



Appeal Decision

Site visit made on 8 January 2025

by Stewart Glassar BSc (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 31 January 2025

Appeal Ref: APP/G2245/W/24/3345734

The Old Meeting House, St. Johns Road, Sevenoaks, Kent TN13 3LR

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Dr. Ejaz Ansari (Sevenoaks Masjid Centre) against the decision of Sevenoaks District Council.
 - The application Ref is 23/00068/FUL.
 - The development proposed is change of use to a place of worship.
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Decision

1. The appeal is allowed and temporary planning permission is granted for a change of use to a place of worship at The Old Meeting House, St. Johns Road, Sevenoaks, Kent TN13 3LR in accordance with the terms of the application, Ref 23/00068/FUL, subject to the conditions in the attached schedule.

Application for costs

2. A separate application for costs was made by Dr. Ejaz Ansari (Sevenoaks Masjid Centre) against Sevenoaks District Council. That application is the subject of a separate decision.

Main Issues

3. The main issues are the effect of the proposed development on a) the living conditions of neighbours, with particular regard to noise and activity; and b) highway safety.

Reasons

4. St. John's Road is largely residential in character. The southern end of the road, where the appeal site is located, is less residential in character as it includes a Church opposite the appeal site as well as childcare/early education premises nearby and to the rear, in Bradbourne Road. There is also a local parade of shops on Dartford Road. Notwithstanding this, the appeal site does have residential properties adjacent and in relatively close proximity to it.
5. The appeal building is currently vacant but both main parties acknowledge it has an extant permission for an office use. This would fall within Class E of the Town and Country Planning (Use Classes) Order 1987 (as amended) which allows for the building to be used for a range of commercial, business and service uses. The appeal building therefore adds to the mix of uses in the area.

Living Conditions

6. The proposal would result in the building being used seven days a week, as opposed to the currently permitted five. The operating times would also be expanded from 0830 – 1800 hours to 0700 – 2300 hours with the proviso that between February and September, an even earlier start time of 0430 hours would be required.
7. Attendance at these earlier times is not anticipated to be high, with the highest attendance of the week being at Friday lunchtime (1200 – 1400 hours). A series of sound insulation measures is proposed to the building and there would not be the use of amplified music. The technical information submitted in support of the scheme indicates that there would not be harmful noise arising from the activities inside the building. The measures which are proposed could be covered by planning conditions to ensure compliance.
8. However, it is not clear why the assessment is based on only the neighbours' windows being open. It is not unreasonable to assume that during the summer or periods of hot weather, both buildings could have windows open at the same time. Although the appellant says that the Council has not demonstrated that this would necessarily be problematic, it is a reasonable question to ask and one that neither the noise assessment nor appeal statement directly answer. A condition requiring windows to be kept closed would rely on the premises being proactively managed.
9. In addition to noise from inside the building, there would be activity outside of it. There will be comings and goings with potential associated disturbance from car doors, engines being started and conversation between those entering/exiting the building. These are potential consequences of the use and which planning conditions could only indirectly address such as by restricting the number of attendees and requiring proactive site management.
10. During the day and early evening these are unlikely to be problematic given the character of the area and the general levels of background noise and activity. However, there would be a concern later on at night or very early in the morning, when other nearby non-residential uses in the vicinity would not generally be open/operating, as nearby residents have a reasonable expectation of a quiet, undisturbed environment. Any occurrences of noise or activity do not therefore need to be excessively loud or prolonged for them to disturb the living conditions of nearby occupiers.

Highway Safety

11. The appeal site has some on-site parking, but it is accepted by all parties that there will be overspill parking on the adjacent roads. As I saw on my site visit, St John's Road is not overly wide and cars park on both sides of the road.
12. The parking survey conducted by the appellant was over two days and at times of the day which accord with the widely adopted 'Lambeth' approach for such assessments. It identified that there was sufficient on-street parking to accommodate the overspill without leading to parking stress. The fact that the survey was not over the requested seven days does not diminish the information that was obtained.

13. A survey undertaken by the Parish Council suggests that there is less on-street parking available than the appellant indicates. Whilst the appellant notes that the Parish Council's survey was not conducted as per the 'Lambeth' methodology, it nevertheless provides a useful snapshot, as did my own site visit on a weekday morning.
14. Based on what I have read and what I saw, I have no doubt that at certain times of the day and on certain days of the week, travelling along the road or finding a convenient parking space can be challenging. The proposal is therefore likely to make this process harder, albeit the uplift in demand should be seen in the context of there being an extant use on the site which could already generate traffic/overspill parking from the appeal site.
15. However, there is no suggestion that the proposal would lead to unacceptable parking stress. Importantly, the Highway Authority has not indicated that the predicted on-street parking demand, even on a Friday lunchtime when there would be the greatest demand for spaces, would have an adverse effect on highway safety.
16. The Highway Authority is basing its conclusions on the submitted details and anticipated levels of attendance at the appeal building. As there is currently no comparable alternative to the proposal, once the use becomes better established the Highway Authority is concerned that attendance could increase, rendering the predicated demand out of date, which in turn could have implications for any Travel Plan.
17. Whilst the absence of TRICS data on such uses may indicate that they are not generally problematic, the particular circumstances around this site, such as the nature of the road and limited information on attendance levels, lead me to favour a more precautionary approach, in line with the Highway Authority. I also cannot ignore the experiences and difficulties of local residents and their concerns regarding current parking pressures and how additional traffic could affect them both in terms of highway safety and their environment more generally.
18. The Highway Authority has not raised concerns with regard to the limited visibility when exiting the site. I saw and experienced the existing situation on my site visit. It seems to me that anyone exiting the site by car would necessarily have to adopt a cautious approach. I am also mindful that the extant permission would have enabled unrestricted use of the access during normal business hours. The additional use of the car park above those times is generally likely to be when the roads and footpaths are less busy. As such, any increased use of the access is unlikely to be materially harmful in terms of pedestrian or wider highway safety.

Findings

19. With regard to living conditions and highway safety, I find that there are some aspects of the proposal which at this stage are difficult to predict with reasonable certainty. Placing restrictions on the number of attendees at certain times of the day may help to reduce the likelihood of neighbours being disturbed or highway safety being compromised.
20. Conditions to this effect would be difficult but not impossible to enforce. However, if the use becomes more established then the number of people wishing to attend

the venue increases and the predicted attendance levels could quickly become out of date.

21. Even if the appellant were able to turn people away once the prescribed number of attendees were in the building, this could have consequences in terms of traffic generation, noise and disturbance, particularly early in the morning or late at night. The extent to which such situations might arise and how they would be managed are not entirely predictable.
22. Therefore, whilst I am unable to conclude that the proposed use would demonstrably cause additional noise and disturbance or highway safety concerns, I recognise the potential for this to occur.
23. The Planning Practice Guidance does allow, in circumstances where the effect of a use is not entirely straightforward to predict, for a temporary permission to be conditioned to allow the use to be assessed in practice over a period of time. I believe that with the controlling conditions referred to above that this would be a reasonable approach and necessary in this case. It would be fair to the appellant, neighbours and the Council.
24. At the end of the temporary permission, the Council would be able to reconsider the proposal in light of experiences gained in the intervening period. As such, were issues to be highlighted, it remains within the gift of the planning authority to decline a further permission.
25. Accordingly, I find that the development complies with Policies EN2, EN7 T1 and T2 of the Sevenoaks Allocations and Development Management Plan 2015 insofar as these policies aim to protect the living conditions of existing residents, manage and mitigate noise, as well as travel and parking impacts from new developments. This is subject to a condition for a limited trial period.

Other Matters

26. I have been referred to the possible provision of car parking at a nearby Adult Education Centre. It appears that some parking may be available but that would be an informal arrangement between the appellant and the college and not one over which any planning permission might exercise direct control. It is possible that in the future this is something which could be more formally included within a Travel Plan but at this stage it is not something to which I can attribute anything more than a very small amount of positive weight.
27. I have also been referred to an extension at Hope Church. However, that was not a change of use but an extension to an established place of worship. As such, the planning context is not directly comparable to the scheme before me. Furthermore, although that scheme was not required to produce a parking survey, I have no information as to whether surrounding roads at that time displayed a level of parking congestion that warranted such information. As such, it is not a matter which alters my overall findings.
28. I have not had further regard in this decision to concerns over how the Council or its Councillors handled matters as this is an administrative matter to be taken up directly with them. I have focused on the planning merits of the scheme in regard to the main issues of the case.

Conditions

29. I have sought the comments of the main parties on the conditions and where necessary sought the appellant's written agreement to any pre-commencement conditions.
30. As part of this process the appellant requested that the two hour Friday lunchtime period, when more attendees would be permitted, be moved 30 mins later, to start at 1230 hours and finish at 1430 hours. Whilst this may still be outside of the peak times for the highways, it is nonetheless an evolution of the scheme at a very late stage in the process. Neither the Council, Highway Authority nor local residents have had an opportunity to comment upon this change and therefore in the interests of fairness is not a request to which I can agree. It would be open to the appellant to seek such a request from the Council in the future.
31. In addition to a condition which lists the approved plans and documents, it is reasonable and necessary for the reasons set out above to restrict the permission to a temporary period. There is a need for a condition requiring the sound mitigation measures to be established and implemented. These include more than just the measures outlined in the submitted noise report. These, together with measures required by other conditions, will need to be undertaken prior to commencement; will need to be agreed with the Council; and will take a little while to be completed. Therefore, a temporary permission of 30 months should be sufficient to allow the appellant some time (perhaps six months) to complete all this preparatory work and a period of approximately two years to use the premises. This should allow neighbours and the Council to gain sufficient experience of the use operating at the earlier time of the year as well as during periods of hot weather.
32. In addition, conditions controlling the nature of the use, the hours of operation, the number of people in the building at certain times of the day, the use of amplified music and external lighting would be necessary to ensure the living conditions of neighbours are protected.
33. The provision of a Travel plan, car parking layout and cycle parking facilities will be necessary to help limit the effect of the proposal on the wider area. A Travel Plan was submitted with the planning application, but the Highway Authority sought additional information and so a condition would allow the original document to be updated and considered accordingly.
34. Given that electric vehicle charging points now fall under building regulations, and in the absence of evidence to the contrary, there is not a planning reason to secure such matters through this decision.

Conclusion

35. Having regard to the development plan and for the reasons given above, I conclude that the appeal should succeed, and temporary permission granted for the use subject to the conditions set out in the schedule of conditions below.

Stewart Glassar

INSPECTOR

Schedule of Conditions

- 1) The building shall be used for, or in connection with public worship or religious instruction (Use Class F1(f)) only and for no other purpose, including any other purpose in Class F1 of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (as amended) (or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification).
- 2) The use hereby permitted shall be for a limited period of 30 months from the date of this decision. The use hereby permitted shall be discontinued and the building restored to its former condition on or before that date in accordance with a scheme of work that shall first have been submitted to and approved in writing by the local planning authority.
- 3) The development hereby permitted shall be carried out in accordance with drawing numbers and documents:

Site Location, Existing & Proposed Block Plans	-	2389 - 01 Rev B
Plans And Elevations as Proposed	-	2389/03 Rev A

Noise Impact Assessment by: MRL Acoustics Ltd
(Report No. MRL/100/1993.1v1 - June 2023)
- 4) The use hereby permitted shall not commence until a noise management plan has been submitted to, and approved by, the Local Planning Authority in writing. The noise management plan shall include but is not limited to:
 - a) specification of the noise insulation measures to be implemented as outlined in Section 3 of the Noise Impact Assessment by MRL Acoustics Ltd (report No. MRL/100/1933.1v1 - dated June 2023).
 - b) 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).
 - c) details confirming that all windows and doors must remain shut whilst the use of the building is in operation.
 - d) 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 not less than six 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.The approved noise insulation measures shall be fully implemented prior to the first use of the development hereby permitted, and shall be maintained thereafter. The scheme to manage noise amongst building users shall be implemented in line with the details submitted within the noise management plan.
- 5) The use hereby permitted shall not commence until a Travel Plan, to reduce dependency on the private car, has been submitted to and approved in writing by the Local Planning Authority. The Travel Plan shall include objectives and modal-split targets, a programme of implementation and

provision for monitoring, review and improvement. Thereafter, the approved Travel Plan shall be fully implemented throughout the life of the development and reviewed annually. The annual review will be submitted to the Local Planning Authority for review and approval in writing.

- 6) The use hereby permitted shall only take place between the following hours: 0700 - 2300 Monday – Sunday, except between 1 February and 30 September (inclusive) when the use may additionally take place between 0430 – 0700 hours Monday – Sunday.
- 7) The building shall not be used or occupied by more than 5 persons before 0700 hours and shall not be occupied by more than 25 persons at any other time, except between 1200 - 1400 hours on Fridays where no more than 70 persons shall occupy the building. 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. There shall be no congregational worship in external areas of the site.
- 8) No amplified music (recorded or live) or singing shall be played at the premises. No sound-amplifying equipment, loudspeakers or public address system shall be installed or operated externally, outside of the building.
- 9) The car parking bays as shown on approved drawing 2389/03 Rev A shall be provided on site prior to the use of the site commencing and shall be permanently retained thereafter. During the peak operating hours of 1200 – 1400 on Fridays, a parking marshal(s) shall be present on site to manage parking and drop-offs/collection at the premises.
- 10) The cycle parking facilities as shown on approved drawing 2389/03 Rev A shall be provided on site prior to the use of the site commencing and shall be retained thereafter for the duration of the use hereby permitted.
- 11) Details of any external lighting shall be submitted to and approved in writing by the local planning authority before the use hereby permitted commences. Development shall be carried out in accordance with the approved details.

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