

15 February 2024 at 7.00 pm

Council Chamber, Argyle Road, Sevenoaks

Published: 07.02.24



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https://www.youtube.com/channel/UCIT1f_F5OfvTzxjZk6Zqn6g

Development Management Committee

Membership:

Chairman, Cllr. Williamson; Vice-Chairman, Cllr. Horwood

Cllrs. Baker, Ball, Bayley, Camp, P. Darrington, Edwards-Winsor, Esler, Harrison, Hogarth, Hudson, Malone, Manston, Purves, Silander, Skinner, Varley and Williams

Agenda

There are no fire drills planned. If the fire alarm is activated, which is a continuous siren with a flashing red light, please leave the building immediately, following the fire exit signs.

	Pages	Contact
Apologies for Absence		
1. Minutes To approve the minutes of the meeting of the Committee held on 24 January 2024, as a correct record.	(Pages 1 - 10)	
2. Declarations of Interest or Predetermination Including any interests not already registered		
3. Declarations of Lobbying		
4. Planning Applications - Chief Planning Officer's Report		
4.1 23/03279/FUL - Co-op, 30 - 32 Hever Road, West Kingsdown Kent TN15 6HD To divide the existing supermarket unit into 3 separate Class E Commercial, Business and Service units, consisting of a gym at no. 30, a barber at unit 1, 32 and a hair and beauty salon at unit 2, 32.	(Pages 11 - 20)	Ashley Bidwell Tel: 01732 227000

EXEMPT INFORMATION

At the time of preparing this agenda there were no exempt items. During any such items which may arise the meeting is likely NOT to be open to the public.

Any Member who wishes to request the Chairman to agree a pre-meeting site inspection is asked to email democratic.services@sevenoaks.gov.uk or speak to a member of the Democratic Services Team on 01732 227000 by 5pm on Monday, **12 February 2024**.

The Council's Constitution provides that a site inspection may be determined to be necessary if:

- i. Particular site factors are significant in terms of weight attached to them relative to other factors and it would be difficult to assess those factors without a Site Inspection.
- ii. The characteristics of the site need to be viewed on the ground in order to assess the broader impact of the proposal.
- iii. Objectors to and/or supporters of a proposal raise matters in respect of site characteristics, the importance of which can only reasonably be established by means of a Site Inspection.
- iv. The scale of the proposal is such that a Site Inspection is essential to enable Members to be fully familiar with all site-related matters of fact.
- v. There are very significant policy or precedent issues and where site-specific factors need to be carefully assessed.

When requesting a site inspection, the person making such a request must state under which of the above five criteria the inspection is requested and must also provide supporting justification.

If you wish to obtain further factual information on any of the agenda items listed above, please contact the named officer prior to the day of the meeting.

Should you need this agenda or any of the reports in a different format, or have any other queries concerning this agenda or the meeting please contact Democratic Services on 01732 227000 or democratic.services@sevenoaks.gov.uk.

Development Management Committee

Minutes of the meeting held on 25 January 2024 commencing at 7.00 pm

Present: Cllr. Williamson (Chairman)

Cllr. Horwood (Vice-Chairman)

Cllrs. Baker, Ball, Bayley, P. Darrington, Edwards-Winsor, Esler, Harrison, Hogarth, Malone, Manston, Purves, Varley and Williams

Apologies for absence were received from Cllrs. Camp, Hudson, Silander and Skinner

Cllrs. Thornton, Clack and Haslam were also present.

48. Minutes

Resolved: That the Minutes of the Development Management Committee held on 4 January 2024, be approved and signed by the Chairman as a correct record.

49. Declarations of Interest or Predetermination

Cllr. Bayley declared for Minute 52 – 23/02002/FUL - 112A Chipstead Lane, Riverhead, Sevenoaks, Kent TN13 2AQ, that she was one of the Ward Members, but remained open minded.

Cllrs. Bayley, Esler, Edwards-Winsor, Horwood, Hogarth, and Williamson declared for Minute 53 – 23/02918/FUL – The Oast House Kettleshill Farm, St Julians Road Underriver Kent TN15 ORX, that they knew the neighbour, but remained open minded.

Cllr. Hogarth declared for Minute 53 - 23/02918/FUL – The Oast Housm Kettleshill Farm, St Julians Road Underriver Kent TN15 ORX, that he was one of the Ward Members, and would be speaking on the application and so would not take part in the debate or voting thereon.

50. Declarations of Lobbying

All Councillors, except for Councillors Ball, P. Darrington and Varley declared that they had been lobbied in respect of Minute 52 – 23/02002/FUL – 112A Chipstead Lane, Riverhead, Sevenoaks Kent TN13 2AQ.

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All Councillors, except for Councillor Esler, declared that they had been lobbied in respect of Minute 53 – 23/02918/FUL – The Oast House, Kettleshill Farm, St Julians Road, Underriver Kent TN15 0RX.

UNRESERVED PLANNING APPLICATIONS

There were no public speakers against the following item and no Member reserved the item for debate, therefore, in accordance with Part 7.3(e) of the constitution the following matter was considered without debate:

51. 23/03046/HOUSE - 33 Penshurst Road, Leigh, Tonbridge Kent TN11 8HL

The proposal sought planning permission for a two storey front extension. Loft conversion. Rooflights and fenestration alteration. Roof alterations. Removal of existing chimney and installation of a flue. The application had been referred to Committee as the applicant was a District Councillor.

The motion was put to the vote and it was

Resolved: 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: S.01 Rev A; P.01 Rev J; P.02 Rev I

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

3) The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used on the existing building.

To ensure that the appearance of the development is in harmony with the existing character of the area as supported by Policy EN1 of the Sevenoaks Allocations and Development Management Plan.

RESERVED PLANNING APPLICATIONS

The Committee considered the following planning applications:

52. 23/02002/FUL - 112A Chipstead Lane, Riverhead, Sevenoaks Kent TN13 2AQ

The proposal sought planning permission for the demolition of existing single-storey dwelling to provide new residential dwelling, with relocation of dropped kerb. The application had been referred to Committee by Councillor Clack because of concerns

that the proposed works constitute overdevelopment, will cause overshadowing, will cause a severe impact on highways and parking and that the proposal lacks information to ensure the proposal conserves the character of the conservation area.

Members' attention was brought to the main agenda papers and late observation sheet which recommended an amendment to condition 1.

The Committee was addressed by the following speakers:

Against the Application: Nik Lodge

For the Application: -

Parish Representative: -

Local Members: Cllr Clack

Members asked questions of clarification from the speakers and officers. Questions were centred on the difference between the new proposal application and the one that had been previously refused, the typography of the land and access for parking.

It was moved by the Chairman and duly seconded that the recommendations within the report, be agreed.

Members discussed the application noting that the proposal was within the conservation area, the street scene and whether the number of dormers were in keeping with the surrounding area. Members considered the height, bulk and scale of the development and the impact of overcrowding towards the neighbouring property. Members noted the parking proposals.

The motion was put to the vote and it was lost.

It was moved by Cllr Horwood and duly seconded that planning permission be refused due to the height, bulk and scale, and being contrary to policies, EN1, EN4, SP1 and being inappropriate in the Conservation Area.

Resolved: That planning permission be refused on the following grounds

The proposal, due to the layout, siting, design, bulk and scale, would be harmful to the character and appearance of the street scene and would also fail to preserve or enhance the adjacent Conservation Area. The dwelling would not be considered to constitute high quality design and would further harm the character and appearance of surrounding area. The proposal is considered contrary to policy SP1 of the Core Strategy, policies EN1 and EN4 of the Allocations and Development Management Plan and paragraphs 135 and 139 of the National Planning Policy Framework.

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53. 23/02918/FUL - The Oast House, Kettlehill Farm, St Julians Road Underriver
Kent TN15 0RX

The proposal sought planning permission for the conversion and extension of Oast house to provide a family dwelling. The application had been referred to the Committee by Councillor Hogarth to consider the grounds of heritage and the change to the Past house harming the non-designated heritage asset (NPPF paragraph 209) and the less than substantial harm to the listed building (Kettlehill Farm) through change within its setting (NFFP 208).

Members' attention was brought to the main agenda papers and late observation sheet which did not propose any amendment.

The Committee was addressed by the following speakers:

Against the Application: Victoria Houghton

For the Application: Pete Hadley

Parish Representative: Rebecca Stiasny

Local Members: Cllr Hogarth

Members asked questions of clarification from the speakers and officer. Questions focused on the changes to the application had been previously refused.

It was moved by the Chairman and duly seconded that the recommendations within the report, be agreed.

Members discussed the application, noting that the extension would be at the rear of the site and had a grass roof and so there would be no harm to the green belt. Members also discussed the planning balance.

The motion was put to the vote and it was

Resolved: 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: 2023-02-OAS-07040 P1, 07050 P1,

07090 P1, 07102 P1, 07103 P, 07200 P1, 07220 P2, 07221 P1, 07310 P1, 07311 P1, 07312 P1, 07313 P1, 07314 P1, 07100 P2, 07101 P3, 07201 P2, 07210 P2 and 07230 P2.

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

3) Prior to the commencement of the development, hereby approved, details of samples of external wall and roof materials and window specifications shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

To ensure that the appearance of the development is in harmony with the existing character of the area as supported by Policy EN1 of the Sevenoaks Allocations and Development Management Plan.

4) Prior to works above damp proof course of the extension, details of hard and soft landscaping, and details of boundary treatments, shall be submitted to and approved in writing by the Local Planning Authority. All planting, seeding or turfing approved shall be carried out in the first planting and seeding season following the occupation of the development or the completion of the development, whichever is the sooner. Any trees or plants which, within a period of five years after planting, are removed, die or become seriously damaged or diseased in the opinion of the local planning authority, shall be replaced in the next available planting season with others of similar size, species and number, unless otherwise agreed in writing by the local planning authority. The development shall be carried out in accordance with the approved details.

To ensure that the appearance of the development is in harmony with the existing character of the area as supported by Policy EN1 of the Sevenoaks Allocations and Development Management Plan.

5) Prior to the commencement of the development, hereby approved, a detailed bat mitigation strategy, based on the Bat Roost Assessment prepared by Ecology Partnership and dated July 2023, shall be submitted to and agreed in writing by the Local Planning Authority. The plan shall be thereafter implemented as approved unless varied by a European Protected Species licence subsequently issued by Natural England.

In the interests of protecting bats on the site, in accordance with policy SP11 of the Sevenoaks Core Strategy.

6) No external lighting shall be installed on the site or affixed to any buildings on the site unless the local planning authority has first approved in writing details of the position, height, design, measures to control light spillage and intensity of illumination. Only the approved details shall be installed.

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To protect the character of the Green Belt and the character of the National Landscape from harmful light pollution, as supported by policy EN5 of the Sevenoaks Allocations and Development Management Plan and LO8 of the Sevenoaks Core Strategy.

7) In the event ground contamination is found on the site in the duration of the works, the applicant shall submit details of this to the Local Planning Authority, along with suggested remediation works that may be required. These details shall be submitted to and approved in writing by the Local Planning Authority and the development shall be carried out in accordance with the agreed works and remediation strategy.

To safeguard the site and future occupants in the event contamination is found.

8) Prior to development reaching the damp proof course of the extension, details of the location and type of electrical charging point shall be submitted to and approved in writing by the local planning authority. The details shall indicate the location of charging point and appearance of charging point. The approved charging points shall be installed prior to first occupation of the development and shall be maintained thereafter.

To encourage the use of low emissions vehicles in accordance with policy T3 of the Sevenoaks Allocations and Development Management Plan.

9) Prior to the first occupation of the dwelling, hereby approved, details of ecological enhancements shall be submitted to and approved in writing by the Local Planning Authority. The enhancements shall be installed and thereafter maintained.

In the interests of securing biodiversity enhancements, in accordance with policy SP11 of the Sevenoaks Core Strategy.

10) The development, hereby approved, shall be carried out in accordance with the ecological mitigation measures outlined in the ecology report prepared by Greenspace Ecological Solutions and dated October 2022.

In the interests of protecting biodiversity on the site, in accordance with policy SP11 of the Core Strategy.

11) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (or any Order revoking or re-enacting or amending those Orders with or without modification), planning permission shall be required in respect of development falling within Schedule 2, Part 1, Classes A, AA, B, C and E of that Order.

To protect the character of the landscape and openness of the Green Belt as supported by Policy LO8 of the Sevenoaks Core Strategy and Policy EN1 and EN5 of the Sevenoaks Allocations and Development Management Plan.

12) Prior to the extension reaching above damp proof course, details of the refuse storage shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented prior to the first occupation of the dwelling and shall be thereafter maintained.

To ensure the development provides suitable refuse storage, in accordance with policy EN1 of the Sevenoaks Allocation and Development Management Plan.

Informatives

1) Please note that in accordance with the information on your Self Build Exemption Claim Form Part 1 and the requirements of The Community Infrastructure Levy Regulations 2010 (as amended) you **MUST** submit a **COMMENCEMENT NOTICE** to the Council **BEFORE** starting work on site. Failure to do so will result in the CIL charge becoming payable in full.

2) Please note that within six months of completing the home, the applicant must submit additional supporting evidence to confirm that the project is self-build, being:

* A Self Build Exemption Claim Form - Part 2 (available on the Planning Portal website);

* The supporting evidence as set out in the form, to confirm that the levy exemption should be upheld.

If the evidence is not submitted to the Council within the 6 month time period, the full levy charge becomes payable.

3) The applicant is advised that there are access rights over the land regarding neighbouring properties. This is a civil matter and does not fall within the remits of the planning assessment.

4) New build developments or converted properties may require street naming and property numbering. You are advised, prior to commencement, to contact the Council's Street Naming and Numbering team on 01732 227328 or visit www.sevenoaks.gov.uk for further details.

5) It is drawn to your attention that the legal line of the Public Right of Way SR157, which is in fact overgrown, runs across and runs through the southern

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part of the application site. The options available is to either open up the legal line of SR157 and include this in their landscaping, or apply for a diversion to move the legal line to the current walked line, under the Town and Country Planning Act.

No works can be undertaken on a Public Right of Way without the express consent of the Highways Authority. This means that the Public Right of Way must not be stopped up, diverted, obstructed (this includes any building materials or waste generated during any of the construction phases) or the surface disturbed. There must be no encroachment on the current width, at any time now or in future and no furniture or fixtures may be erected on or across Public Rights of Way without consent.

In cases of doubt you are advised to contact this Kent County Council Public Rights of Way and Access Service before commencing any works that may affect the Public Right of Way - Telephone: 03000 412328.

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.

(Cllr Hogarth did not take part in the debate or voting thereon, having declared an interest as speaking as the local Ward Member.)

54. 23/02976/MMA - Lulworth, School Lane, Seal Kent TN15 0BQ

The proposal sought permission for the minor material amendment to 22/01496/HOUSE. The application had been referred to the Committee by Councillor Thornton, due to concerns over the impact of the proposed development to the National Landscape (AONB).

Members' attention was brought to the main agenda papers and late observation sheet which amended condition 1.

The Committee was addressed by the following speakers:

Against the Application: Nick Hubbard

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For the Application: Jacquie Andrews

Parish Representative: Rebecca Stiasny

Local Members: Cllr Thornton

Members asked questions of clarification from the speakers and officer.

It was moved by the Chairman and duly seconded that the recommendations within the report, be agreed.

Members discussed the application. Consideration was given to the change in roof height and the impact on the Conservation Area and the National Landscape. It was noted that the slight reduction in mass did not detract away from the height and its dominant appearance in the area.

The motion was put to the vote and it was lost.

It was moved and duly seconded that planning permission be refused due to the impact on the AONB, Conservation Area, paragraph 140 of the NPPF, and against policy EN1, EN4, EN5 of the ADMP, and SP1, L08 of the Core strategy

Resolved: That planning permission be refused on the following grounds

1)The resultant scale and height of the development creates an unduly prominent/incongruous feature that causes harm within Seal Conservation Area and is detrimental to the character and appearance of the Kent Downs National Landscape (Area of Outstanding Natural Beauty). This proposal is contrary to Policies EN1, EN4, EN5 of the Sevenoaks Allocations and Development Management Plan and policies SP1, LO8 of the Sevenoaks Core Strategy.

2) The amendments as proposed diminishes the quality of the previously approved scheme contrary to paragraph 140 of the National Planning Policy Framework.

THE MEETING WAS CONCLUDED AT 9.23 pm

CHAIRMAN

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4.1 23/03279/FUL

Revised expiry date 16 February 2024

Proposal: To divide the existing supermarket unit into 3 separate Class E Commercial, Business and Service units, consisting of a gym at no. 30, a barber at unit 1, 32 and a hair and beauty salon at unit 2, 32.

Location: Co-op, 30 - 32 Hever Road, West Kingsdown Kent TN15 6HD

Ward(s): Fawkham & West Kingsdown

Item for decision

The application has been called to Development Management Committee by Councillor Bulford on the grounds of the impact on neighbour amenity and parking.

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: Block Plan (Map.002), Proposed Floor Plans (PR.001 Rev2) and Proposed Elevations (PR.002 Rev2).

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

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 site

- 1 The application site comprises approximately half of the 26-32 Hever Road parade of shops, approved in 1966. The application site is for units 30 to 32, which were formerly occupied by Co-operative Food before the store re-located to the eastern end of the Hever Road.
- 2 The site is part of the western-most block within the long parade of commercial units made up of two blocks. The site is surrounded by residential development, including flats above the units.

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Description of proposal

- 3 Permission is sought to divide the ground floor of 30-32 Hever Road, formerly occupied by the Co-operative Food, into three separate units all within the same use class. The proposal includes the subdivision of 32 Hever Road into two units. In turn, this results in a requirement for new entrances to the units and a subsequent requirement for planning permission, which would not otherwise be required for the above changes to the occupation of the unit.

Relevant planning history

- 4 The history relevant to the site (excluding various advert consent applications) are:
- TH/5/65/124 - Erection of two storey block of 4 shops with flats over
 - TH/5/66/404 - Erection of two storey block of 4 shops with flats over
 - 00/01528/FUL - Install security shutters to shop front - Granted
 - 04/02365/FUL - Installation of ATM - Granted
 - 13/01859/FUL - Formation of new entrance in existing shop front with colour variations to the entrance. Existing entrance door retained as an exit and repositioning of ATM. Formation of a new compound area at the rear in metal frame with a flat roof and timber finish - Granted
 - 13/02116/FUL - Installation of new mechanical plant at the rear of the property- Granted
 - 16/02909/FUL - Removal of the existing free standing chiller unit and timber store to the rear yard of the existing Co-op and installation of a new Type C Secure Store including minor civils works and new refrigeration plant and 2no. condensing units - Granted
- 5 Adjacent relevant applications:
- 23/01534/FUL - Removal of former car parking area and erection of 4 dwellings with associated drive and car parking - Granted

Policies

- 6 National Planning Policy Framework (NPPF)

Paragraph 11 of the NPPF confirms that there is a presumption in favour of sustainable development, and that development proposals that accord with an up-to-date development plan should be approved without delay.

Paragraph 11 of the NPPF also states that where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, permission should be granted unless:

- application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed (footnote 7); or

- any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.
- 7 Footnote 7 relates to a variety of designations, including SSSIs, Green Belt, AONBs, designated heritage assets and locations at risk of flooding.
- 8 Core Strategy (CS)
- LO1 Distribution of Development
 - LO7 Development in Rural Settlements
 - SP1 Design of New Development and Conservation
- 9 Allocations and Development Management (ADMP)
- EN1 Design Principles
 - EN2 Amenity Protection
 - T1 Mitigating Travel Impact
 - T2 Vehicle Parking
 - T3 Provision of Electric Vehicle Charging Points

Constraints

- 10 The following constraints apply:
- Village confines of West Kingsdown

Consultations

- 11 West Kingsdown Parish Council:
- 1) The usage proposed will mean car parking required in some cases up to 1 – 2 hours e.g. Gym and Ladies Hairdressing. Until recently there was a facility for parking for 20+ cars at the rear behind this site which has been lost due to a recent planning approval for housing.
- 12 We have also lost three road side spaces until midday for deliveries with no new spaces replacing them. There is limited parking in the service road in front of the shops parallel to parking on the highway limited to 1 hour. There are double yellow lines at each end of this facility and single yellow lines beyond. Parking in these two places is already at maximum at peak times. This development can only exacerbate the parking problem.
- 13 2) Noise – the Gym will no doubt have music pumped out and the noise generated by the apparatus into the Early/late evening to the detriment of the residents nearby and in the flats above.
- 14 The site plan gives wrong information as to parking indicated as Axstane House. Children’s Nursery.
- 15 a) this facility is no longer in situ and has been replaced by a new Co-Op shop with 4 existing spaces at the rear and some public parking.

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- 16 b) the parking area indicated on the plan for Axstane House is not for public use and is restricted to residents of the flats and shop owners.
- 17 SDC Environmental Health:
- 18 Although the use is currently commercial, there is the potential for additional noise to be generated by the proposed uses - in particular the gym. It's noted on the application for that opening hours are proposed as 07:00 to 21:00 7 days a week but it's not clear if these hours relate to all 3 uses or just the gym. The hours do seem excessive, particularly on Sundays. Looking at Google maps, it appears that there are residential flats above all 3 units and also the adjacent units. Gyms have the potential to be very noisy - from weight drop noise, impact noise and also amplified music.
- 19 If planning permission is granted it is requested a Noise Impact Assessment be conditioned. In addition a condition requiring a Construction and Environmental Management Plan to be submitted is recommended.

Representations

- 20 8 letters of objection have been received relating to the following issues:
- Lack of parking following the approval for four houses to the rear.
 - Gym would require longer term parking, adding to the pressures the area already faces.
 - Not enough parking for current shops, let alone gym, barbers and hair salon.
 - Already hairdressers in the village.
 - Would have been beneficial to have an upmarket restaurant in the area instead.
 - Issues with parking on double yellows outside new Co-Op store.
 - Car park to the rear of Co-Op is not large enough.
 - Issues with buses and other large vehicles passing with the extent of on street parking.
 - Concerns regarding noise from the units, particularly the gym.
 - No shower facilities etc. on the proposed plans
- 21 3 letters of support have been received relating to the following matters:
- Strongly support having a new gym and salon in the area.
 - Support the proposal to have a gym in this location as only other facility is Brands Hatch Hotel which requires driving to.
 - Development likes this are vital for revitalising the area.
 - Opposing this sort of development hinders the chance for growth and regeneration.
- 22 1 letter of neither objection nor supporting the application has also been received relating to the following issues:
- Will there be sound proofing for the residents above the units.
 - Is there sufficient parking for the customers and employees of the businesses.
 - Opening hours clarification.

Chief Planning Officer's appraisal

- 23 The main planning considerations are:
- Principle of development;
 - Impact on the character of the area;
 - Residential Amenity;
 - Parking and Highway safety;
 - Other issues

Principle of development

- 24 The proposals would result in a change in occupancy of these units from a shop to use as a gym, a salon and barbers. However, the uses proposed fall within the same Use Class as the former shop; Use Class E as defined within the Town and Country Planning (Use Classes) Order 1987 (as amended).
- 25 As the proposals do not involve a change from one Use Class to another, planning permission is not required for the premises to be occupied by the proposed uses.
- 26 Permission is required for the alterations to the shop front to no. 32, which would provide two separate entrances.
- 27 Policy LO1 of the Core Strategy seeks to direct development to the built confines of existing settlements, the application site is located within the settlement confines of West Kingsdown and is therefore acceptable in this regard.
- 28 Policy L07 states that the Council will support and encourage innovative proposals to improve provision of services and facilities to serve the local community, subject to any development being of a scale and character appropriate to the area.
- 29 An assessment as to whether the proposal would protect the character of the area is carried out later in the report, using the design criteria of policy EN1 of the Allocations and Development Management Plan. However, in terms of quantum of development, the proposal is simply for the re-use of the vacant units since the Co-op relocated to the other end of the parade of shops. The proposed shopfronts would help facilitate this and ensure that these units are retained in a use appropriate to this location, which would help improve the provision and range of services to serve the local community and maintain the vibrancy and vitality of this local centre. In consequence, the proposal complies with policies LO1 and LO7 of the Core Strategy and the proposals are considered acceptable in principle.
- 30 As an aside, it might be worth noting that Class E, of the Town and Country Planning (Use Classes) Order 1987 (as amended), encompasses a range of uses (some of which could be more impactful than the proposed uses). These include, but are not limited to, café's & restaurants, offices, banks and other financial services, indoor sports, children's nursery, and even some form of light industrial uses that can be carried out in residential areas.

Impact on the character of the area

- 31 Policy SP1 of the Core Strategy and EN1 of the Allocations and Development Management Plan outline that all new development should be designed to a high quality and should respond to the distinctive local character of the area in which it is situated. Policy EN1 also states that the form of proposed development should be

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compatible in terms of scale, height, density and site coverage with other buildings in the locality. The design should be in harmony with adjoining buildings and incorporate materials and landscaping of a high standard.

- 32 It is proposed to re-use the now vacant Co-op store for a gym, salon and barbers. The Co-op store comprised numbers 30 to 32 of the Hever Road shops, it is proposed to subdivide the eastern end of the units (number 32) to form the Salon and Barbers with the larger portion of the unit left for the gym. Externally, one of the accesses/doorways for the former Co-Op store will remain and serve the gym and only advertising above the store front will change. As for the smaller units, the one entrance will be split into two and both units will feature their own advertisement above (which would be subject to separate consent).
- 33 As outlined above, only the subdivision requiring works to the frontage to facilitate the entrances requires planning permission. These works are considered minor and in keeping with the existing fenestration of the parade of shops. Overall, the proposed external works are considered to accord with policy EN1 of the Allocations and Development Management Plan and SP1 of the Core Strategy.

Residential amenity

- 34 Policy EN2 of the Allocations and Development Management Plan requires proposals to provide adequate residential amenities for existing and future occupiers of the development. Amongst other things, the policy seeks to protect occupants of nearby properties from noise pollution.
- 35 In this instance there is a potential for impact from noise/vibration from the Gym in particular. The units are (as is the case for the majority of the shops) located below residential flats above. The building is under one ownership, and it is understood that the flats are rented. The Planning Agent has highlighted that it would be in the best interest of the applicant (site owner) to maintain and preserve relationships with the residents/tenants of the properties above.
- 36 As highlighted throughout this report, changes of use within Class E of the Town and Country Planning (Use Classes) Order 1987 (as amended) do not require permission. The aim of Central Government when creating Class E in 2020 was to allow high streets and village centres like this to be more flexible and better adapt to a changing economic climate by allowing premises to move more freely between different uses, with the implication that such uses are considered by Government to be acceptable in residential areas.
- 37 The Environmental Health Officer has recommended a Noise Impact Assessment condition be included with any grant of permission. The proposal is for minor works to subdivide the units, and as outlined throughout this report there is no requirement for planning permission for a gym to occupy the unit(s).
- 38 Accordingly, it is necessary to ascertain such a condition meets the test of the Planning Practice Guidance which states:
- “the National Planning Policy Framework makes clear that planning conditions should be kept to a minimum, and only used where they satisfy the following tests:
1. necessary;
 2. relevant to planning;
 3. relevant to the development to be permitted;

4. enforceable;
5. precise; and
6. reasonable in all other respects”.

- 39 As the development only relates to the subdivision of the units and not the use (which does not require permission) a noise condition is not reasonable in terms of test 3 above. The applicant has agreed to a condition, however an unreasonable condition does not become reasonable because an applicant suggests it or consents to its terms. The condition must always be justified on its planning merits. In this case, such a condition would not be justified on the planning merits.
- 40 It would be unreasonable for the Council to impose a condition for a Noise Impact Assessment as it does not relate to the development. As for opening hours, the application form refers to the hours 7am to 9pm (7 days a week). The former use of the units as a Co-Op was operating on hours of 7am to 10pm. There is no condition for the control of operating hours on the building dating back to the original permission in 1966. Therefore, it would also be unreasonable to include a time restriction condition as it does not relate to the development i.e. the physical works to subdivide the building.

Parking and highway safety

- 41 Paragraph 115 of the NPPF states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.
- 42 There have been numerous concerns raised regarding the parking for the development, the gym in particular. The starting point is to consider whether the proposed use of the units is greater than that of the previous use as a Co-op store. It is considered that the Barbers and Hair Salon would only generate a small amount of traffic and significantly less than the store. Moreover, the village centre location would attract many visitors by foot. As for the gym, given its modest scale it is unlikely to generate a significant level of traffic and again is easily accessible via walking and public transport. Whilst it is noted that the gym may result in parking for longer periods than the supermarket, this would not, in the context of paragraph 115 of the NPPF, justify a refusal on highway grounds.
- 43 It is also worth noting the potential impact on parking from other uses that could lawfully use the premises as an alternative to the gym. A children’s nursery for example could generate more traffic, in particular at drop off and pick up times. Light industrial uses, which Class E also permits, could see a greater level of larger goods vehicles visiting the site.
- 44 It is accepted that the area already features on street parking, and the representations refer to parking on double yellow lines. The proposed re-use of a now closed unit will inevitably lead to some increase, albeit not significant as outlined above, particularly in regards to paragraph 115 of the NPPF.

Other issues

- 45 There have been other matter raised through representations, including:
- Need for gym in this location.
 - Need for salon/barbers in this location.
 - Would be better to have a restaurant.
 - No shower facilities etc. shown on the plans.

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- 46 Numerous comments regarding the need for a gym, salon and barbers in this location have been received. This is not a matter for the determination of the application as the Town and Country Planning (Use Classes) Order 1987 (as amended) does not stipulate/restrict new uses if there are similar ones in the area already. Moreover, the granting of this application would not restrict the uses to a gym, salon, barbers etc. going forwards, as future occupiers within Use Class E would still be able to occupy the units without planning permission.
- 47 With regard to the plans not detailing shower facilities etc. for the gym, as this relates to the internal layout of the unit it is not required as the planning permission does not restrict the internal layout, rather in this case it is simply for the subdivision of the units, specifically changes to the fenestration/entrances to the units.

Community Infrastructure Levy (CIL)

- 48 The proposed development is not CIL liable as there is no increase in floorspace.

Conclusion

- 49 The proposed development is considered acceptable in principle, the re-use alone does not require planning permission and the associated works will preserve the character of the area. The development and use will preserve the amenity of neighbouring residents and there will be no loss of highway safety. The development is considered to accord with policies LO1 and LO7 of the Core Strategy, policies EN1 and EN2 of the Allocations and Development Management Plan, the NPPF and relevant supplementary planning guidance.

Recommendation

- 50 It is therefore recommended that this application is granted.

Background papers

- 51 Site and Block Plan

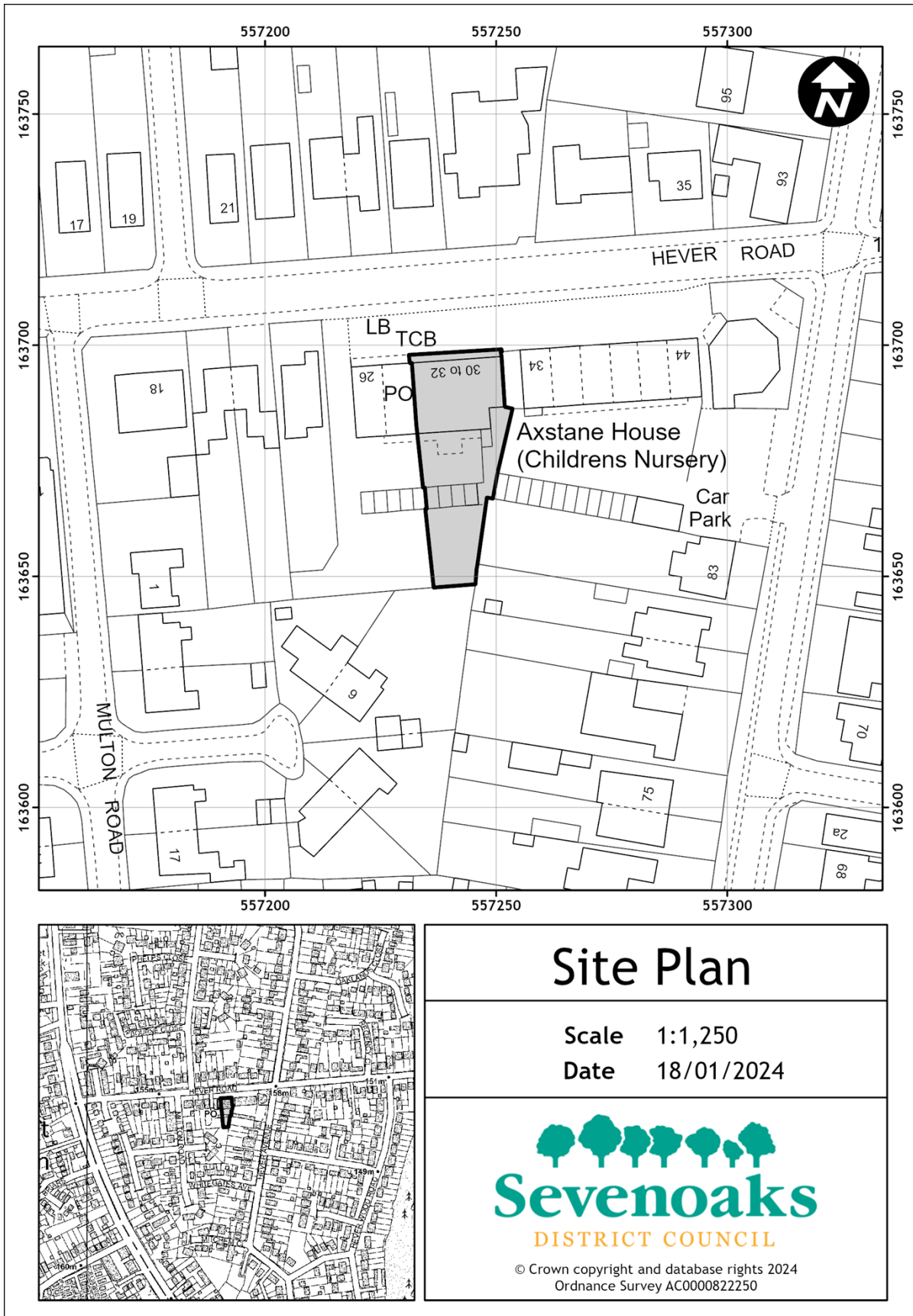
Contact Officer(s): Ashley Bidwell

01732 227000

Richard Morris
Chief Planning Officer

[Link to application details:](#)

[Link to associated documents:](#)



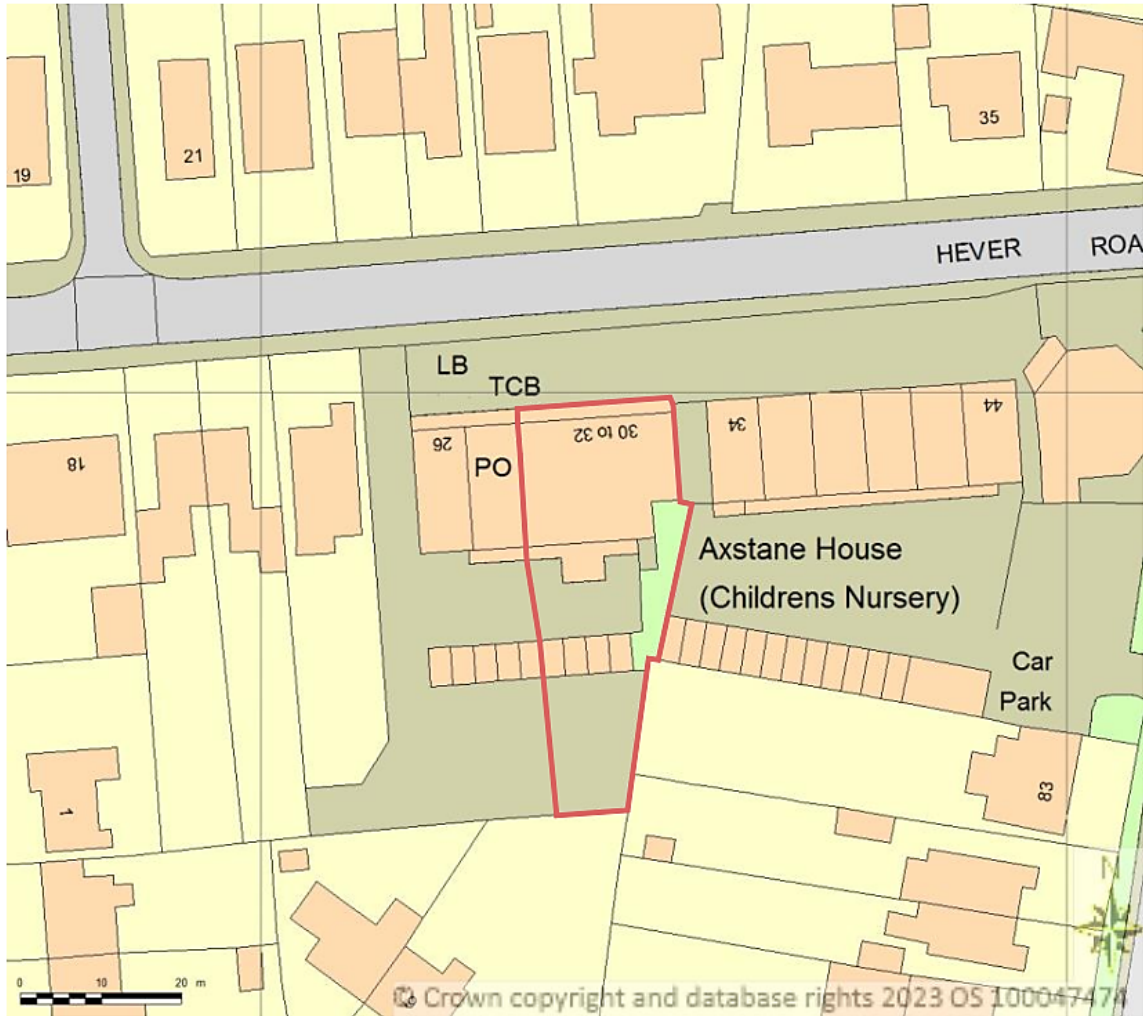
Site Plan

Scale 1:1,250

Date 18/01/2024



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Planning Application Information on Public Access – for applications coming to

DM Committee on Thursday 15 February 2024

4.1 23/03279/FUL - Co-op, 30-32 Hever Road, West Kingsdown Kent TN15 6HD

[Link to application details:](#)

[Link to associated documents:](#)

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