

**Snodland**  
Snodland East

**570509 161791 4 July 2008**

**TM/08/01909/FL**

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Proposal: Conversion of shop and living accommodation into small flats  
Location: 90 High Street Snodland Kent ME6 5AN  
Applicant: Mr David Payne

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**1. Description:**

1.1 Members will recall that this application was deferred from the November 2008 Area 3 Planning Committee (copy of report attached as an Annex) for a Members Site Inspection. The Inspection was held on the 13 January 2009 at 18:00 hours.

**2. Determining Issues:**

2.1 The principle of converting the shop with living accommodation to a solely residential use is acceptable in policy terms. The proposal includes the conversion of the premises to form 5x 1 bedroom flats.

2.2 The shop front is to be retained, with the insertion of privacy panels, and a new entrance to the flats formed in the side frame of the existing shop front.

2.3 External alterations include the provision of two small dormers at the front of the property and a single dormer at the rear of the property and the replacement of the existing rear extension so that it is 1.3m from the common boundary with no.88A High Street, as oppose to up to the common boundary line. The existing rear extension is 8.2m in depth and the proposed rear extension is 8.5m in depth, therefore is 300mm deeper.

2.4 The roof of the existing rear extension has a maximum height of 4.6m and a minimum height of 3.8m. The roof of the proposed rear extension will have a maximum height of 4.5m and a minimum height of 3.6m.

2.5 The applicant has verbally confirmed that he will be leaving the flank wall of the original extension as a retaining wall, at the neighbour's request. The applicant has now confirmed this in writing.

2.6 Members raised some issues during the site inspection. The use of the premises as a shop is uncontrolled, there are no constraints regarding the hours of operation of the site. Therefore the timing of use of the parking space on the road utilised by a new shop use compared with the proposed use would not necessarily differ, particularly if it were to be a convenience store, off licence or dvd rental shop.

2.7 There is a balance in the theoretical parking need for the site, as the use of the premises as 5x 1 bedroom flats would, according to the Vehicle Parking Standards require 5 parking spaces and the use of the premises as a retail shop with living

accommodation above would also require 4/5 parking spaces (1/2 spaces for the retail element and 3 spaces for the residential element). There are no parking spaces available on site, but the need for parking will not be made materially worse by the change of use to residential flats than would be the case if the unit was to operate as a retail unit with residential accommodation above.

- 2.8 As no on site parking facilities can be provided the applicant has verbally agreed that bicycle storage facilities could be provided. A condition is recommended to require further details in relation to bicycle storage.
- 2.9 Business Rates and Council Tax have confirmed that the property has been used as a residential unit and business premises since 2001. Therefore, it is considered that on the balance of probability that the use of the premises remains as a shop with residential accommodation above. There is no evidence to suggest that the use of the premises as a retail unit has been abandoned; this will normally be indicated by an intentional action.
- 2.10 As the premises is outside of the land allocated for retail use within the Development Land Allocations DPD, 2008, the loss of a vacant shop is not opposed.
- 2.11 Following concerns during the Members Site Inspection, the applicant has now submitted drawings representing the flank elevation accurately to show the proposed dormer windows in context of the existing chimneys and reducing the size of the dormer windows.
- 2.12 I promised that I would report back on the possibility of securing a car free scheme by using S106 to prevent occupiers owning a car. The evidence available shows that only city urban authorities have been known to seek developments that are 'car free' through a legal agreement and restrictive covenants to be imposed between the Owner, Lessee and the Council. However, this has only, in effect, prevented occupiers applying for residential parking permits or season tickets in Council car parks. There are no residents parking schemes in the area that any such restriction could be linked to in this case. A parking study is being carried out in Snodland, however no findings are yet available.
- 2.13 The public car park in Snodland has a 23 hour parking restriction, so that individuals cannot claim ownership of a parking space, but can be used for overnight parking.
- 2.14 A condition is brought forward from the Supplementary Report requiring details of a scheme for storing and screening of refuse and an informative has been added to ensure that the bins are placed on the shared entrance of the property at the nearest point to the adopted KCC highway on collection days.

- 2.15 With regard to additional issues raised by Members and the need of small bedsits in the area, Planning Policy Statement 3 – housing, advises that “key characteristics of a mixed community are a variety of housing, particularly in terms of tenure and price and a mix of households such as families with children, single person households and older people”. Furthermore, the Housing and Market Needs Survey (2005) highlighted the substantial need for smaller homes. It was found that the requirement for one bedroom accommodation was found to be “higher (21.5%) than that found in other surveys carried out by DCA – in which around 8% has been the average” (page 62 of report). It is considered that the conversion of the premises to 5x 1 bedroom flats is acceptable in this location.
- 2.16 The application site is not within an air quality management area and the nature of the proposal will not result in adverse air quality conditions.
- 2.17 In light of the above considerations and those raised in my original report from November 2008, I am satisfied that this proposal is acceptable.

### **3. Recommendation:**

- 3.1 **Grant Planning Permission** in accordance with the following submitted details: Floor Plan 0821-0002 dated 18.06.2008, Floor Plan 0821-0003 dated 18.06.2008, Elevations 0821-0004 dated 18.06.2008, Elevations 0821-0005 dated 18.06.2008, Report DESIGN AND PLANNING STATEMENT dated 04.07.2008, Block Plan 0821-0006 EXISTING dated 04.07.2008, Floor Plan 0821-0007 EXISTING dated 04.07.2008, Floor Plan 0821-0008 EXISTING dated 04.07.2008, Elevations 0821-0009 EXISTING dated 04.07.2008, Letter dated 18.06.2008, Design and Access Statement dated 18.06.2008, Location Plan 0821-0000 dated 18.06.2008, Block Plan 0821-0001 dated 18.06.2008, Photographs dated 17.10.2008, Letter dated 19.10.2008, subject to the following:

#### **Conditions / Reasons**

- 1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.  
  
Reason: In pursuance of Section 91 of the Town and Country Planning Act 1990.
- 2 All materials used externally shall match those of the existing building.  
  
Reason: To ensure that the development does not harm the character and appearance of the existing building or visual amenity of the locality.
- 3 No development shall be commenced until:  
  
(a) a site investigation has been undertaken to determine the nature and extent of any contamination, and

(b) the results of the investigation, together with an assessment by a competent person and details of a scheme to contain, treat or remove any contamination, as appropriate, have been submitted to and approved by the Local Planning Authority. The assessment and scheme shall have regard to the need to ensure that contaminants do not escape from the site to cause air and water pollution or pollution of adjoining land.

The scheme submitted pursuant to (b) shall include details of arrangements for responding to any discovery of unforeseen contamination during the undertaking of the development hereby permitted. Such arrangements shall include a requirement to notify the Local Planning Authority of the presence of any such unforeseen contamination.

Prior to the first occupation of the development or any part of the development hereby permitted

(c) the approved remediation scheme shall be fully implemented insofar as it relates to that part of the development which is to be occupied, and

(d) a Certificate shall be provided to the Local Planning Authority by a responsible person stating that remediation has been completed and the site is suitable for the permitted end use.

Thereafter, no works shall take place within the site such as to prejudice the effectiveness of the approved scheme of remediation.

Reason: In the interests of amenity and public safety.

- 4 Before any works commence on site, arrangements for the management of demolition and construction traffic to and from the site (including the hours of operation) shall be submitted to and approved by the Local Planning Authority. The development shall be carried out in accordance with the approved scheme unless any variation has been agreed by the Local Planning Authority in writing beforehand.

Reason: In the interests of residential amenities and highway safety.

- 5 No development shall commence until details of a scheme for the storage and screening of refuse has been submitted to and approved by the Local Planning Authority. The approved scheme shall be implemented before the development is occupied and shall be retained at all times thereafter.

Reason: To facilitate the collection of refuse and preserve visual amenity.

- 6 No development shall commence until details of a bicycle store has been submitted to and approved by the Local Planning Authority. The approved bicycle store shall be implemented before the development is occupied and shall be retained at all times thereafter.

Reason: To ensure adequate bicycle storage on the site.

### **Informatives**

- 1 The Local Planning Authority supports the Kent Fire Brigade's wish to reduce the severity of property fires and the number of resulting injuries by the use of sprinkler systems in all new buildings and extensions.
- 2 The proposed development is within a road which has a formal street numbering scheme and it will be necessary for the Council to allocate postal address(es) to the new property/ies. To discuss the arrangements, you are invited to write to the Chief Solicitor, Tonbridge and Malling Borough Council, Gibson Building, Gibson Drive, Kings Hill, West Malling, Kent, ME19 4LZ or contact Trevor Bowen, Principal Legal Officer, on 01732 876039 or by e-mail to [trevor.bowen@tmbc.gov.uk](mailto:trevor.bowen@tmbc.gov.uk). To avoid difficulties for first occupiers, you are advised to do this as soon as possible and, in any event, not less than one month before the new properties are ready for occupation.
- 3 The applicant is advised to note the provisions of the Control of Pollution Act 1974 with regard to noise and disturbance from construction works. Works should be undertaken between the hours of 7.30am and 6.30pm Monday to Friday; 8am to 1pm Saturday, with no working on Sundays or Bank Holidays. Advice regarding this matter may be obtained from the Director of Health and Housing, Tonbridge and Malling Borough Council, Gibson Building, Gibson Drive, Kings Hill, West Malling, Kent, ME19 4LZ. Tel: (01732) 844522.
- 4 The owners/occupiers of the development are to be advised that bins are placed on the shared entrance of the property at the nearest point to the adopted KCC highway on collection days.

Contact: Vicky Bedford