacant Post Office counters and comprises approximately 139sqm of floorspace. To the rear the site adjoins the service yard of the sorting office, which falls outside the scope of this application.

## Constraints

- 4 Swanley Town Centre
- 5 Primary Frontage
- 6 Air Quality Management Area

## Policies

- 7 Allocations and Development Management Plan:
  - EN7 Noise Pollution
  - TLC2 Swanley Town Centre
  - CF2 Loss of Neighbourhood Services and Facilities
  - T1 Mitigating Travel Impact
  - T2 Vehicle Parking
- 8 Sevenoaks Core Strategy:
  - L01 Distribution of Development
  - L04 Development in Swanley
  - L05 Swanley Town Centre
  - SP9 Infrastructure
- 9 Other:
  - NPPF

## Planning History

- 10 There is no relevant planning history.

## Consultations

### Swanley Town Council:

- 11 Objection: “Inadequate parking facilities. Noise”.

### KCC Highways:

- 12 “The proposal site is within Swanley town centre where there is easy access to bus services and the train station. It is close to a number of public car parks which, particularly on a Sunday when the majority of attendance at the church is likely to occur, has plenty of spare parking spaces. When the previous use is taken into account i.e. that of a Post office, I do not consider that any additional traffic generated by the proposal is likely to create additional congestion or parking issues in the town. I also consider that a percentage of trips being made to the facility will be combined with other destinations in the town centre i.e. combined trips, and therefore not adding to the traffic in the area. A certain level of car sharing for those coming from further afield is likely to occur.
- 13 In conclusion therefore, I would raise no objection to this application on highway grounds but would possibly suggest that the number of attendees for services could be limited by Condition to their stated level of 120 attendees but this is likely to be restricted through the size of the building anyway.”

#### Environmental Health:

- 14 “The proposed site is located within an Air Quality Management Area (AQMA) and is likely to have an impact on the Birchwood Road Junction AQMA. We would therefore suggest that prior to determination, the applicant submits an air quality assessment to include mitigation methods to offset any impacts of the proposal.
- 15 Owing to the proximity of residential premises, no development shall commence prior to a noise attenuation scheme, assessing potential noise breakout from the proposed use (including and plant or equipment) being submitted to and approved by the Local Planning Authority.
- 16 Due to the proximity of residential properties surrounding the proposed site the site working hours should be controlled to protect residential amenity. During the enabling, demolition and construction phase, the hours of working, including deliveries and collections to and from site, shall be restricted to:
- Monday to Friday 08:00 - 18:00  
Saturday 08:00 - 13:00  
No work on Sundays or Public Holidays.
- 17 The applicant should be advised to contact Environmental Health, Food Safety Team at the initial design stage, with respect to advice on compliance with food safety legislation in relation to the kitchen use.
- 18 Owing to the likelihood of the existing buildings containing or being constructed of asbestos products, the applicant should be informed to contact the Health and Safety Executive (HSE) for advice on the submission of a suitable method statement for removal. Any asbestos found on site must be removed in a controlled manner by an appropriately qualified operator.”

## Representations

- 19 72 objections have been received to the application. The issues raised can be summarised as follows:
- Increased parking demand;
  - Swanley town centre redevelopment will result in the loss of further parking spaces;
  - Increased traffic congestion;
  - Pollution;
  - Noise pollution;
  - Will not create employment;
  - Out of keeping with the retail area;
  - There are plenty of churches in Swanley;
  - Use would not serve the local community; and would serve a small section of people;
  - Out of keeping with future aspirations for Swanley;
  - The site is unlikely to be big enough for their needs;
  - Should be used for an alternative use to serve the local community (suggestions including facilities for elderly or the NHS, a health hub, mental health facility, pub/ restaurant, creative facility, educational facility, better shops, bowling, cinema, children's facilities, affordable housing).

## Chief Planning Officer's Appraisal

### Principal Issues

- The principle of the change of use and the impact on the primary frontage of Swanley town centre;
- Impact on residential amenity;
- Impact on local traffic and parking.

### The principle of the change of use and the impact on the primary frontage of Swanley town centre

- 20 Policy TLC2 of the Sevenoaks ADMP refers specifically to Swanley town centre and gives criteria against which planning applications should be assessed. It states that within the primary retail frontage at least 70% of the ground floor frontage should be maintained in A1 use. It states that where a proposal retains this percentage, A class uses will be permitted where they would complement the predominant retail function and not lead to a dead town centre frontage during regular shopping hours. Proposals resulting in the change of use of existing non-A1 uses within the primary frontage to retail and other A class uses will be permitted where this would be complementary to the predominant retail function.
- 21 In summary the policy seeks to maintain a predominance of retail uses in the pedestrianised area, of which this site forms a part.

- 22 The NPPF, paragraph 85 states that planning policies and decisions should support the role that town centres play at the heart of communities by taking a positive approach to their growth, management and adaptation.
- 23 At the time when the application was submitted, the proposals would retain a 70% retail frontage, based on square metres. However, this application conflicts with policy TLC2 as it entails the loss of an existing A1 use class, and replacement with another use which is not in the A use class.
- 24 Despite this, the particular circumstances of this application should be considered. The existing use of this part of the building is not a typical A1 retail unit and comprises the former Post Office counters which were used in connection with the adjacent sorting office. It is understood that the unit has been vacant since November 2017 when the Post Office relocated to Swanley Library. As a result this part of the building provides a dead frontage which does not contribute positively to the viability or retail function of this part of Swanley town centre.
- 25 A Planning Statement has been submitted with the application which states that the proposed use would include the following elements: a place of worship; community hub including events and workshops; and office space. While there is some dispute about the extent of the community which the use would serve, it would provide a community facility.
- 26 Overall, the proposal would see the unit brought back into use and, when in use, would provide an active frontage and attract pedestrians and increase vitality in this part of the centre. The use would compliment and support the wider town centre function.
- 27 If granted, the proposals would not prohibit the use of the unit for retail purposes again in the future, subject to obtaining further planning permission.
- 28 Overall, on balance of the particular circumstances in this instance, the proposals are considered acceptable in this regard.

#### **Impact on residential amenity**

- 29 The building which contains the application site is detached. The proposed place of worship will directly adjoin the areas of the building retained for the sorting office, however, it is unlikely to have any adverse impact on the function of the sorting office.
- 30 The nearest residential properties include those on the upper floors of Nightingale House to the south of the site and those above shops to the north. None share a party wall with the application site. The proposed use may cause some disturbance through having, for example, a choir or amplified music. Environmental Health have recommended that a noise attenuation scheme is secured by condition, to assess and address the potential noise outbreak from the use and help control the potential for disturbance to those nearby properties. As the site is located centrally within the town centre, it is not considered that the likely noise disturbance

would be so severe above the prevailing noise levels as to warrant refusal of the application, and it is adequate that it be addressed by condition.

- 31 In order to ensure an acceptable impact on residential amenity is maintained, conditions are also recommended to restrict operating hours and also the number of people within the premises at anyone time, although this is likely to be restricted in any event by the size of the unit.
- 32 A condition is recommended to restrict the use of the premises to a place of worship and is not used for any other purposes within the D1 use class without the benefit of further planning permission. Other uses falling within the D1 use class, which can include crèches, schools and clinics, may have a different impact on residential amenity and should be subject to further consideration.
- 33 This application does not propose any external plant or equipment, nor any external changes to the facades of the building. As such it is not considered appropriate to condition any restrictions on construction works. An informative is recommended to remind the applicant that any external works may require further planning permission. Other informatives are also recommended as suggested by Environmental Health.

#### **Impact on local traffic and parking**

- 34 The NPPF in paragraph 109 states that development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.
- 35 The site is positioned in a highly sustainable location with access to both Swanley train station and bus services. It is therefore considered to be a suitable location for the proposed use and users would be very likely to utilise these facilities. Given the nature of the use it is considered likely that, if users drive, there would be an element of car sharing and it is likely that trips to the site would be combined with other destinations in the town centre.
- 36 The site is close to a number of public car parks which KCC Highways consider to have spare parking spaces, particularly on a Sunday when the majority of attendance to the church would occur.
- 37 Relevant parking standards are set out in the Kent County Council document “Kent Vehicle Parking Standards” 2006. This states that a place of worship should seek to provide a maximum of 1 space per 5 seats. Therefore, based on a 120 seat capacity, the proposal could generate a need of up to 24 parking spaces. This is a maximum standard and does not take account of the circumstances or accessibility of any particular site.
- 38 Overall, in light of the sustainable location of the site, it is considered that the proposals would not create significant additional harm to local traffic or parking conditions, and any uplift could reasonably be accommodated within the existing nearby car parks.

- 39 A condition is recommended to secure a travel plan. This is required to ensure that the applicant encourages sustainable means of transport by their users, to mitigate its impact on local traffic and parking. The condition is also considered necessary for air quality purposes as discussed below.
- 40 Cycle parking facilities also exist direct outside the site which would further support sustainable trips.
- 41 The Planning Statement refers to a potential nursery day centre being located within the premises. This would be likely to have a materially different impact on local traffic and parking than a place of worship as it would be likely to involve a significant number of drop offs required close to the site. A condition is therefore recommended to ensure that, if granted, the permission should be for a place of worship only, and for no other purpose within the D1 use class. Any other use of the premises would therefore need to remain ancillary.

## **Other Issues**

### *Air pollution*

- 42 The Environmental Health Officer has recommended that the applicant provide an air quality assessment in light of the location within the Air Quality Management Area (AQMA) and potential to impact on the Birchwood Road Junction AQMA. In further correspondence with the Environmental Health Officer, it was discussed that such an assessment may be required if the proposals would result in an increase in net traffic movements which could negatively impact upon those two Air Quality Management Areas.
- 43 As discussed above, in light of the high accessibility of the site and availability of public transport to the site, the proposal is unlikely to result in a significant uplift in traffic movements to the site and unlikely to impact upon the AQMAs. To ensure that the applicant provides a travel plan which contains commitment to encouraging sustainable means of transport, a condition is recommended.

### *Conflict with the Swanley town centre redevelopment scheme*

- 44 Concern has been raised in the public consultation for the parking implications in light of the wider scheme to redevelop Swanley town centre. At this time there is no planning permission for this redevelopment and the proposals remain to be determined at appeal.

### *Other suggested uses*

- 45 Public consultation has revealed a preference for other uses on this prominent site. Despite this, we are required to consider the acceptability of the application submitted which in this case relates to a place of worship.

## **Conclusion**

- 46 The proposals would support the retail function and vitality of the Swanley town centre and compliance with the recommended conditions would ensure the use operates in such a way that it would preserve residential

amenity and would not adversely affect local traffic and parking conditions, compliant with the aims of the Development Plan.

## **Background Papers**

### Proposed Plans

Contact Officer: Claire Shearing 01732 227000

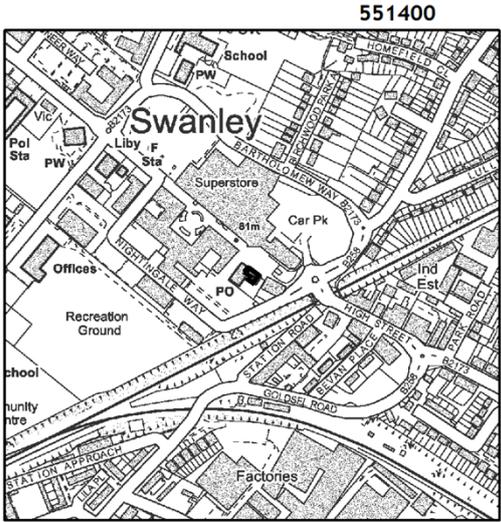
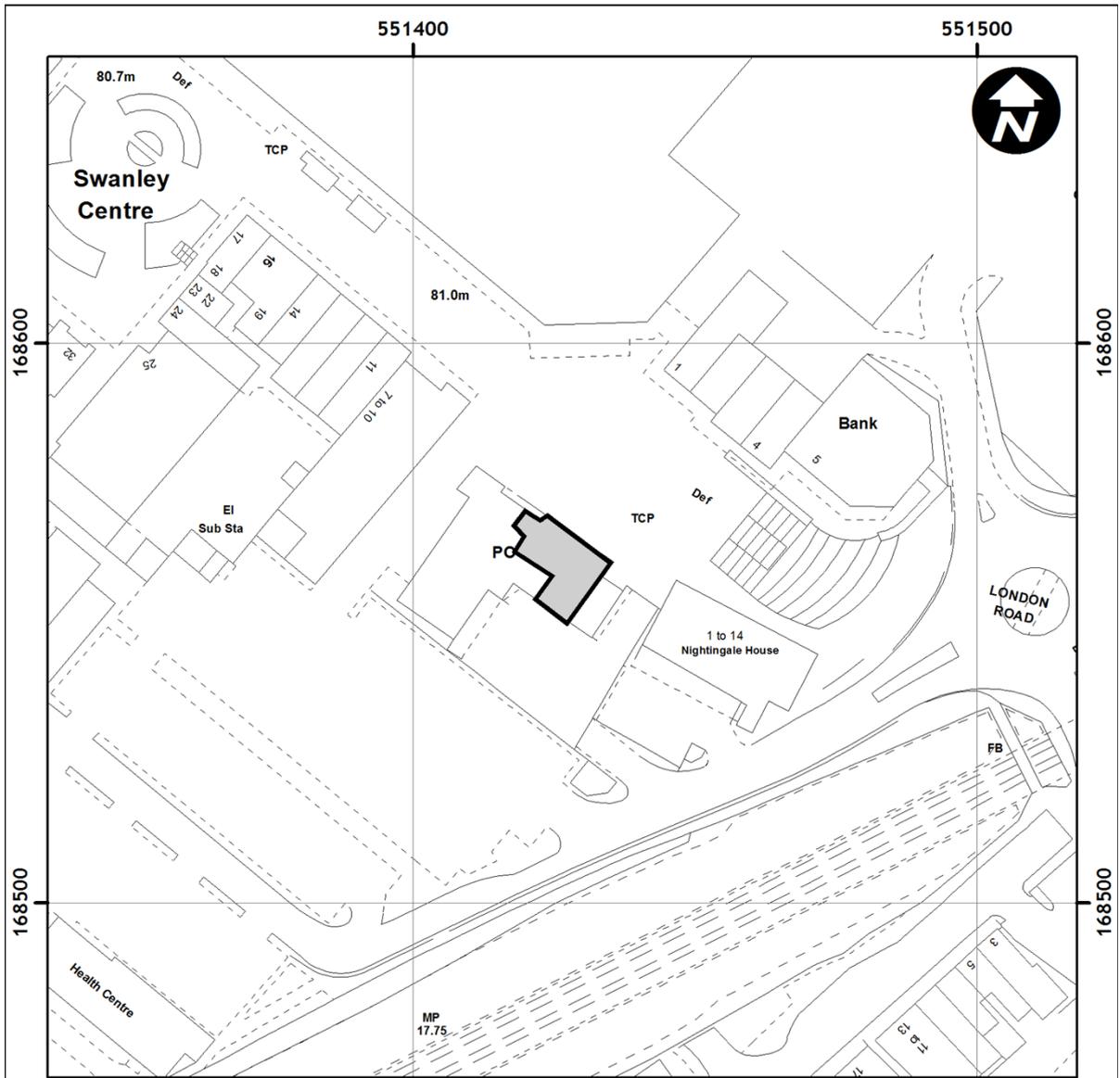
**Richard Morris**  
**Chief Planning Officer**

Link to application details:

<https://pa.sevenoaks.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=PKROLOBKFMJ00>

Link to associated documents:

<https://pa.sevenoaks.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=PKROLOBKFMJ00>



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| <h1>Site Plan</h1>   |            |
| Scale  | 1:1,250    |
| Date   | 22/03/2019 |
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Site Block Plan - Existing and Proposed

