



Appeal Decision

Site visit made on 23 May 2023

by E Dade BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 16 November 2023

Appeal Ref: APP/G2245/W/22/3294524

160 London Road, Sevenoaks TN13 1BT

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant approval required under Article 3(1) and Schedule 2, Part 3, Class O of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).
 - The appeal is made by R20 Advisory Limited against the decision of Sevenoaks District Council.
 - The application Ref 21/02502/PAC, dated 27 July 2021, was refused by notice dated 10 September 2021.
 - The development proposed is change of use from office to residential providing 116 apartments.
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This decision is issued in accordance with section 56 (2) of the Planning and Compulsory Purchase Act 2004 as amended and supersedes that issued on 3 July 2023.

Decision

1. The appeal is allowed and prior approval is granted under the provisions of Article 3(1) and Schedule 2, Part 3, Class O of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) for change of use from office to residential providing 116 apartments at 160 London Road, Dunton Green, Sevenoaks TN13 1BT in accordance with the terms of the application, Ref 21/02502/PAC, dated 27 July 2021, the plans submitted with it, and subject to the following condition:
 - 1) Before first occupation of the development hereby approved, a car parking management scheme shall be implemented in accordance with details that shall have been first submitted to and approved in writing by the local planning authority. The car parking scheme shall include physical measures to restrict the maximum number of parking spaces available to occupants equivalent to 1 car parking space per unit. The measures implemented as approved shall be retained as such thereafter.

Preliminary Matters

2. Where the application was made on or before 31 July 2021, Article 3(1) and Schedule 2, Part 3, Class O of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (GPDO 2015) grants planning permission for development consisting of a change of use of a building and any land within its curtilage from a use falling within former Class B1(a) (offices) of the Schedule to the Use Classes Order, to a use falling within Class C3 (dwellinghouses) of that Schedule.

3. The planning application to which this appeal relates was made before 31 July 2021 and the Council accept that the proposal is able to qualify as permitted development under Class O. From everything I have seen in submissions and on my site visit, I find nothing that contradicts this conclusion.
4. In respect of prior approval matters, the provisions of Class O of the GPDO 2015 require the local planning authority to assess the proposed development on the basis of its transport and highways impacts; contamination risks on the site; flood risk on the site; the impacts of noise from commercial premises; and the provision of adequate natural light in all habitable rooms of the dwellinghouses. The Council have no objection to the scheme in terms of the matters of contamination, flooding, noise and natural light, and I have no reason to consider otherwise.
5. The principle of development is established by the GPDO 2015 and the provisions of Schedule 2, Part 3, Class O do not expressly or otherwise require determination of the appeal on the basis of s38(6) of the Planning and Compulsory Purchase Act 2004. However, I have had regard to the policies of the National Planning Policy Framework (the Framework) only in so far as they are a material consideration relevant to the matters of prior approval specified for Class O.

Main Issue

6. The main issue in this appeal is whether the proposed development would be granted planning permission by Schedule 2, Part 3, Class O of the GPDO 2015, with particular regard to the transport and highway impacts of the proposed development.

Reasons

7. The appeal property is a large office building adjacent to a main route through the town. The surrounding area is predominantly urban with a mix of shops, services, and employment opportunities within walking distance. The area is well-served by pedestrian footways and crossings. The site is opposite a rail station which, in addition to rail services, offers bus stops and a taxi rank. The site is therefore accessible and well located to utilise a range of modes of transport.
8. The Transport Statement demonstrates that, relative to the existing office use, the proposed development would result in a net reduction in the number of trips generated by the site. Notably, the greatest decrease would be in trips to/from the site by car. The proposal is therefore capable of achieving a positive effect in respect of transport and highway matters through a reduction in car use and the associated social and environmental effects such as inequity, congestion, and pollution.
9. However, the appeal site offers extensive existing car parking, including surface car parks at the front and side of the building and a large basement car park. Based upon the Council's parking standards, the proposed development would include around 400 surplus car parking spaces, a significant oversupply.
10. The Transport Statement's prediction of trips generated is based on the existing travel habits of residents of the area. However, the significant overprovision of parking spaces would encourage car dependency, and therefore the travel habits of future occupants of the development may not

reflect those of existing residents in the area. The effects of the overprovision of car parking are not tested by the Transport Statement, and thus are unknown. Therefore, there is a realistic prospect that, due to the oversupply of car parking spaces, the proposal would have unacceptable transport impacts on the operation of the strategic road network.

11. As per paragraph 55 of the Framework, it is necessary to consider whether otherwise unacceptable development could be made acceptable through the use of conditions or planning obligations.
12. I have considered the appellant's suggested condition which would require the appellant to submit in writing a car parking management scheme to the Council for its approval. The scheme would include physical measures to restrict the maximum number of parking spaces available to occupants to be equivalent to 1 car parking space per unit, thereby bringing car parking provision in line with the Council's parking standards.
13. The condition would ensure that the travel habits of future occupants are aligned with residents of the local area. On this basis the proposed development would provide a net reduction in trip generation, as modelled by the Transport Assessment. The suggested condition is therefore necessary to ensure harm to the operation of the strategic road network from the proposal does not arise and I attach the condition to my decision.
14. Since the condition relates to the submission and approval of written details and physical measures to limit the provision of car parking, the condition would not materially alter the proposal. The suggested condition was available to the relevant parties during the appeal process and therefore no party would be prejudiced by its imposition.
15. Where land taken out of use as car parking is to serve an alternative use, this will be subject to the usual requirements of the planning system. In addition, through management of the provision of car parking on the site and the areas of those parking spaces lost, there is no substantive reason to suggest the proposal would affect the operation of the public multi-storey car park on the adjacent site. As I have found the unacceptable impacts can be adequately addressed through a planning condition, use of a planning obligation is not necessary.
16. Insofar that it is relevant to my consideration of the prior approval matters, paragraph 111 of the Framework 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. Subject to the attached condition, I conclude that the proposed development would not have unacceptable transport and highway impacts.

Other Matters

17. Local residents have raised concerns regarding the additional demand for services and infrastructure associated with an increase in population from the development. However, as set out above, the provisions of Class O of the GPDO 2015 limits my considerations to matters of transport and highways, contamination, flooding, noise, and natural light only.

Conditions

18. Any planning permission granted for the development under Article 3(1) and Schedule 2, Part 3, Class O of the GPDO 2015 is subject to the condition that it must be completed within a period of 3 years starting with the prior approval date. Also Paragraph W(12) of Schedule 2, Part 3 of the GPDO 2015 requires development to be carried out in accordance with the details submitted.
19. Paragraph W(13), Schedule 2, Part 3 of the GPDO 2015 allows conditions to be imposed that are reasonably related to the subject matter of the prior approval. As set out above, to ensure the proposal would not have unacceptable transport and highway impacts, I have included a condition requiring the submission and approval of a car parking management scheme.

Conclusion

20. For the reasons given above, I conclude that the appeal should be allowed and prior approval is granted under Schedule 2, Part 3, Class O of the GPDO 2015.

E Dade

INSPECTOR