

4.1 21/02502/PAC

Date expired 21 September 2021

Proposal: Prior Approval for a change of use from Offices (Class B1 (a)) to Dwellinghouses (Class C3). This application is made under Class O of The Town and Country Planning (General Permitted Development) (England) Order 2015.

Location: 160 London Road, Sevenoaks, KENT TN13 2JA

Ward(s): Sevenoaks Town & St Johns

Item for decision

The application has been referred to the Development Control Committee by Councillor Fleming on the grounds of lack of natural lighting for the proposed residential units.

RECOMMENDATION: That prior approval be GRANTED.

Description of site

- 1 The site consists of an existing building of approximately 28,959sqm gross internal floor area. The building is 3 storeys in height with a basement and was built in 2001. The ground, first and second floors are used as office space (Use Class E, formerly B1a) and the basement for car parking.
- 2 The site is located on the corner of London Road to the south and the Hitchen Hatch Lane to the east. To the west is the railway line and to the north is Bradbourne Multi-storey Car Park, beyond this is Sevenoaks Station Car Park and Lidl. London Road is host to several amenities as well as Sevenoaks Railway Station which is situated opposite the Site. The surrounding area to the north and east, beyond Bradbourne Car Park and the Premier Inn, is residential and to the south-east is predominately commercial in nature along London Road. To the southwest, beyond the Sevenoaks Railway Station and London Road, are further residential dwelling houses. There is pedestrian access to the Site on the corner of London Road and Hitchen Hatch Lane, as well as a second access for both pedestrians and vehicles via Hitchen Hatch Lane.
- 3 The site benefits from 532 existing car parking spaces, of which 6 are disabled parking spaces located within the basement and the eastern and northern part of the site at ground floor level. The site is situated less than 50m from Sevenoaks Railway Station. The site is not situated within a Conservation Area or land under an Article 4 Direction. The site falls within Flood Zone 1 which is the lowest probability category of flooding.

Description of proposal

- 4 The application is submitted to establish whether the proposal complies with the requirements of Class O and that the prior approval is required for the change of use of the building from Class B1(a) (Offices) to Class C3 (Dwelling houses).
- 5 The proposals would provide 116 apartments (89 x 1-bedroom, 21 x 2-bedroom and 6 x 3-bedroom units).
- 6 The application is made under Schedule 2, Part 3, Class O of the Town and Country Planning (General Permitted Development) Order 2015 as amended.

Relevant planning history

- 7 98/01435/HIST- Demolition of existing buildings and the redevelopment of the site to provide a B1 office building with associated basement and ground level car parking, access roads, service areas and landscaping. Approved 16/02/1999
- 8 11/03010/FUL-The installation of 3 external condensers at ground floor level, in order to provide comfort cooling to the second floor offices. Approved 25/01/2012
- 9 13/01186/FUL- Installation of Mitsubishi Split System Air Conditioner in the Comms Room of Suite 2, Second Floor, BT Workstyle Building Approved 27/06/2013

Relevant Legislation

- 10 The issue for consideration is whether the proposal complies within the conditions as set out in Schedule 2, Part 3, Class O of the Town and Country Planning (General Permitted Development) (England) Order 2015 (As amended) and whether prior approval is required in respect of the following:
 - transport and highway impacts of the development;
 - contamination risks on the site;
 - flooding risks on the site
 - impacts of noise from commercial premises on the intended occupiers of the development; and
 - the provision of adequate natural light in all habitable rooms of the dwelling houses.
- 11 In accordance with Schedule 2, Part 3, Class O, these are the only matters which can be taken into account in considering whether prior approval is required.
- 12 Paragraph W of the General Permitted Development Order requires the Council to respond to the application within 56 days. After this time, if the Local Planning Authority have not notified the applicant as to whether prior approval is given or refused, the applicant may implement the

development. Therefore the Council has determine this scheme no longer than the 21 September 2021.

Constraints

- 13 The following constraints apply:
- Allocated as employment land

Consultations

- 14 At the time of writing this report the statutory consultation period has not expired. Consultation responses received to date are as follows, however where a response has not yet been received these shall be reported within the late observation papers.
- 15 It has been necessary to present this Committee Report without all the consultation responses in order that the Council can respond to the application within the 56 day period, unless the applicant receives a deemed consent.
- 16 SDC Environmental Health- No response to date.
- 17 SDC Business and Economic Development- No response to date.
- 18 Environment Agency -
“We have assessed this application as having a low environmental risk. We therefore have no comments to make”
- 19 Thames Water (summary)
Thames Water would advise that if the developer follows the sequential approach to the disposal of surface water we would have no objection. With regards to waste and sewerage water no objections raised.
- 20 Highways England- No response received to date.
- 21 KCC Highways Authority- No response to date.

Representations

- 22 To date, three objections has been received. The issues raised can be summarised as:
- Though dwellings are a natural requirement for towns- to turn a vast office into class C occupancy is a step too far.
 - There is no need to have such a vast array of flats in such a suburban area of natural beauty. Especially when there is already too many in this particular area of Sevenoaks.
 - Increase in population places demands on existing facilities, ie, schools, doctors
 - Concerns over highways and traffic

Chief Planning Officer's appraisal

- 23 The proposal complies with the requirements of Class O, as the premises are offices, the site is not a safety hazard area, a military explosives storage area, a listed building or an ancient monument. Therefore we then have to consider whether prior approval is required for the following matters:
- a) Transport and highways impacts of the development;
 - b) Contamination risks on the site;
 - c) Flooding risks on the site;
 - d) Impacts of noise from commercial premises on the intended occupiers of the development; and
 - e) The provision of adequate natural light in all habitable rooms of the dwelling houses.
- 24 The Government's Planning Practice Guidance is clear that "A local planning authority cannot consider other matters when determining a prior approval application."
- 25 Transport and highways impacts of the development
- 26 A Transport Statement has been submitted by the applicants. The site currently has 532 car park spaces, of which 516 are proposed to be retained as part of the change of use. It is acknowledged that this would in fact be in excess of the Kent County Council's ('KCC') maximum car parking standards for 116 units in this sustainable location. However the applicant has suggested that they are willing to accept an Informative or planning condition to consider the provision of amenity space in lieu of parking spaces.
- 27 It should also be noted that this site is located in a sustainable location and the proposal includes a secure, sheltered and well-lit cycle store with capacity for 116 cycle spaces which is in accordance with KCC standards, therefore promoting a sustainable mode of transport. The Transport Statement recognises that the site is accessible by non-car modes being within walking and cycling distance of day to day amenities and close to bus services, with Sevenoaks Railway Station located close to the site. The Transport Statement concludes that it is anticipated using TRICS data that there will be a reduction in the number of deliveries if the change of use is granted, as well as decrease in the number of car movements to the site compared to the permitted office use.
- 28 The refuse collection will continue to take place on-site with the suitable waste storage being located within the underground carpark. The refuse will then be transferred to surface level for collection and ease of access to be waiting for the refuse vehicles.
- 29 Taking into consideration the sustainable location and the parking provision, it is not anticipated to give rise to any major transport or highways issues. In conclusion, there would not be any unacceptable impact on the highways

and transportation network arising from the proposed change of use of the site from office to residential.

30 Contamination risks on the site

31 A Desk Study Report and Preliminary Contamination Risk Assessment has been prepared by Hydrock Engineering. Taking into consideration the use of the site as offices, the overall risk from land contamination at the Site is considered to be low.

32 The property is a purpose-built office building, which has been occupied by office workers and has complied with the relevant health and safety regulations. The property is situated away from any industrial uses which could give rise to any potential contamination risks. Conversion to residential would not involve substantial ground floor works which would interrupt or exacerbate any potential contamination. Our Environmental Health Officer does not raise any concerns over the scheme.

33 Flooding risks on the site

34 An updated Flood Risk Assessment has been submitted with the application. The site is located within Flood Zone 1 and as such there is a very low to low and unlikely risk of flooding from rivers, groundwater, public sewer/highways drains, or artificial sources.

35 The risk of surface water flooding would be very low to medium for the internal car park on the east and the surrounding road, as such the risk is predominately within the underground car park. The building's existing drainage system will be utilised, and it is considered that this will have a negligible impact to the existing situation.

36 The foul drainage strategy will also remain as existing with the existing connections to the public foul water sewer located within Hitchen Hatch Lane being retained. Additionally, given the Site is located outside a source protection zone, separate permission/approval is required to discharge the surface water and run-off from the development to the soakaways.

37 The proposed change of use is suitable and appropriate, and the proposed change of use would not result in any increased flooding at the site.

38 Impacts of noise from commercial premises on the intended occupiers of the development

39 A Noise Impact Assessment has been submitted as part of the application. This includes details of noise surveys undertaken and concludes that no significant commercial noise sources were identified. The Noise Impact Assessment did not identify any significant noise levels from nearby commercial noise at a level that would result in any harm to the intended occupiers.

- 40 The Assessment has also assessed other noise sources, including transportation noise such as the train on the railway track located to the east of the site and cars on the roads. However, the Regulations highlighted above are clear that the LPA are only able to consider the impact of noise from commercial premises.
- 41 It is considered that there will be no significant impact from commercial uses on the intended occupiers of the development, as demonstrated by the submitted Noise Impact Assessment. Our Environmental Health Officer does not raise any concerns over the scheme. As such the prior approval is acceptable in terms of noise.
- 42 The provision of adequate natural light in all habitable rooms of the dwelling houses
- 43 Under Class O, paragraph 1(e) requires the provision of adequate natural light in all habitable rooms of the new dwelling houses. The applicant is required to provide floor plans indicating the dimensions and proposed use of each room, the position and dimensions of windows, doors and walls, and the elevations of the dwelling houses, which they have provided.
- 44 The applicant has also submitted an Internal Daylight Assessment to demonstrate the levels of natural daylight received by the proposed habitable rooms.
- 45 The assessment has been carried out using the accepted BRE sunlight and daylight standards, as well the British Standard BS 8206: Part 2: 'Lighting for Buildings - Code of Practice for Daylighting'. These assessments seek to provide a minimum Average Daylight Factor for habitable rooms and every proposed bedroom or living/dining/kitchen for each unit has been tested. These are appropriate standards for testing daylight.
- 46 In each and every case, the natural daylight to all the rooms passed these standards and therefore the proposal would provide an adequate natural daylight to all the habitable rooms. This assessment has taken account of a number of the residential units do not have external windows, but face into an existing glazed atrium. The assessment has also taken account of the geographically surroundings of the site.
- 47 Therefore I am satisfied that the scheme will be provide adequate natural daylight into all the habitable rooms. There is no ground to refuse the scheme on lack of natural daylight, as it passes the relevant tests.

Other issues

- 48 Additional matters have been raised within the public consultation response, relating for example, such prominence of flats in this part of Sevenoaks. However the regulations under which this application is submitted do not allow us to take the wider characteristics of the area, or the mix of accommodation in the area, into account.

Community Infrastructure Levy (CIL)

49 The proposal is CIL liable.

Conclusion

50 The proposed change of use of the building fully accords with the requirements of Class O of the Town and Country Planning (General Permitted Development) (England) Order 2015 (As amended).

51 Recommendation that Prior Approval be Granted.

Background papers

Site and block plan

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Richard Morris
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[Link to application details:](#)

[Link to associated documents:](#)

BLOCK PLAN

