

TONBRIDGE & MALLING BOROUGH COUNCIL



EXECUTIVE SERVICES

Chief Executive

Julie Beilby BSc (Hons) MBA

Gibson Building
Gibson Drive
Kings Hill, West Malling
Kent ME19 4LZ
West Malling (01732) 844522

NB - This agenda contains proposals, recommendations and options. These do not represent Council policy or decisions until they have received proper consideration through the full decision making process.

Contact: Committee Services
committee.services@tmbc.gov.uk

25 September 2019

To: MEMBERS OF THE AREA 3 PLANNING COMMITTEE
(Copies to all Members of the Council)

Dear Sir/Madam

Your attendance is requested at a meeting of the Area 3 Planning Committee to be held in the Civic Suite, Gibson Building, Kings Hill, West Malling on Thursday, 3rd October, 2019 commencing at 7.30 pm. Deposited plans will be available for Members' inspection for half an hour before the start of the meeting.

Yours faithfully

JULIE BEILBY

Chief Executive

A G E N D A

PART 1 - PUBLIC

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To confirm as a correct record the Minutes of the meeting of Area 3 Planning Committee held on 11 July 2019

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Any other items which the Chairman decides are urgent due to special circumstances and of which notice has been given to the Chief Executive.

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The Chairman to move that the press and public be excluded from the remainder of the meeting during consideration of any items the publication of which would disclose exempt information.

10. Urgent Items

Any other items which the Chairman decides are urgent due to special circumstances and of which notice has been given to the Chief Executive.

MEMBERSHIP

Cllr D A S Davis (Chairman)
Cllr M C Base (Vice-Chairman)

Cllr Mrs S Bell
Cllr T Bishop
Cllr R I B Cannon
Cllr D J Cooper
Cllr R W Dalton
Cllr Mrs T Dean
Cllr S M Hammond
Cllr P M Hickmott
Cllr A P J Keeley

Cllr D Keers
Cllr A Kennedy
Cllr D Lettington
Cllr Mrs R F Lettington
Cllr Mrs A S Oakley
Cllr R V Roud
Cllr Mrs M Tatton
Cllr D Thornewell
Cllr C J Williams

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TONBRIDGE AND MALLING BOROUGH COUNCIL

AREA 3 PLANNING COMMITTEE

Thursday, 11th July, 2019

Present: Cllr D A S Davis (Chairman), Cllr M C Base (Vice-Chairman), Cllr Mrs S Bell, Cllr T Bishop, Cllr R I B Cannon, Cllr D J Cooper, Cllr R W Dalton, Cllr P M Hickmott, Cllr A P J Keeley, Cllr D Keers, Cllr D Lettington, Cllr Mrs R F Lettington, Cllr Mrs A S Oakley, Cllr Mrs M Tatton, Cllr D Thornewell and Cllr C J Williams

Councillor N J Heslop was also present pursuant to Council Procedure Rule No 15.21.

Apologies for absence were received from Councillors Mrs T Dean, S M Hammond, A Kennedy and R V Roud

PART 1 - PUBLIC

AP3 19/19 DECLARATIONS OF INTEREST

There were no declarations of interest made in accordance with the Code of Conduct.

AP3 19/20 MINUTES

RESOLVED: That the Minutes of the meeting of the Area 3 Planning Committee held on 6 June 2019 be approved as a correct record and signed by the Chairman.

DECISIONS TAKEN UNDER DELEGATED POWERS IN ACCORDANCE WITH PART 3 OF THE CONSTITUTION (RESPONSIBILITY FOR COUNCIL FUNCTIONS)

AP3 19/21 DEVELOPMENT CONTROL

Decisions were taken on the following applications subject to the pre-requisites, informatives, conditions or reasons for refusal set out in the report of the Director of Planning, Housing and Environmental Health or in the variations indicated below. Any supplementary reports were tabled at the meeting.

Members of the public addressed the meeting where the required notice had been given and their comments were taken into account by the Committee when determining the application. Speakers are listed under the relevant planning application shown below.

AP3 19/22 TM/19/00449/FL - DEVELOPMENT SITE NORTH OF VANTAGE POINT, HOLBOROUGH ROAD, SNODLAND

Erection of 4 no. warehouse units (Use Classes B1c/B2/B8) and 2 no. Drive-Thru units (Use Classes A3 and/or A5), together with the provision of parking, landscaping and associated works at Development Site North of Vantage Point, Holborough Road, Snodland.

APPLICATION WITHDRAWN FROM AGENDA**AP3 19/23 TM/18/03048/AO - GARDEN CENTRE REAR OF 400 HERMITAGE LANE, MAIDSTONE**

Outline Application: Redevelopment of existing garden furniture retail centre (with ancillary café) and commercial cattery and small pet boarding centre with 9 no. dwellings comprising 3 no. detached four bedroom houses and 6 no. semidetached three bedroom houses with associated alterations to existing access road, new garaging and parking facilities and surface water run off pond at Garden Centre rear of 400 Hermitage Lane, Maidstone.

RESOLVED: That Outline Planning Permission be GRANTED in accordance with the submitted details, conditions, reasons and informatives set out in the report and supplementary report of the Director of Planning, Housing and Environmental Health subject to the addition of Condition

9. Notwithstanding the provisions of Article 3, Schedule 2, Part 1, Class E of the Town and Country Planning (General Permitted Development) Order 2015 (including any Order revoking or re-enacting that Order, with or without modification) no doors or other means of enclosure shall be installed to the front elevation of the car ports.

Reason: To ensure that parking is provided and maintained in accordance with the Council's adopted standards and enclosure of the car ports could reduce their use for vehicle parking.

PART 2 - PRIVATE**AP3 19/24 EXCLUSION OF PRESS AND PUBLIC**

There were no items considered in private.

The meeting ended at 7.38 pm

TONBRIDGE & MALLING BOROUGH COUNCIL

AREA PLANNING COMMITTEES

Report of the Director of Planning, Housing & Environmental Health

Part I – Public

Section A – For Decision

DEVELOPMENT CONTROL

In accordance with the Local Government Access to Information Act 1985 and the Local Government Act 1972 (as amended), copies of background papers, including representations in respect of applications to be determined at the meeting, are available for inspection at Planning Services, Gibson Building, Gibson Drive, Kings Hill from 08.30 hrs until 17.00 hrs on the five working days which precede the date of this meeting.

Members are invited to inspect the full text of representations received prior to the commencement of the meeting.

Local residents' consultations and responses are set out in an abbreviated format meaning: *(number of letters despatched/number raising no objection (X)/raising objection (R)/in support (S))*.

All applications may be determined by this Committee unless (a) the decision would be in fundamental conflict with the plans and strategies which together comprise the Development Plan; or (b) in order to comply with Rule 15.24 of the Council and Committee Procedure Rules.

GLOSSARY of Abbreviations and Application types

used in reports to Area Planning Committees as at 23 September 2015

AAP	Area of Archaeological Potential
AODN	Above Ordnance Datum, Newlyn
AONB	Area of Outstanding Natural Beauty
APC1	Area 1 Planning Committee
APC2	Area 2 Planning Committee
APC3	Area 3 Planning Committee
ASC	Area of Special Character
BPN	Building Preservation Notice
BRE	Building Research Establishment
CA	Conservation Area
CPRE	Council for the Protection of Rural England
DEFRA	Department for the Environment, Food and Rural Affairs

DETR	Department of the Environment, Transport & the Regions
DCLG	Department for Communities and Local Government
DCMS	Department for Culture, the Media and Sport
DLADPD	Development Land Allocations Development Plan Document
DMPO	Development Management Procedure Order
DPD	Development Plan Document
DPHEH	Director of Planning, Housing & Environmental Health
DSSL	Director of Street Scene & Leisure
EA	Environment Agency
EH	English Heritage
EMCG	East Malling Conservation Group
FRA	Flood Risk Assessment
GDPO	Town & Country Planning (General Development Procedure) Order 2015
GPDO	Town & Country Planning (General Permitted Development) Order 2015
HA	Highways Agency
HSE	Health and Safety Executive
HMU	Highways Management Unit
KCC	Kent County Council
KCCVPS	Kent County Council Vehicle Parking Standards
KDD	Kent Design (KCC) (a document dealing with housing/road design)
KWT	Kent Wildlife Trust
LB	Listed Building (Grade I, II* or II)
LDF	Local Development Framework
LLFA	Lead Local Flood Authority
LMIDB	Lower Medway Internal Drainage Board
LPA	Local Planning Authority
LWS	Local Wildlife Site
MAFF	Ministry of Agriculture, Fisheries and Food
MBC	Maidstone Borough Council
MC	Medway Council (Medway Towns Unitary Authority)
MCA	Mineral Consultation Area
MDEDPD	Managing Development and the Environment Development Plan Document
MGB	Metropolitan Green Belt
MKWC	Mid Kent Water Company
MWLP	Minerals & Waste Local Plan
NE	Natural England
NPPF	National Planning Policy Framework
PC	Parish Council
PD	Permitted Development
POS	Public Open Space
PPG	Planning Policy Guidance
PROW	Public Right Of Way

SDC	Sevenoaks District Council
SEW	South East Water
SFRA	Strategic Flood Risk Assessment (prepared as background to the LDF)
SNCI	Site of Nature Conservation Interest
SPAB	Society for the Protection of Ancient Buildings
SPD	Supplementary Planning Document (a statutory policy document supplementary to the LDF)
SPN	Form of Statutory Public Notice
SSSI	Site of Special Scientific Interest
SWS	Southern Water Services
TC	Town Council
TCAAP	Tonbridge Town Centre Area Action Plan
TCS	Tonbridge Civic Society
TMBC	Tonbridge & Malling Borough Council
TMBCS	Tonbridge & Malling Borough Core Strategy (part of the Local Development Framework)
TMBLP	Tonbridge & Malling Borough Local Plan
TWBC	Tunbridge Wells Borough Council
UCO	Town and Country Planning Use Classes Order 1987 (as amended)
UMIDB	Upper Medway Internal Drainage Board
WLP	Waste Local Plan (KCC)
AGPN/AGN	Prior Notification: Agriculture
AT	Advertisement
CA	Conservation Area Consent (determined by Secretary of State if made by KCC or TMBC)
CAX	Conservation Area Consent: Extension of Time
CNA	Consultation by Neighbouring Authority
CR3	County Regulation 3 (KCC determined)
CR4	County Regulation 4
DEPN	Prior Notification: Demolition
DR3	District Regulation 3
DR4	District Regulation 4
EL	Electricity
ELB	Ecclesiastical Exemption Consultation (Listed Building)
ELEX	Overhead Lines (Exemptions)
FC	Felling Licence
FL	Full Application
FLX	Full Application: Extension of Time
FLEA	Full Application with Environmental Assessment
FOPN	Prior Notification: Forestry
GOV	Consultation on Government Development
HN	Hedgerow Removal Notice
HSC	Hazardous Substances Consent

LB	Listed Building Consent (determined by Secretary of State if made by KCC or TMBC)
LBX	Listed Building Consent: Extension of Time
LCA	Land Compensation Act - Certificate of Appropriate Alternative Development
LDE	Lawful Development Certificate: Existing Use or Development
LDP	Lawful Development Certificate: Proposed Use or Development
LRD	Listed Building Consent Reserved Details
MIN	Mineral Planning Application (KCC determined)
NMA	Non Material Amendment
OA	Outline Application
OAEA	Outline Application with Environment Assessment
OAX	Outline Application: Extension of Time
RD	Reserved Details
RM	Reserved Matters (redefined by Regulation from August 2006)
TEPN56/TEN	Prior Notification: Telecoms
TNCA	Notification: Trees in Conservation Areas
TPOC	Trees subject to TPO
TRD	Tree Consent Reserved Details
TWA	Transport & Works Act 1992 (determined by Secretary of State)
WAS	Waste Disposal Planning Application (KCC determined)
WG	Woodland Grant Scheme Application

Snodland
Snodland East And
Ham Hill

9 April 2019

TM/19/00786/FL

Proposal: Partial demolition of existing vacant building, change of use of remaining floorspace and erection of new single storey extension for mixed restaurant and hot food takeaway (mixed A3/A5) use, incorporating a 'drive-thru' lane, creation of new vehicular access and egress point from Hollow Lane, provision of car and cycle parking, plant and extraction system, landscaping

Location: The Oast House Hollow Lane Snodland Kent ME6 5LB

Go to: [Recommendation](#)

1. Description:

- 1.1 Planning permission is sought for the redevelopment of the site to create a mixed use restaurant and hot food takeaway. The proposal seeks to partially demolish the existing building and erect a single storey extension and reinstate the kiln roundel roofs and cowls.
- 1.2 The intention is to create a drive-thru route, with access and egress onto Hollow Lane. Vehicle parking for restaurant customers is to be provided in the north of the site, with a segregated drive thru route circling the building.
- 1.3 The application details refer to the erection of signage. However this is the subject of a separate application for advertisement consent under reference TM/19/00787/AT.

2. Reason for reporting to Committee:

- 2.1 At the request of Councillor Bell in order to consider the impacts of the proposal on highway safety and residential amenity.

3. The Site:

- 3.1 The site lies within the urban confines of Snodland, on the junction of Malling Road and Hollow Lane. The site comprises a former oast house and two storey structure. The site is vacant but was formerly occupied by a window company.
- 3.2 Public Right of Way MR76 is routed through part of the site. The definitive PRow map shows the PRow to cross the western half of the site only and to cease midway with no link to Malling Road. However there is a footpath on the ground which leads from Malling Road to Corona Terrace, rather than follow the route as shown on the definitive map. The route of MR76 has already been severed by the existing 'dwelling link' structure at the site which has been in situ for many years.

3.3 To the north east of the site is a car wash with residential dwellings beyond fronting Malling Road. To the north are dwellings accessed via Corona Terrace. To the east of the site is a public house, with flats and dwellings to the south east and a petrol filling station to the south. To the west and south west are dwellings accessed from Alex Hughes Close and a grade II listed building.

3.4 For clarity the site does not lie within a Conservation Area and the existing buildings are not listed buildings.

4. Planning History (relevant):

TM/86/10316/FUL Refuse 29 August 1986

Erection of five detached houses with integral garages and access.

TM/86/10667/OUT grant with conditions 31 December 1986

Outline application for Class III Light Industrial Units.

TM/88/10675/OLD Grant 9 February 1988

Detailed conversion of oasthouse to industrial with office store and showroom, access and parking boundary treatment, submitted pursuant to TM/86/1621.

TM/89/10558/OLD planning application 24 October 1989
required

Section 53 Determination: Erection of a conservatory for a trial test period.

TM/19/00787/AT Pending

Various elevational and freestanding internally illuminated and non-illuminated advertisements

5. Consultees:

5.1 TC: Raise objection for the following reasons

- The take-away is to be situated in a residential area but would be better situated in an industrial estate ie Vantage Point
- Traffic will be even more congested and dangerous at an already very busy junction attracting customers from further afield
- Smell for local residents
- Noise pollution for local residents
- Increased exhaust pollution from stationery vehicles

- Will attract anti-social behaviour
- Increased litter along Hollow Lane and the surrounding areas
- Will attract vermin to the area
- Take-away food chain within close proximity to local schools – obesity and related health issues
- More strain on the drainage system
- Will cause small, local businesses to close
- It should be located on a main trunk road and not in a residential area
- An accurate survey should be carried out to monitor the increased traffic flow, not solely based on a 2 day period
- There is not sufficient parking spaces for KFC staff
- Hours of business (11am – 11pm) including bank holidays, in a residential area
- Fast food chains near properties can devalue neighboring properties
- Light pollution from illuminated signage
- The area is a “constrained housing site under policy H4 of the Local Planning Authority Development Land, a designated urban area of Snodland” under one of TMBC’s policies.

5.2 KCC (H+T): No objection

5.2.1 I have received a Technical Note from the applicant’s consultant explaining the production of Figures 5.1 and 5.2 in the Transport Assessment.

Essentially the surveys undertaken at the KFC and Starbucks facility off A4 Bath Road at Hounslow have been factored by 228m²/697.5m², the relative internal floor areas of the proposal to that surveyed. I consider that this is an acceptable approach and that the level of car parking proposed is adequate.

5.2.2 I note from the application form that the proposed opening times, for all days, are 11am to 11pm. This therefore precludes any movement conflict in the mornings with other traditional peak period traffic. The anticipated trip peak periods associated with the KFC are:

- Weekdays – 1pm to 2pm and 6pm to 7pm
- Weekends – 1pm to 2pm

5.2.3 This is based on the applicant's experience of other KFC's and survey work and would appear reasonable.

5.2.4 The anticipated numbers of movements at these times associated with this proposal are: -

Time Period	Potential Trip Generation		
	Arrival	Departure	Total
Weekday 1pm – 2pm	29	31	60
Weekday 6pm – 7pm	22	21	43
Weekend 1pm – 2pm	27	25	53

i.e. total movements (in and out) at peak times would on average, over an hour period, be no more than one movement per minute. No discounting of any current or permitted use of the site has been undertaken.

5.2.5 In the context of the NPPF where highway reasons for refusal are discussed in terms of impact (paragraph 109), this level of traffic generation is not considered to be severe.

5.2.6 I also note, whilst the consultant did not undertake a safety review, that from crashmap.co.uk, there has been one injury crash at the Hollow Lane, Malling Road junction in the last 5 years. Whilst regrettable, this is not an inordinately high or untypical crash history. This was classed as a serious crash, due to injury caused to a motorcyclist. The crash occurred late at night (11:15pm) and a witness stated that the motorcyclist did not have any lights on.

5.2.7 It is accepted that the majority of trips to restaurants like this are usually already on the network, being either pass by or diverted trips. The composition of movements on Ham Hill roundabout will not therefore be materially different with this proposal. It is not considered that this proposal could constitute a tangible unacceptable impact on highway safety, as also discussed in paragraph 109 of the NPPF.

5.2.8 Consequently, I do not consider there are sustainable highway grounds to recommend a refusal to this application and on behalf of this authority, subject to conditions.

5.3 KCC PRoW: Objection

5.3.1 Public Right of Way Footpath MR76 runs through the application site and is impacted by the application. As it stands, I must object to the application.

- 5.3.2 In section 8 of the Application Form 'Pedestrian and Vehicle Access, Roads and Rights of Way' where the question is asked 'Do the proposals require any diversions/extinguishments and/or creation of rights of way?' has been answered no, this is incorrect. The path will either need to be diverted, extinguished, or accommodated as described below.
- 5.3.3 The proposal of the application shows a hedge which will obstruct the footpath. It also indicates two parking spaces which would be obstructed when vehicles are parked in them. Should the application be successful, it would be required that at least a 1.8m wide gap is made in the hedge, a path marked through, and the parking spaces effected are not available to vehicles. The path has a historical width of 1.8m and should not be narrowed.
- 5.3.4 Ideally the path would be diverted as shown on the attached map. The applicant may need to either acquire more land or seek permission from relevant landowners to discuss any potential diversion. The path would need to be 2.5m wide and will provide a useful and recorded route to cut off the corner between Malling Road & Hollow Lane.
- 5.3.5 The applicant may apply for an extinguishment of the path; however, it would be under the Highways Act and there is no guarantee at all that it would be successful. We realise it would impact the application and we would potentially escalate an extinguishment application. An application to extinguish a path is open to objections which is why there is no guarantee it would be successful.
- 5.3.6 I have enclosed two maps showing Public Right of Way Footpath MR76. One map shows an advised diversion route. The other map shows the application drawing georeferenced with the Public Right of Way map to show how the path would be affected and what accommodations need to take place. To reiterate, as the path has not been accommodated in any way, I must object to the application.
- 5.3.7 The County Council has a controlling interest in ensuring that the Footpath is maintained to a standard suitable for use by pedestrians. Any maintenance to the higher level required for continuous motorised vehicular access would be the responsibility of the relevant landowners.
- 5.3.8 The granting of planning permission confers no other permission or consent on the applicant. It is therefore important to advise the applicant that no works can be undertaken on a Public Right of Way without the express consent of the Highways Authority. In cases of doubt the applicant should be advised to contact this office before commencing any works that may affect the Public Right of Way. Should any temporary closures be required to ensure public safety then this office will deal on the basis that:
- The applicant pays for the administration costs
 - The duration of the closure is kept to a minimum

- Alternative routes will be provided for the duration of the closure.
- A minimum of eight weeks' notice is required to process any applications for temporary closures.

5.3.9 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.

5.3.10 The successful making and confirmation of an order should not be assumed.

5.4 KCC Heritage: No response

5.5 KFRS: No response

5.6 Kent Police: Recommendations (summarised below)

5.6.1 A vehicle height restrictor barrier and swing arm barrier gate or similar (that can be locked open or closed), should be installed, for use when the site is unoccupied, in order to deter anti-social vehicle misuse, opportunities for fly tipping and unauthorised access.

5.6.2 Lighting will need to be carefully designed to ensure appropriate uniform levels of lighting for the car park and drive through areas, however it should not disturb local residents with light pollution.

5.6.3 Regular litter patrols should be carried out to keep the site and residential areas clean. Customer and staff areas need to be clearly separated. Waste cooking oil storage areas should be secured.

5.6.4 CCTV should be installed to cover the main vehicle entrance/exit routes, drive through kiosk service area, car park, cycle parking, main customer entrance and service areas.

5.7 Private Reps: + site + press notices/0X/308R/24S.

Objections summarised below:

- Adverse impact on health. Already enough fast food outlets in Snodland, 9 plus a number of cafes. Public Health England in 2018 recorded 6 fast food restaurants, double the national average. Twenty one outlets in a two mile radius. Close to schools. There is a clear link with the increase in child obesity. Against Government initiatives. Within 400m of a school. Carcinogenic nature of processed food. Increase in heart disease. Increase strain on the NHS.

- Adverse impact on highway safety. Increase in traffic movements. Need traffic lights on Hollow Lane. Zebra crossing needed. Barrier should be closed when not open. Potential black spot particularly for school children. Will be parking in Alex Hughes Close. Lack of staff parking spaces. Traffic survey carried out during a quiet time of day. Junction already congested, aggravated by Tesco lorries. Questions the Transport Assessment. Needs a roundabout. Queues at the car wash.
- Adverse impact on residential amenity. Too close to residential dwellings and car wash. Increase in noise, air pollution and odour in light of our climate emergency. Nuisance from car music. Light pollution. Increase in antisocial behaviour. Loitering at night. Create litter and will attract vermin/rats. Deliveries too early in the morning. Opening hours too late in the evening. Aggravated by nuisance from Tarmac.
- Adverse impact on local character. Adverse impact on historic building. Not all the building will be restored, some will be demolished. Great visual impact. An eyesore at the entrance to the village. Not in keeping with existing surroundings.
- Suggested alternative uses. Designated for housing, more houses should be built instead. Should be a doctor's surgery, supermarket, open space, garden centre with tea shop, a family restaurant like a Harvester, police station, skate park, soft play area, shop, ice skating rink, climbing centre or a gym. Other areas better. Holborough a better position for a KFC. Large empty stores in the town centre should be used instead. Outside the designated Snodland retail centre. Should be on an industrial estate.
- Examples provided by the applicant must not be treated as precedents. Are not relevant to Snodland.
- Only create low paid, part time jobs.
- It will draw people into Snodland.
- Part of the site is publicly owned.
- Rise in veganism and vegetarianism should be taken into account.
- Already applications for McDonalds and Costa Coffee.
- Local shops will lose trade. Snodland will become a ghost town.
- Loss of wildlife. Adverse impact on Leybourne Lakes from litter.
- Existing pollution problems from airborne granular matter.
- Of no benefit to the residents of Snodland.

- Devaluation of nearby properties.
- Problems during construction.
- Set a precedent.
- Lack of planning notice from Council.

5.8 Supporting comments summarised below:

- Big chains are community conscious
- Will provide jobs for young people
- Good reuse of old building
- Opening hours should be the same other businesses
- Reduce greenhouse gases as people will not need to leave Snodland for KFC
- More choices of places to eat

6. Determining Issues:

Principle of development:

- 6.1 The site lies within the confines of an existing urban settlement. Policy CP11 of the TMBCS seeks to concentrate development within such areas. Snodland is specifically referenced in section (b) of CP11. The general principle of the application is therefore acceptable.
- 6.2 The site is defined as a Constrained Housing Site within Policy H4 (n) of the DLA DPD. This policy states that whilst the site is not specifically allocated for housing, it could be suitable for housing subject to a number of criteria. This policy does not however prohibit the redevelopment of the site for an alternative use.
- 6.3 For clarity the application seeks permission for a mixed use restaurant and hot food takeaway. Whilst it is apparent that the application has been submitted by a large fast food chain, the application must be determined with regard to the suitability of the site for a mixed restaurant and hot food takeaway and not with regard to any particular operator. It must be remembered that the planning system deals with land use and not individual operators. If granted the operator could change without the need to submit a planning application providing the use of the site remains the same.
- 6.4 Paragraph 80 of the NPPF requires planning policies and decisions to help create conditions in which business can invest, expand and adapt. Significant weight

should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development. The application accords with the general thrust of this policy. The creation of 45 jobs (full and part time) and the reuse of a vacant site will be of benefit to the local economy.

- 6.5 Chapter 7 of the NPPF seeks to ensure the vitality of town centres. It is acknowledged that the application site does not lie within the District Retail Centre (DRC) of Snodland as designated in policy R1 of the DLA DPD. I am aware of paragraph 89 of the NPPF which, in some circumstances, requires applications to be accompanied by an assessment of the potential impacts of the application on the viability of the town centre. However, there is no local threshold set for this requirement and in the absence of such a threshold the default threshold is 2,500m² of floorspace. The proposal does not meet this threshold and therefore no formal assessment is required to be submitted.
- 6.6 The NPPF seeks to make the effective use of land. Paragraph 117 requires decisions to promote an effective use of land in meeting the need for homes and other uses. Paragraph 118 of the NPPF recognises the value of using undeveloped and suitable brownfield land. In particular point (c) of paragraph 118 requires planning decisions to give substantial weight to the value of using suitable brownfield land within settlements for homes and other identified needs, and support appropriate opportunities to remediate despoiled, degraded, derelict, contaminated or unstable land. The application, in reusing an existing site, conforms with the thrust of this policy.

Impact on character:

- 6.7 Policy CP1 of the TMBCS requires all new development to result in a high quality sustainable environment. Policy CP24 of the TMBCS seeks to ensure that all development is well designed and respects the site and its surroundings. Policy SQ1 of the MDE DPD requires all development to reflect local distinctiveness and to protect, conserve and, where possible enhance the character of the area and be sensitive to change of the local character areas as defined in the Character Area Appraisals Supplementary Planning Documents.
- 6.8 The Snodland Character Areas SPD (SCA DPD) describes the area in which the application site lies as being of mixed character identified as a main entrance into Snodland. The buildings within the application site are specifically referenced as being a unique building with residual oast roundels which acts as a local and historical reference point.
- 6.9 Paragraph 127 of the NPPF requires planning policies and decisions to ensure that developments:
- a) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;

- b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;
- c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);
- d) establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit;
- e) optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and
- f) create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.

6.10 The site is highly visible and functions as a southern gateway to Snodland. It is vital to ensure therefore that any redevelopment of the site makes a positive contribution to the character of the area. At present the site detracts from the character of the area, the only positive contribution being the residual oast roundels specifically referenced in the SCA SPD.

6.11 The application seeks to retain the oast house and link, demolish the two storey 'dwelling like' structure, erect a single storey extension on the western elevation of the link and create an enclosed refuse storage and plant area. The proposed demolition is acceptable. The 'dwelling like' structure is of no intrinsic merit and does not positively contribute to the character of the area; its loss is not therefore to be resisted. On the contrary, its removal will improve the setting of the oast house and remaining roundels. The reinstatement of the roofs and cowls to the roundels is welcomed and will significantly contribute to the character of the area. The application has been well designed and will result in a considerable improvement to this southern gateway to Snodland. In addition, a detailed landscape and boundary treatment proposal has been submitted. The mixed species planting proposed to the northern and south eastern site boundary, and the hedge planting to the south western boundary will also greatly improve the appearance of the site and its wider setting. It is therefore appropriate to conclude that the application will be visually attractive, has effective landscaping, is sympathetic to local character and history and will maintain a strong sense of place. The application would therefore make a positive contribution to the character of the site and its wider setting.

Health and wellbeing:

6.12 Paragraph 91 of the NPPF requires the aims of planning policies and decisions to achieve healthy, inclusive and safe places. Section c) is of particular relevance to the current application and states;

c) enable and support healthy lifestyles, especially where this would address identified local health and well-being needs – for example through the provision of safe and accessible green infrastructure, sports facilities, local shops, access to healthier food, allotments and layouts that encourage walking and cycling.

6.13 The PPG states that planning can influence the built environment to improve health and reduce obesity and excess weight in local communities. Local planning authorities can have a role by supporting opportunities for communities to access a wide range of healthier food production and consumption choices. Planning policies and supplementary planning documents can, where justified, seek to limit the proliferation of particular uses where evidence demonstrates this is appropriate (and where such uses require planning permission). In doing so, evidence and guidance produced by local public health colleagues and Health and Wellbeing Boards may be relevant. The PPG continues to state that planning policies and proposals may need to have particular regard to the following issues:

- proximity to locations where children and young people congregate such as schools, community centres and playgrounds
- evidence indicating high levels of obesity, deprivation, health inequalities and general poor health in specific locations
- over-concentration of certain uses within a specified area
- odours and noise impact
- traffic impact
- refuse and litter

6.14 It is clear from the PPG that issues relating to healthy eating and proximity to schools can be a material planning consideration, and the concerns of local residents regarding healthy eating are fully acknowledged. I am also aware that the applicant has provided copies of various appeal decisions concerning the proximity of schools to applications for hot food takeaways. However the TMBC development plan does not contain any specific policy to regulate such matters, and it is incumbent on the Council to produce clear evidence to show why development cannot be permitted. There is no clear evidence to support the view that the introduction of this use would lead to child obesity and a general decline in public health. Consequently it is not appropriate to recommend a refusal of

planning permission on this basis. Matters relating to noise, odour, refuse, litter and traffic are addressed later in this report.

Residential and general amenity:

- 6.15 Section 1 of policy CP1 of the TMBCS requires all new development to result in a high quality sustainable environment, and section 3 requires the need for new development to be balanced against the need to protect and enhance the natural and built environment.
- 6.16 Paragraph 180 of the NPPF requires planning policies and decisions to ensure that new development is appropriate for its location, taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development. In doing so they should:
- a) mitigate and reduce to a minimum potential adverse impacts resulting from noise from new development – and avoid noise giving rise to significant adverse impacts on health and the quality of life;
 - b) identify and protect tranquil areas which have remained relatively undisturbed by noise and are prized for their recreational and amenity value for this reason; and
 - c) limit the impact of light pollution from artificial light on local amenity, intrinsically dark landscapes and nature conservation.
- 6.17 An Acoustic Assessment has been submitted which calculates the likely noise to be generated by the operation of the on-site equipment and by the use of the site by patrons. The Assessment concludes that there will be no unacceptable impact from these noise sources as the level at the nearest noise sensitive receptors will be below the existing background levels. The Council's Environmental Protection Officer concurs with the findings of the report.
- 6.18 The existing permitted use of the site is industrial with office, storage and showroom. There is a petrol filling station to the south which operates on a 24 hour basis. There is a public house (Freemasons Arms) to the east which opens until 23.00 on weekdays, 00.30 on Fridays and 01.00 on Saturdays. There is a car wash to the north which operates between 08.00 and 19.00 hours Monday to Saturday and 09.00 and 17.00 hours on Sundays and Public Holidays. Notwithstanding the adjacent commercial uses there are residential dwellings located near the site. It is therefore necessary to balance the business needs of the operator with the levels of adjacent residential amenity.
- 6.19 The original application sought permission for opening hours to be between 11.00 and 23.00. However, the agent has confirmed, by letter of 3 July 2019, that deliveries and collections would be limited to 07.30 – 17.00 on weekdays and

Saturdays with no deliveries or collections on Sundays, and that opening hours be limited to 11.00 – 23.00 on weekdays and Saturdays and 11.00 – 22.00 on Sundays. The proposed opening hours are not as extensive as the nearby public house or petrol filling station. The proposed opening hours are not unreasonable for the proposed use. The opening hours can be ensured by planning condition and therefore it can be concluded that the application has mitigated and reduced to a minimum the potential adverse impacts resulting from noise and thereby conforms with paragraph 190 of the NPPF.

- 6.20 Policy SQ4 of the MDE DPD only allows for development where the proposed land use does not result in a significant deterioration in air quality, does not result in the creation of a new Air Quality Management Area (AQMA), is not sited close to an existing harmful source of air pollution or impact on designated sites of nature conservation. In addition the NPPG requires potential odour levels to be considered in the determination of planning applications. It will therefore be necessary for the applicant to submit full details of the proposed ventilation system for the removal and treatment of cooking odours. The scheme will need to be designed in accordance with the recommendations of Guidance on the Control of Odour and Noise from Commercial Kitchen Exhaust Systems, and include a risk assessment. This can be ensured by planning condition.
- 6.21 Details of the proposed lighting in connection with the proposed signage have been provided under TM/19/00787/AT, the application for advertisement consent. The suitability of the lighting levels in this regard will be assessed within that application. However the current proposal will require external lighting. It will therefore be necessary for full details of the proposed lighting to be submitted to ensure such levels are suitable and will not have any adverse impact on the amenity of the wider area. In addition, any potential hours of illumination can be limited to the opening hours of the restaurant. This can be ensured by planning condition.
- 6.22 The building has been designed to incorporate an enclosed yard which will house the refuse bins and plant and ventilation system. The area has been designed to accommodate 4no. 1100 litre four wheeled refuse bins for general waste and recycling, and 2no. 240 litre four wheeled food waste bins. Full details of the proposed waste management arrangements, including the management of cooking oil, are set out in the submitted Delivery and Servicing Plan. This Plan also includes full details of delivery and collection arrangements. Adherence to the Plan can be ensured by planning condition and this will ensure no unacceptable impact is made on general amenity in this regard.
- 6.23 I am aware of the concerns of local residents regarding the potential increase in general litter. This is often a matter associated with hot food takeaways. It is reasonable therefore to seek further details from the applicant regarding the manner in which the operator intends to mitigate this issue. This concurs with the recommendation made by Kent Police and can be ensured by planning condition.

- 6.24 I am also aware of the concerns of local residents regarding the potential increase in anti-social behaviour. As noted above it is appropriate to limit the hours of opening to ensure no adverse impact is made in terms of noise and general disturbance. This is also necessary to limit any potential for anti-social behaviour. It will be important to ensure that the site (car park) should not be accessed during non-opening hours. A barrier to the entrance/exit is proposed. This is to be welcomed and concurs with the recommendation made by Kent Police. The details and proposed operation of the barrier can sought by planning condition.
- 6.25 Paragraph 178 of the NPPF states that planning policies and decisions should ensure that the site is suitable for its proposed use taking account of ground conditions and any risks arising from land instability and contamination. Whilst there is no clear evidence to suggest that the site is contaminated, the site was formerly used for a commercial purpose. It remains appropriate therefore to attach a planning condition which will ensure any unexpected contamination can be suitably addressed.
- 6.26 The southern part of the site lies within an area of archaeological potential. The site has previously been develop; nevertheless it remains appropriate to attach a planning condition which will protect any historical finds should they be discovered during construction.

Highway safety and parking provision:

- 6.27 Policy SQ8 of the MDE DPD states that development will only be permitted where there will be no significant harm to highway safety. This is in accordance with the relevant policies of the NPPF. Paragraph 109 of the NPPF states that development should only be refused on transport grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts of the development would be severe.
- 6.28 The application has been designed to provide 21 standard vehicle parking spaces, 2 accessible parking spaces, 2 grill bays (customers awaiting takeaway orders that require additional time) and three staff parking spaces. KCC (H+T) consider this level of provision to be acceptable. Similarly KCC (H+T) advise that “the majority of trips to restaurants like this are usually already on the network, being either pass by or diverted trips. The composition of movements on Ham Hill roundabout will not therefore be materially different with this proposal. It is not considered that this proposal could constitute a tangible unacceptable impact on highway safety, as also discussed in paragraph 109 of the NPPF. Consequently, I do not consider there are sustainable highway grounds to recommend a refusal to this application”.
- 6.29 Paragraph 110 of the NPPF requires development to (inter alia) give priority first to pedestrians and cycle movements, both within the scheme and with neighbouring areas; and second – so far as possible – to facilitating access to high quality public transport. The site is located close to the town centre, close to the mainline station and bus routes and therefore provides convenient access to the existing public

transport facilities. In addition, on site cycle parking is to be provided and the application includes a Travel Plan which promotes walking, cycling, car sharing and the use of public transport. The application also includes a Delivery Servicing Plan which manages the large delivery and collection vehicles. Nevertheless I concur with the recommendation made by KCC (H+T) that a Demolition and Construction Management Plan should be sought. This can be achieved by planning condition and on this basis I conclude that the application is acceptable in highway terms.

6.30 With regard to the existing PRoW I am aware of the objection raised by KCC PRoW. I appreciate that the loss of a PRoW is, in principle to be avoided. However the definitive PRoW map does not show the PRoW to cross the site and therefore there is no formal pedestrian link between Malling Road and Hollow Lane. I am aware that there is a pathway which leads from Malling Road to Corona Terrace, however this does not reflect the definitive route. The definitive route has been extinguished as the 'dwelling like' structure was constructed over the route in the 1980s. KCC PRoW has recommended a re-routing of the PRoW to the north. However as the definitive route of the PRoW does not provide any pedestrian connection and the exiting PRoW route has now, in effect been extinguished I am of the view that to seek re-routing would be unreasonable. I appreciate that the applicant will need to seek a stopping up order from the highway authority. I also appreciate that the granting of planning permission would not override the need for such an order. However in this instance I would recommend that refusal of planning permission on this basis would be unjustified; The applicant can be reminded of the need to address these issues by planning informative.

Conclusions:

6.31 The site lies within the confines of the existing urban settlement and comprises a highly sustainable location that would give rise to economic benefits. In accordance with paragraph 54 of the NPPF any impacts of the proposal can be made acceptable through the use of planning conditions to ensure no unacceptable impact on levels of residential or general amenity, or highway safety. I therefore conclude that the application accords with the relevant local and national planning policies and guidance and recommend the application is granted subject to the following planning conditions.

7. Recommendation:

7.1 **Grant planning permission** in accordance with the following submitted details: Letter dated 01.04.2019, Location Plan dated 01.04.2019, Planning Statement dated 09.04.2019, Other Delivery and Servicing plan dated 01.04.2019, Details Silencer specifications dated 01.04.2019, Travel Plan dated 01.04.2019, Transport Assessment dated 09.04.2019, Existing Plans SNC18/G099 dated 01.04.2019, Proposed Layout SNC18/G100 A dated 01.04.2019, Signage

Drawing SNC18/G122 B dated 01.04.2019, Existing Elevations SNC18/G210 dated 01.04.2019, Proposed Elevations SNC18/G211 dated 01.04.2019, Proposed Elevations SNC18/G212 dated 01.04.2019, Proposed Roof Plan SNC18/G903 dated 01.04.2019, Planting Plan 2243 01 A dated 01.04.2019, Proposed Floor Plans STS0182-M01 dated 01.04.2019, Proposed Roof Plan STS0182-M01 dated 01.04.2019, Acoustic Assessment REV A dated 04.07.2019, Letter Appeal decisions dated 04.07.2019, Site Plan SNC18/G121 C dated 04.07.2019, subject to the following conditions:

Conditions

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. Prior to the commencement of the development hereby permitted, arrangements for the management of all demolition and construction works shall be submitted to and approved by the Local Planning Authority. The management arrangements to be submitted shall include (but not necessarily be limited to) the following:
 - The days of the week and hours of the day when the demolition and construction works will be limited to and measured to ensure these are adhered to;
 - Procedures for managing all traffic movements associated with the demolition and construction works including (but not limited to) the removal and delivery of material to and from the site (including the times of the day when those deliveries and collections will be permitted to take place and how/where materials will be on/offloaded) and for the management of all other demolition and construction related traffic and measures to ensure these are adhered to;
 - Procedures for notifying the existing residents of Corona Terrace, Alex Hughes Close and Dene Hall as to the ongoing timetabling of works, the nature of the works and likely their duration, with particular reference to any such works which may give rise to noise and disturbance and any other regular liaison or information dissemination; and
 - The specific arrangements for the parking of contractor's vehicles within or around the site during demolition and construction and any external storage of materials or plant.

The development shall be undertaken in full compliance with the approved details.

- 3 No development shall take place, other than demolition of any building, removal of hardstanding, or ground investigations works, until details of levels (slab and finished floor) have been submitted to and agreed in writing by the Local Planning Authority. The works shall be carried out in strict accordance with those details.

Reason: To ensure the scale of the development is compatible with the character of the site and its surroundings.

- 4 No development shall take place, other than demolition of any building, removal of hardstanding, or ground investigations works, shall take place until details and samples of materials to be used externally have been submitted to and approved by the Local Planning Authority, and the development shall be carried out in accordance with the approved details.

Reason: To ensure that the development does not harm the character and appearance of the existing building or visual amenity of the locality.

- 5 No development shall take place, other than demolition of any building, removal of hardstanding, or ground investigations works, until a scheme detailing the proposed siting, shading, levels of illumination and hours of use of any external lighting has been submitted to and approved by the Local Planning Authority.

Reason: To ensure that the development does not harm the character and visual appearance of the locality.

- 6 The use shall not commence until full details of a scheme of mechanical air extraction from the kitchen, including arrangements for the continuing maintenance of this equipment and any noise attenuation measures required in connection with the equipment have been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be fully installed before use of the kitchen commences and shall thereafter be maintained in strict accordance with the approved details. No cooking of food shall take place unless the approved extraction system is being operated.

Reason: In the interests of general amenity.

- 7 The use hereby permitted shall not commence until full details of a Litter Management Scheme have been submitted to and approved in writing by the Local Planning Authority. The agreed Management Scheme shall be implemented and retained at all times.

Reason: In the interests of general amenity.

- 8 The use hereby permitted shall not commence until full details of the proposed barrier at the entrance/exit onto Hollow Lane as shown on the submitted plan referenced SNC18/G121 Rev C received 4 July 2019 shall be submitted to and approved in writing by the Local Planning Authority. The details shall also include the intended operating regime. The barrier shall be maintained and retained in perpetuity.

Reason: In the interests to wider residential amenity.

- 9 The use hereby permitted shall not commence until the layout shown on the submitted plan referenced SNC18/G121 Rev C received 4 July 2019 as vehicle circulation and parking space has been provided, surfaced and drained. The areas shall be constructed of porous materials or provision made to direct surface water run-off from the hard surface to a permeable or porous area or surface within the site. Thereafter the area shall be kept available for such use and no permanent development, whether or not permitted by the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order amending, revoking or re-enacting that Order), shall be carried out on the land so shown or in such a position as to preclude vehicular access to this reserved parking area.

Reason: To ensure no adverse impact on highway safety.

- 10 The use hereby permitted shall not commence until the layout of the access onto Hollow Lane as shown on the submitted plan referenced SNC18/G121 Rev C received 4 July 2019 is completed and the vision splays retained and maintained thereafter.

Reason: To ensure no adverse impact on highway safety.

- 11 The use hereby permitted shall not commence until the cycle parking as shown on the submitted plan referenced SNC18/G121 Rev C received 4 July 2019 has been installed. Thereafter the facilities shall be kept available for such use and no permanent development, whether or not permitted by the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order amending, revoking or re-enacting that Order) shall be carried out on the land so shown or in such a position as to preclude cycle parking.

Reason: To promote cycling as part of a healthy active lifestyle choice.

- 12 The landscaping and boundary treatment shall be carried out in accordance with the details submitted under drawing referenced 2243 01 A received 1 April 2019. All planting, seeding and turfing comprised in the approved scheme of landscaping shall be implemented during the first planting season following occupation of the buildings or the completion of the development, whichever is the earlier. Any trees or shrubs removed, dying, being seriously damaged or diseased within 10 years of planting shall be replaced in the next planting season with trees or shrubs of similar size and species, unless the Authority gives written consent to any variation. Any boundary fences or walls or similar structures as may be approved shall be erected before first occupation of the building to which they relate.

Reason: In the interests of visual amenity.

- 13 Deliveries and collections to and from the use hereby permitted shall be carried out between 07.30 and 17.00 on weekdays and Saturdays, with no deliveries or

collections on Sundays or Public and Bank Holidays, and in accordance with the Delivery and Serving Plan received 1 April 2019.

Reason: To protect the residential and general amenity of the area.

- 14 The opening hours of the use hereby permitted shall be carried out between the hours of 11.00 – 23.00 on weekdays and Saturdays, and 11.00 – 22.00 on Sundays.

Reason: To protect the residential and general amenity of the area.

- 15 If during construction works items or features of archaeological and historic importance are discovered, all development shall cease. It will then be necessary for the applicant, or their agents or successors in title, to secure the implementation of a watching brief to be undertaken by an archaeologist approved by the Local Planning Authority so that the excavation is observed and items of interest and finds are recorded. The watching brief shall be submitted to Local Planning Authority immediately on discovery of any historic item or feature.

Reason: To ensure that features of archaeological interest are properly examined and recorded.

- 16 If during development, contamination not previously identified is found to be present at the site then all works will cease and the Local Planning Authority shall be notified immediately. Works shall not recommence until a remediation strategy detailing how this contamination will be dealt with has been submitted to and approved in writing by the Local Planning Authority. The remediation strategy shall be implemented as approved.

Reason: To prevent unacceptable risks from pollution.

Informatives

1. Planning permission does not convey any approval for construction of the required vehicular crossing, or any other works within the highway for which a statutory licence must be obtained. Applicants should contact Kent County Council, Highways and Transportation 03000 418181 in order to obtain the necessary Application Pack.
2. It is the responsibility of the applicant to ensure, before the development hereby approved is commenced, that all necessary highway approvals and consents where required are obtained and that the limits of highway boundary are clearly established in order to avoid any enforcement action being taken by the Highway Authority.
3. The applicant must also ensure that the details shown on the approved plans agree in every respect with those approved under such legislation and common law. It is therefore important for the applicant to contact KCC Highways and Transportation to progress this aspect of the works prior to commencement on site.

- 4 Artificial light can be considered under the Statutory Nuisances regime contained within the Environmental Protection Act 1990. It is thus in the applicants best interests to ensure that any lighting does not affect any nearby neighbours.
- 5 This permission does not purport to convey any legal right to undertake works or development on land outside the ownership of the applicant without the consent of the relevant landowners.
- 6 The granting of planning permission confers no other permission or consent on the applicant. It is therefore important to advise the applicant that no works can be undertaken on a Public Right of Way without the express consent of the Highways Authority. In cases of doubt the applicant should be advised to contact KCC PROW before commencing any work on site as the Public Right of Way needs to be extinguished.
- 7 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 Street Naming & Numbering, Tonbridge and Malling Borough Council, Gibson Building, Gibson Drive, Kings Hill, West Malling, Kent, ME19 4LZ or to e-mail to addresses@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.

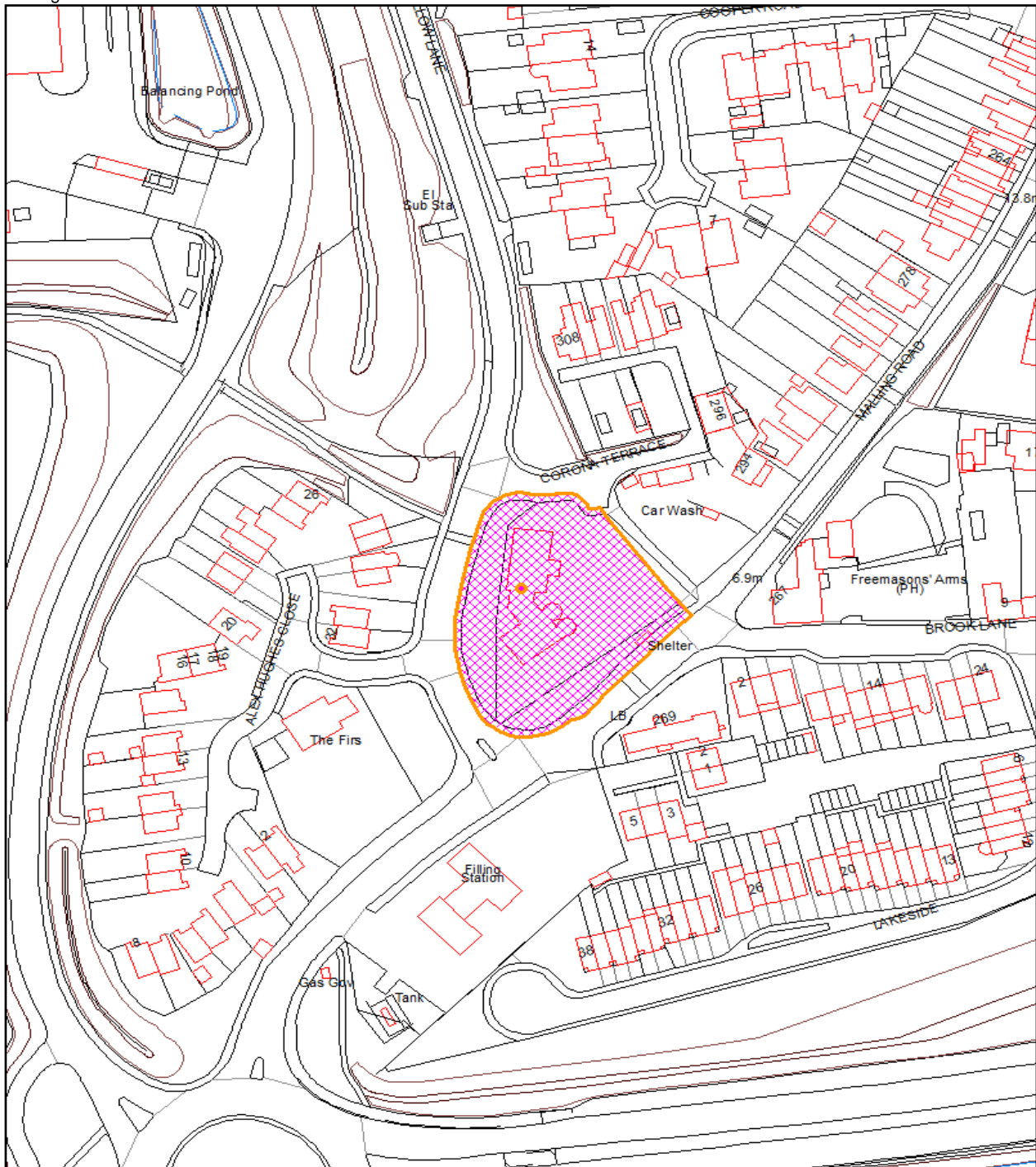
Contact: Maria Brown

TM/19/00786/FL

The Oast House Hollow Lane Snodland Kent ME6 5LB

Partial demolition of existing vacant building, change of use of remaining floorspace and erection of new single storey extension for mixed restaurant and hot food takeaway (mixed A3/A5) use, incorporating a 'drive-thru' lane, creation of new vehicular access and egress point from Hollow Lane, provision of car and cycle parking, plant and extraction system, landscaping and both freestanding and elevational internally illuminated and non-illuminated signage

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Snodland
Snodland East And
Ham Hill

25 February 2019

TM/19/00449/FL

Proposal: Erection of 4 no. warehouse units (Use Classes B1c/B2/B8) and 2 no. Drive-Thru units (Use Classes A3 and/or A5), together with the provision of parking, landscaping and associated works

Location: Development Site North Of Vantage Point Holborough Road Snodland Kent

Go to: [Recommendation](#)

1. Description:

- 1.1 Determination of this application was deferred ahead of the APC3 Planning Committee in July in order to consider a late representation made on behalf of an adjoining land owner concerning an extant, albeit historic, permission and potential cumulative highway impacts arising. A copy of the July report and associated supplementary report is appended to this report in full and the two should be read in conjunction.
- 1.2 Further assessment has now taken place in respect of potential cumulative highways impact in the form of a transport note prepared on behalf of the applicant and this has been the subject of consultation.
- 1.3 In addition to the above, the deferral has given the opportunity to further consider the matter of SUDS as there were some errors in the reproduction of the representations made by the LLFA. The latest representations received from this organisation are, therefore, also reported in this report.

2. Consultees (since 11 July 2019):

2.1 Highways England:

2.1.1 We can confirm that, on the basis that the documents relate to now concluded discussions between the applicant and Kent Highways regarding local network and site access matters, we have no comments and are content to rely on our original response of 'No Objection' dated 26 March 2019.

2.2 KCC: (H&T)

Introduction

2.2.1 This response is in addition to this authority's previous consultation responses dated 12th April and 16th May 2019 and should be read in conjunction with them. It is understood that the applicant has produced an additional Transport Note (TN) dated 31st July 2019 in response to objections from the neighbouring land owner,

namely Tarmac Cement Limited, who have requested that their extant (*lawful*) consent for a cement works (*Kent County Council Planning Reference: TM/98/785*) is included within the Transport Assessment for the Vantage Point site.

Traffic Generation and Distribution

2.2.2 Peak hour traffic generation data has been provided by Tarmac Cement Limited's transport consultant, who have suggested that the cement works is likely to generate 55 HGV movements in each peak hour period. In addition to the 55 HGV movements it is understood that Tarmac Cement Limited have also requested a 50% uplift in traffic flows be included to allow for hourly variations in traffic flows over the day. This equates to a total of 83 traffic movements in each peak hour period, inclusive of the 50% uplift requested. It is also understood that the 83 movements include all movements e.g. staff, delivery and other that could be generated from the site. In accordance with the terms of the sealed S106 agreement associated with the cement works 97% of all HGV movements from the cement works have been distributed to and from the A228 south. This approach is acceptable to this authority given the sealed status of the section 106 agreement.

Traffic Impact

Peter's Bridge and Holborough Lakes Roundabout

2.2.3 A revised junction capacity assessment, which includes the additional traffic from the cement works, has also been undertaken by the applicant for both the Peter's Bridge and Holborough Lakes roundabout junction. Whilst the revised capacity assessments confirm some minor worsening of both junctions performance in the AM and PM hour periods, as a consequence of the traffic from the cement works; importantly, all arms of the junction will continue to operate within capacity (*defined as an RFC of 0.85 or below*), without any excessive queuing or delays.

Summary

I can confirm on behalf of this authority that its position remains unchanged from that stated in the previous consultation response dated 16th May 2019, subject to the imposition of the same previously stated conditions and S278 works.

2.3 KCC (SUDS): Following discussion with the planning officer, we have come to the conclusion that our concerns stated in our previous response (25 March 2019) can be addressed by way of pre-commencement conditions. We recommend the following advisories to be considered at detailed design stage:

- We would require clarification of discharge rates, with set rates clearly set out for all critical events (1 year, 30 year and 100 year). We are aware that the 1 year event will be restricted to 43l/s however this should be displayed on the drainage strategy drawing.

- We would require that hydrobrakes are included in the drainage strategy drawing to identify the reduction in rate from the storage structures to final outfall at the stream.
- We have additional concern regarding the excess of surface water above ground for the 40% climate change allowance. There is a considerable large area of above ground storage in the southern section of the site which is within the car park and service yard. We would require more details, including the volume of surface water stored above ground and how it will be contained within this area.
- Also we would expect to see the drainage system modelled using FeH rainfall data in any appropriate modelling or simulation software. Where FeH data is not available, 26.25mm should be manually input for the M5-60 value, as per the requirements of our latest drainage and planning policy statement (June 2017).
- We would require evidence of the calculations used to provide the existing runoff rates i.e the Rational Method.
- At present, calculations are provided at source control. We would require to see a full interconnected network model at the detailed design stage.

2.3.2 If the applicant was not minded to agree to the pre-commencement conditions then we would recommend the application is refused as there is no certainty that surface water will be accommodated within the site and not create flood risk on-site or within the vicinity.

2.4 Private Reps – No further response have been received at the time of writing this response.

3. Determining Issues:

3.1 The assessment that follows relates solely to matters of cumulative highway impact, when taking into account an extant planning permission granted by KCC a number of years ago. The remaining assessment remains as set out in my July report and as such the two should be read in conjunction with each other.

Cumulative highway impact:

3.2 Policy SQ 8 of the MDE DPD states that development proposals will only be permitted where they would not significantly harm highway safety and where traffic generated by the development can adequately be served by the highway network. It goes on to state that development which involves either the construction of a new access or the increased use of an existing one onto the primary or secondary road network where a significantly increased risk of crashes or traffic delays would result will not be permitted.

- 3.3 Paragraph 109 of the NPPF states that development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.
- 3.4 The late objection received that resulted in deferral of this application concerned the extant planning permission for the Holborough Cement works close to the site and specifically that a full assessment of the cumulative impacts of that development combined with those of the proposed development had not been considered at that time. Whilst the permission is extant (confirmed by KCC as the relevant Mineral Planning Authority), the site has not yet commenced cement production. The objection commented that the consented scheme would generate approximately 350 vehicle movements per day (two-way) and that the planning obligation relating to this extant permission required 97% of movements to be routed south along the A228 past the Peters Bridge and Holborough roundabouts to the M20 (i.e. past the application site).
- 3.5 In response to this specific objection, an additional Transport Note was produced on behalf of the applicant. This makes use of data supplied directly by Tarmac, which would operate the cement works. The data considers that the cement works would generate an average hourly trip rate of 55 HGV movements to and from the site. However, due to the nature of the use and factoring other sites operated by Tarmac, it applies a 50% uplift to its hourly HGV movements. i.e. 83 two-way movements each hour to and from the site would need to be considered as part of the cumulative impact of the proposed development.
- 3.6 The applicant has not challenged Tarmac's policy of uplifting traffic movements by 50% but instead factors in the larger number of movements to the assessment already undertaken. It concludes that the even when taking the additional movements associated with the cement works into account, the junctions at the Peters Bridge and Holborough roundabouts would still operate within their designed capacity were the proposed development to go ahead. It further reiterates the conclusion of the main Transport Assessment that the proposed development itself would have a minimal impact upon the highway network.
- 3.7 Both KCC as local highway authority and Highways England (HE) have been consulted in respect of this additional Transport Note and their responses are detailed earlier in this report. It is noted that HE has no further comments to add and relies instead upon its previous response that raised no objections to the proposed development.
- 3.8 The local highway authority considers that the methodology set out in the additional Transport Note is acceptable and the use of the 50% uplift in movements to and from the cement works accounts for all types of traffic movements (including staff and delivery movements). It concludes that there would be a minor worsening of the capacity at the Peter's Bridge and Holborough roundabouts in the AM and PM peak hours, due to the additional cement works

traffic. However, both would still operate within capacity without excessive queuing or delays. As a consequence of this, the local highway states that its position remains unchanged from that set out in its previous response (in May 2019); that being to raise no objection subject to certain conditions be adhered to.

- 3.9 Taking the above and the assessment contained in my July report into account, there is no technical evidence to suggest that the proposed development, even when taking the traffic movements associated with the extant permission for the adjacent cement works into account, would (cumulatively) cause a severe impact upon the road network. Therefore, in accordance with paragraph 109 of the NPPF, permission should not be refused on highways grounds.

Conclusions:

- 3.10 The proposed development would provide a comprehensive redevelopment of this designated employment site. It is acknowledged that the development would also include food and drink uses which would not normally be permitted on such sites. However, given the limited size of this element of the proposed development compared to the significant size of the proposed employment provision, the overall development would result in economic growth in the local area and make a significant contribution towards employment provision within the Borough.
- 3.11 The development would also markedly improve the character of the site and will include the installation of many new trees, hedges and shrubs, together with appropriate lighting within the site.
- 3.12 Both Highways England and the local highway authority consider the development to be acceptable in terms of impact upon the strategic and local road networks. Adequate car parking would be provided for the development as a whole and provision will also be made for cycle storage and charging electric and other low emission vehicles.
- 3.13 Due to the location of the site, the development would not cause demonstrable harm to the amenity of residents living in the local area.
- 3.14 For all of the above reasons, the development is considered to be acceptable, and as such, the following recommendation is put forward.

4. Recommendation:

- 4.1 **Grant planning permission** in accordance with the following submitted details:

Contaminated Land Assessment phase 1 received 04.09.2019, Plan 724300-MLM-ZZ-XX-DR-J-0007 received 03.07.2019, Planting Plan 6777.ASP.PP.1.2_REV C received 25.02.2019, Other Transport note received 31.07.2019, Proposed Plans 18-081-EX-002 PL3 received 25.02.2019, Planting Plan 6777.ASP.PP.1.0_REV A received 25.02.2019, Planting Plan

6777.ASP.PP.1.1_REV C received 25.02.2019, Planting Plan
6777.ASP.PP.1.3_REV C received 25.02.2019, Landscaping 6777.ASP3
received 25.02.2019, Site Plan S059_3002.PL4 received 25.02.2019, Floor Plan
S059_3025.PL1 received 25.02.2019, Floor Plan S059_3026.PL1 received
25.02.2019, Floor Plan S059_3027.PL1 received 25.02.2019, Roof Plan
S059_3028.PL1 received 25.02.2019, Floor Plan S059_3029.PL1 received
25.02.2019, Section S059_3035.PL1 received 25.02.2019, Elevations
S059_3036.PL1 received 25.02.2019, Elevations S059_3037.PL2 received
25.02.2019, Floor Plan S059_3050.PL2 received 25.02.2019, Floor Plan
S059_3051.PL1 received 25.02.2019, Floor Plan S059_3052.PL1 received
25.02.2019, Roof Plan S059_3053.PL1 received 25.02.2019, Floor Plan
S059_3054.PL1 received 25.02.2019, Sections S059_3060.PL1 received
25.02.2019, Elevations S059_3061.PL1 received 25.02.2019, Elevations
S059_3062.PL1 received 25.02.2019, Floor Plan S059_3075.PL1 received
25.02.2019, Floor Plan S059_3076.PL1 received 25.02.2019, Other screening
opinion received 15.03.2019, Floor Plan S059_3077.PL1 received 25.02.2019,
Floor Plan S059_3079.PL1 received 25.02.2019, Sections S059_3085.PL1
received 25.02.2019, Elevations S059_3086.PL1 received 25.02.2019,
Elevations S059_3106.PL1 received 25.02.2019, Elevations S059_3087.PL1
received 25.02.2019, Floor Plan S059_3105.PL1 received 25.02.2019, Floor
Plan S059_3110.PL2 received 25.02.2019, Elevations S059_3111.PL2 received
25.02.2019, Elevations S059_3112.PL2 received 25.02.2019, Roof Plan
S059_3115.PL2 received 25.02.2019, Location Plan S059_3000.PL2 received
25.02.2019, Letter cover letter received 25.02.2019, Other Aubrilam Brochure
received 25.02.2019, Design and Access Statement received 25.02.2019,
Energy Statement received 25.02.2019, Other canopy brochure received
25.02.2019, Planning Statement received 25.02.2019, Other play frame
received 25.02.2019, Schedule areas received 25.02.2019, Statement
ventilation received 25.02.2019, Air Quality Assessment received 25.02.2019,
Arboricultural Survey received 25.02.2019, Archaeological Assessment
received 25.02.2019, Ecological Assessment received 25.02.2019, Lighting
received 25.02.2019, Flood Risk Assessment received 25.02.2019, Noise
Assessment received 25.02.2019, Environmental Assessment
geoenvironmental assessment received 25.02.2019, Report site services
overview received 25.02.2019, Transport Statement received 25.02.2019,
Travel Plan received 25.02.2019, Site Plan S059/3100 pl3 received 09.05.2019,
Other Transport Note received 18.04.2019, Other Remediation Strategy &
Verification Plan received 26.04.2019, Email received 26.04.2019,

subject to the following conditions:

Conditions:

- 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 accord with the approved plans.

Reason: To ensure that the development does not harm the character and appearance of the existing building or visual amenity of the locality.

- 3 The use of Units A, B, C and D shall not be commenced, until the area shown on the submitted layout as vehicle parking space and loading/unloading areas for those units has been provided, surfaced and drained. Thereafter, those areas shall be kept available for such use and no permanent development, whether or not permitted by the Town and Country Planning (General Permitted Development) Order 2015 (or any order amending, revoking or re-enacting that Order) shall be carried out on the land so shown or in such a position as to preclude vehicular access to this reserved parking and loading/unloading space.

Reason: Development without provision of adequate accommodation for the parking of vehicles is likely to lead to hazardous on-street parking.

- 4 The use of the two A3/A5 units labelled "Drive Thru 1" and "Drive Thru 2" on plan no. S059/3002 pl4 shall not be commenced, until the area shown on drawing no S059/3100 pl 3 as vehicle parking space has been provided, surfaced and drained. Thereafter, those areas shall be kept available for such use and no permanent development, whether or not permitted by the Town and Country Planning (General Permitted Development) Order 2015 (or any order amending, revoking or re-enacting that Order) shall be carried out on the land so shown or in such a position as to preclude vehicular access to this reserved parking space.

Reason: Development without provision of adequate accommodation for the parking of vehicles is likely to lead to hazardous on-street parking.

- 5 The access to the site shall be constructed in accordance with the approved plan (05 Rev A titled 'Potential Left-In/Left-Out Junction with Merge and Diverge Lanes). The access shall be implemented prior to first commencement of the use of any of the buildings hereby approved (with the exception of (Unit A shown on plan no. S059/3002 pl4) and shall be retained at all times thereafter.

Reason: In the interests of highway safety.

- 6 No building shall be occupied until that part of the service road which provides access to it has been constructed in accordance with the approved plans.

Reason: To ensure the safe and free flow of traffic.

- 7 The cycle storage facilities shall be installed in accordance with the plans hereby approved prior to the first occupation of the approved building they would serve.

Reason: To ensure that adequate cycle storage is provided.

- 8 The development shall be carried out in accordance with the submitted flood risk assessment (ref: 6600149-MLM-ZZ-XX-RP-C-0001-Rev01, MLM Consulting Engineers Limited, Date: 07/02/2019) and the following mitigation measures it details:

Finished floor levels shall be set at 6.4m above Ordnance Datum (AOD) for building Units A, B and C as shown in section 3.1 and Appendix E (drawing ref: 6600149-MLM-ZZ-XX-DR-C-0002) of the FRA.

Less flood resilient buildings to be located in flood zone 1 as stated in section 3.1 of the FRA.

Evacuation of the site will be managed by the site operators in response to the Environment Agency early flood warning system (See section 7 of FRA).

These mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the scheme's timing/phasing arrangements. The measures detailed above shall be retained and maintained thereafter throughout the lifetime of the development.

Reason: To reduce the risk of flooding to the proposed development and future occupants.

- 9 No drainage systems for the infiltration of surface water to the ground are permitted other than with the written consent of the local planning authority. Any proposals for such systems must be supported by an assessment of the risks to controlled waters. The development shall be carried out in accordance with the approved details.

Reason: To ensure that the development does not contribute to, is not put at unacceptable risk from, or adversely affected by, unacceptable levels of water pollution caused by mobilised contaminants. This is in line with paragraph 170 of the National Planning Policy Framework.

- 10 Development shall not begin in any phase until a detailed sustainable surface water drainage scheme for the site has been submitted to (and approved in writing by) the local planning authority. The detailed drainage scheme shall be based upon the FRA, MLM Group, February 2019) and shall demonstrate that the surface water generated by this development (for all rainfall durations and intensities up to and including the climate change adjusted critical 100 year storm) can be accommodated and disposed of without increase to flood risk on or off-site. The drainage scheme shall also demonstrate (with reference to published guidance):

- that silt and pollutants resulting from the site use can be adequately managed to ensure there is no pollution risk to receiving waters.

- appropriate operational, maintenance and access requirements for each drainage feature or SuDS component are adequately considered, including any proposed arrangements for future adoption by any public body or statutory

undertaker. The drainage scheme shall be implemented in accordance with the approved details.

Reason: To ensure the development is served by satisfactory arrangements for the disposal of surface water and to ensure that the development does not exacerbate the risk of on/off site flooding. These details and accompanying calculations are required prior to the commencement of the development as they form an intrinsic part of the proposal, the approval of which cannot be disaggregated from the carrying out of the rest of the development.

- 11 No building on any phase (or within an agreed implementation schedule) of the development hereby permitted shall be occupied until a Verification Report, pertaining to the surface water drainage system and prepared by a suitably competent person, has been submitted to and approved by the Local Planning Authority. The Report shall demonstrate the suitable modelled operation of the drainage system where the system constructed is different to that approved. The Report shall contain information and evidence (including photographs) of details and locations of inlets, outlets and control structures; landscape plans; full as built drawings; information pertinent to the installation of those items identified on the critical drainage assets drawing; and, the submission of an operation and maintenance manual for the sustainable drainage scheme as constructed.

Reason: To ensure that flood risks from development to the future users of the land and neighbouring land are minimised, together with those risks to controlled waters, property and ecological systems, and to ensure that the development as constructed is compliant with and subsequently maintained pursuant to the requirements of paragraph 165 of the National Planning Policy Framework

- 12 No above ground development shall take place other than as required as part of any relevant approved site investigation works until the following have been submitted to and approved by the Local Planning Authority:

a) results of the site investigations, based on the recommendations made in the Phase 2 Geo-environmental Assessment (MLM Consulting Ltd, January 2019), (including any necessary intrusive investigations) and a risk assessment of the degree and nature of any contamination on site and the impact on human health, controlled waters and the wider environment. These results shall include a detailed remediation method statement informed by the site investigation results and associated risk assessment, which details how the site will be made suitable for its approved end use through removal or mitigation measures. The method statement must include details of all works to be undertaken, proposed remediation objectives, remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site cannot be determined as Contaminated Land as defined under Part 2A of the Environmental Protection Act 1990 (or as otherwise amended).

(a)

The submitted scheme shall include details of arrangements for responding to any discovery of unforeseen contamination during the undertaking hereby permitted. Such arrangements shall include a requirement to notify the Local

Planning Authority in writing of the presence of any such unforeseen contamination along with a timetable of works to be undertaken to make the site suitable for its approved end use.

(b) Prior to the commencement of the development the relevant approved remediation scheme shall be carried out as approved. The Local Planning Authority should be given a minimum of two weeks written notification of the commencement of the remediation scheme works.

Reason: In the interests of amenity, public safety and human health and in accordance with the National Planning Policy Framework.

- 13 Following completion of the approved remediation method strategy, and prior to the first occupation of the development, a relevant verification report that scientifically and technically demonstrates the effectiveness and completion of the remediation scheme at above and below ground level shall be submitted for the information of the Local Planning Authority.

The report shall be undertaken in accordance with DEFRA and the Environment Agency's Model Procedures for the Management of Land Contamination, CLR 11. Where it is identified that further remediation works are necessary, details and a timetable of these works shall be submitted to the Local Planning Authority for written approval and shall be fully implemented as approved.

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

Reason: In the interests of amenity, public safety and human health and in accordance with the National Planning Policy Framework.

- 14 The scheme of landscaping and boundary treatment shown on the approved plans shall be carried out in the first planting season following occupation of the buildings or the completion of the development, whichever is the earlier. Any trees or plants which within 10 years of planting are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

Reason: Pursuant to Section 197 of the Town and Country Planning Act 1990 and to protect and enhance the appearance and character of the site and locality.

- 15 Units A, B, C and D as identified on plan number S059/3002 pl4 shall not be occupied until the electric vehicle charging points shown on plan nos. S059/3025 pl1, 3050 pl2 and 3075 pl1 have been installed in accordance with details that have first been approved by the Local Planning Authority. The work shall be carried out in strict accordance with the approved details and shall be retained at all times thereafter.

Reason: In order to encourage the use of electric vehicles to help reduce vehicle emissions in the interests of air quality and in accordance with paragraph 110 of the NPPF.

- 16 The developer shall afford access at all reasonable times to any archaeologist nominated by the Local Planning Authority and shall allow him/her to observe the excavation and record items of interest and finds. The developer will inform the Local Planning Authority of the start date of construction works on site not less than two weeks before the commencement of such works.

Reason: In the interests of archaeological research.

- 17 The external lighting shall be installed in accordance with the details shown on plan no. 18-081-EX-002 PL3 and maintained/retained in accordance with those details in perpetuity.

Reason: In order to ensure that the lighting accords with the approved plans and does not cause unacceptable light pollution in the locality.

- 18 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order amending, revoking and re-enacting that Order) no development shall be carried out within Classes H and J, of Part 7 of Schedule 2 of that Order.

Reason: In order to enable the local Planning Authority to control further development of this site in the interests of amenity.

- 19 None of the buildings hereby approved shall be occupied until a shared footpath/cycle way has been provided along the east side of the A228 (next to the southbound carriageway) as set out the Transport Note dated 16 April 2019, that accords with a scheme that has first been agreed by the local highway authority.

Reason: in order to provide better pedestrian and cycle links to the site and to the wider footpath and cycle networks.

- 20 None of the buildings shall be occupied until such time as they have all been connected to the mains foul drainage system.

Reason: To ensure the development is served by satisfactory arrangements for the disposal of foul waste and to ensure that the development does not exacerbate the risk of polluting ground or surface waters.

- 21 The development hereby approved shall be undertaken in accordance with the following plans:

Proposed Plans 18-081-EX-002 PL3 dated 25.02.2019, Planting Plan
6777.ASP.PP.1.0_REV A dated 25.02.2019, Planting Plan
6777.ASP.PP.1.1_REV C dated 25.02.2019, Planting Plan
6777.ASP.PP.1.2_REV C dated 25.02.2019, Planting Plan
6777.ASP.PP.1.3_REV C dated 25.02.2019, Landscaping 6777.ASP3 dated
25.02.2019, Site Plan S059_3001.PL2 dated 25.02.2019, Site Plan
S059_3002.PL4 dated 25.02.2019, Floor Plan S059_3025.PL1 dated

25.02.2019, Floor Plan S059_3026.PL1 dated 25.02.2019, Floor Plan S059_3027.PL1 dated 25.02.2019, Roof Plan S059_3028.PL1 dated 25.02.2019, Floor Plan S059_3029.PL1 dated 25.02.2019, Section S059_3035.PL1 dated 25.02.2019, Elevations S059_3036.PL1 dated 25.02.2019, Elevations S059_3037.PL2 dated 25.02.2019, Floor Plan S059_3050.PL2 dated 25.02.2019, Floor Plan S059_3051.PL1 dated 25.02.2019, Floor Plan S059_3052.PL1 dated 25.02.2019, Roof Plan S059_3053.PL1 dated 25.02.2019, Floor Plan S059_3054.PL1 dated 25.02.2019, Sections S059_3060.PL1 dated 25.02.2019, Elevations S059_3061.PL1 dated 25.02.2019, Elevations S059_3062.PL1 dated 25.02.2019, Floor Plan S059_3075.PL1 dated 25.02.2019, Other screening opinion dated 15.03.2019, Floor Plan S059_3076.PL1 dated 25.02.2019, Floor Plan S059_3077.PL1 dated 25.02.2019, Floor Plan S059_3079.PL1 dated 25.02.2019, Sections S059_3085.PL1 dated 25.02.2019, Elevations S059_3086.PL1 dated 25.02.2019, Elevations S059_3087.PL1 dated 25.02.2019, , Floor Plan S059_3105.PL1 dated 25.02.2019, Elevations S059_3106.PL1 dated 25.02.2019, Floor Plan S059_3110.PL2 dated 25.02.2019, Elevations S059_3111.PL2 dated 25.02.2019, Elevations S059_3112.PL2 dated 25.02.2019, Roof Plan S059_3115.PL2 dated 25.02.2019, Location Plan S059_3000.PL2 dated 25.02.2019, Site Plan S059_3100.PL3 dated 09.05.2019

Reason: To ensure the development is undertaken in accordance with the plans hereby approved.

Informatives:

1. When designing the SUDS scheme for the development, please take the following advice from the Lead Local Flood Authority into account:
 - We would require clarification of discharge rates, with set rates clearly set out for all critical events (1 year, 30 year and 100 year). We are aware that the 1 year event will be restricted to 43l/s however this should be displayed on the drainage strategy drawing.
 - We would require that hydrobrakes are included in the drainage strategy drawing to identify the reduction in rate from the storage structures to final outfall at the stream.
 - 3. We have additional concern regarding the excess of surface water above ground for the 40% climate change allowance. There is a considerable large area of above ground storage in the southern section of the site which is within the car park and service yard. We would require more details, including the volume of surface water stored above ground and how it will be contained within this area.
 - We would expect to see the drainage system modelled using FeH rainfall data in any appropriate modelling or simulation software. Where FeH data is not available, 26.25mm should be manually input for the M5-60 value, as per the

requirements of our latest drainage and planning policy statement (June 2017).

- We would require evidence of the calculations used to provide the existing runoff rates i.e the Rational Method.
- The Borough Council will need to create new street name(s) for this development together with a new street numbering scheme. To discuss the arrangements for the allocation of new street names and numbers you are asked to write to Street Naming & Numbering, Tonbridge and Malling Borough Council, Gibson Building, Gibson Drive, Kings Hill, West Malling, Kent, ME19 4LZ or to e-mail to addresses@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.

Contact: Matthew Broome

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Report from 11 July 2019

Snodland
Snodland East And
Ham Hill

25 February 2019

TM/19/00449/FL

Proposal: Erection of 4 no. warehouse units (Use Classes B1c/B2/B8) and 2 no. Drive-Thru units (Use Classes A3 and/or A5), together with the provision of parking, landscaping and associated works

Location: Development Site North Of Vantage Point Holborough Road Snodland Kent

Go to: [Recommendation](#)

1. Description:

- 1.1 Planning permission is sought for a mixed use development consisting of four no. commercial buildings and two no. drive-thru food and drink units.
- 1.2 The largest of the commercial units (Unit A) would measure 80m in length and 74m in width and be located at the southern end of the site. It would be accessed by the existing eastern arm of the roundabout that serves the Holborough Lakes development. Sixty car parking spaces would be provided to the southern side of the proposed unit together with cycle storage for 40 bicycles. The submitted drawings show the inclusion of 8 no. HGV delivery bays within its southern elevation. This building would stand approx. 15.7m in height, would have the appearance of a warehouse building and have a curved roof form. It would be clad externally with two different types of grey cladding to the elevations, grey profiled metal sheeting to the curved roof and grey, powder coated aluminium curtain walling/windows. Ventilation louvres would be installed within the external walls and again be finished grey. The proposed use would be either B1(c) (light industrial), B2 (general industrial) or B8 (storage and distribution).
- 1.3 The three other B1/B2 and B8 commercial units (Units B, C and D) and the two A3/A5 drive thru units would be accessed from a separate access to that serving Unit A which will be a modified version of the existing one allowing direct access to/from the southbound carriageway of the A228. The modified access is to include new slipways for leaving and entering the A228.
- 1.4 Units B and C would be located within a single building measuring 74m in length and 40m in width. Twenty Four no. car parking spaces would be provided for each unit together with 10 no. covered cycle storage bays. These units would take the same architectural form and design as Unit A and make use of the same external materials. The building would stand at approximately 13.4m in height at roof level.
- 1.5 The main body of Unit D as proposed measures 36m in length and 45.5m in width. A small off-shoot located on the north side of the main building measures approx.

23m in length and 10m in width. This unit would have 15 no. parking spaces located adjacent to it together with 10 no. cycle storage bays. This building would have the same architectural form and external appearance as the other commercial units and also be finished with the same palate of materials.

- 1.6 The A3/A5 unit known as “Drive Thru 1” would measure approx. 16m in length and 11m in width. It would have a mono-pitched roof and would stand 5.5m high at its highest point. This building would be finished externally with rendered walls, horizontal timber cladding and grey coloured powder coated aluminium soffits, windows and doors. A section of panelling would be installed around the entrance to the unit coloured wine red to reflect the corporate colour associated with the occupier.
- 1.7 The other drive-thru A3/A5 unit “Drive Thru 2” would measure 31m in length and 14m in width. It would stand 5.8m in height and be finished with two different types of grey cladding, vertical timber cladding, blue engineering brick work and grey coloured windows.
- 1.8 The proposed plans show that 35 no. car parking spaces would be provided for Drive Thru 1 and 42 for Drive Thru 2. Four no. covered cycle storage stands would be provided for each unit.
- 1.9 A triangular shaped parcel of land located at the southern end of the site and which is separated from the main body by a public footpath is shown to be enhanced as an ecology park with additional tree, hedge and shrub planting taking place within it as well as the creation of wildflower banks and grassland.
- 1.10 Landscaping would take place around the periphery of the site with much additional tree and hedge planting and additional planting within the site as well.
- 1.11 The application does not specify the proposed operational hours of any of the units.

2. Reason for reporting to Committee:

- 2.1 At the request of Cllr Sue Bell in order to give consideration as to whether the development conflicts with policies E1 and E3 of the DLA DPD.

3. The Site:

- 3.1 The site lies on the east side of the A228, west of the railway line connecting Aylesford to the Medway Towns. The site lies between the Peter’s Bridge roundabout to the north and the roundabout serving the Holborough Lakes development to the south.
- 3.2 The site is allocated in the adopted Development Plan as an employment site to which policies E1 and E3 of the DLA DPD apply. The site is currently used as a depot for storing recovery vehicles. Access to the site is currently taken from two

separate points. One is from the eastern spur of the “Holborough” roundabout and the other is an access point directly from the southbound carriageway of the A228.

- 3.3 A triangular section of land at the southern end of the site is currently not used as a part of the depot for storing recovery vehicles and is laid mainly to grass. This part of the site also lies within flood zone 3. The central section of the site lies within flood zone 2.
- 3.4 The Holborough Mill Conservation Area is located on the west side of the A228 and has a narrow road frontage opposite the southern end of the application site. The CA wraps around the rear of the office building that stands on the north west side of the Holborough Lakes roundabout and extends westwards along the north side of Ladds Lane. A Grade II Listed Building is located within this CA, immediately north of the office building, close to the western boundary of the A228. A mature tree screen stands on this boundary together with a close boarded fence.

4. Planning History (relevant):

TM/11/03295/OA Approved 13 August 2012

Outline Application: Construction of business park (use classes B1, B2 and B8), including associated accesses (including alterations to existing vantage point access road), parking and servicing area, landscaping, surface water storage areas, demolition of existing buildings and structures, and related development, including alterations to site levels and enhancement of pocket park

TM/14/01795/FL Approved 16 July 2014

Temporary use of currently vacant land for general open storage including areas for storage, means of access, boundary enclosure, and small administration building

TM/19/01131/AT Under Consideration

Display of five internally- illuminated fascia signs

TM/19/01132/AT Under Consideration

The installation of 1no internally- illuminated freestanding 12m totem sign with tenant appendages

TM/19/01133/AT Under Consideration

Display of various internally-illuminated and non-illuminated signs, including four free standing, 2 Banner units, 19 Dot signs and 1 Play Land sign

5. Consultees:

- 5.1 Snodland TC: No objection: The Town Council welcomes this high quality development. We would recommend that additional soft landscaping be placed along the A228 and CCTV installed to police anti-social behaviour. We would appreciate a condition to ensure that the takeaway units manage their litter.
- 5.2 Wouldham PC: We are concerned with the increase in traffic in this very busy area and think that a contribution should be made for crossings from Holborough Lakes across the A228. We note that the majority of the objections are not for the warehouses, but for the drive thru which will encourage more passing traffic and is unnecessary.
- 5.3 Medway Council: No objection subject to a condition to secure substantial landscaping, particularly along the site's boundaries in order to limit its visual impact and to minimise any eroding impact upon the gap between Snodland and Halling.
- 5.4 Highways England:
- 5.4.1 Referring to the planning application referenced above (received 5 March 2019), in the vicinity of M2 and M20 (in particular junctions 2 and 4 respectively), Snodland, Kent (which forms part of the Strategic Road Network), notice is hereby given that Highways England's formal recommendation is that we:
- a) offer no objection*
- 5.4.2*on the basis that we are satisfied that the development will not materially affect the safety, reliability and/or operation of the strategic road network (the tests set out in DfT Circular 02/2013, particularly paragraphs 9 & 10, and DCLG NPPF particularly paragraph 109) in this location and its vicinity.
- 5.5 KCC: (H&T): Initial comments received 12.04.2019

Introduction

- 5.5.1 It is noted that this application seeks permission for the erection of 4 warehouse units (*use classes B1c/B2/B8-light industrial, general industrial and storage and distribution*) with a total gross internal floor (*GIFA*) of circa 11,325 square meters, as well as two drive thru units, (*use class A3-restaurant and cafes*), with a total GIFA of 611 square meters.
- 5.5.2 I can confirm that the proposals have been the subject of pre-application discussions with Kent County Council (*KCC*) Highways. *KCC's* formal pre-application response is contained in Appendix A1 of the applicant's Transport Assessment (*TA*).

Access

- 5.5.3 The applicant has proposed to utilise the existing access points onto the public highway. The first access is situated south of the development site and takes the form of a private service road, which also serves as the eastern arm of the Holborough Lakes roundabout. All existing activities associated with the site take place from this access. It is understood that this access will remain unchanged as shown on the submitted site plan (*drawing number: SO59/3002 Rev p14*), with no physical changes to either the private service road itself or this arm of the Holborough Lakes roundabout.
- 5.5.4 To access both the drive thru/roadside element of the proposals and the site's remaining industrial units (Units B, C and D) the applicant has proposed to utilise the existing, all be it amended, lay-by access onto the A228. Alterations that the applicant has proposed include the introduction of diverging (deceleration) and merging (acceleration) lanes, which have been designed in accordance with a design speed of 85 kilometres/52 miles per hour. Reference has also been made to the relevant technical design standards in Design Manual for Roads and Bridges (DMRB) Technical Directive (TD) 42.95, as shown on the applicant's site access plan titled 'Potential Left-In/Left-out Junction (*drawing number: 18-T111-05 Rev A*)'.
- 5.5.5 I can confirm that the speed limit for the area within the immediate proximity of the revised access onto the A228 has recently been reduced to 50 miles per hour (*mph*). The associated Traffic Regulation Order (*TRO*) for the speed limit amendment was sealed on 19th December 2018. This speed limit change is in preparation for a new controlled toucan crossing facility which is planned adjacent to the Holborough Lakes service station.
- 5.5.6 A speed survey has also been undertaken by the applicant to identify 85th percentile speeds within the proximity of the existing lay-by access on the A228. This survey was undertaken between 27th November and 3rd December 2018 and confirms actual observed 85th percentile speeds of 50.9 mph. Based on the results of the applicant's survey and the fact that KCC Highways have recently implemented a scheme to reduce the posted limit of the A228 to 50 mph, diverging and merging lanes based on a design speed of 50 mph are acceptable.
- 5.5.7 The amended access arrangements have also been subject to an independent stage 1 road safety audit (*RSA*). This audit was completed by JB Road Safety Consultants and includes a review of the existing lay by/priority junction arrangement, proposed access arrangement with deceleration and merge lanes and an access with deceleration lane and priority access, with no merge lane.
- 5.5.8 It is noteworthy that the RSA contained within the appendix of the applicant's TA relates to a previous version of the proposed access arrangements. However, a revised RSA has been submitted by the applicant to this authority via email.

Importantly the revised RSA raises no substantive highway safety issues with the access arrangements proposed, or the proximity of the acceleration lane to the Holborough Lakes roundabout.

5.5.9 Finally, I note that the existing footway will be realigned to suit the revised access arrangements. The submitted drawings show that the footway will be a width of 2 meters for its duration. As stated in KCC Highways formal pre-application advice the feasibility of providing a 3-meter-wide shared foot/cycle way requires further investigation in the interest of promoting sustainable modes of transport. Provision of such a link will ensure continuity with the existing implemented improved provision as part of the Peter's Village development.

Sustainable Travel

Walking and cycling

5.5.10 Section 2.31 to 2.44 of the applicant's TA outlines opportunities for walking and cycling to the proposals. As highlighted by the applicant the existing footways, which abut the A228 provide a connection to the development site for pedestrians approaching the site from the direction of Snodland and the Holborough Lakes development; whereas, the recently implemented improvements as part of the Peter's Village development provide a connection for those approaching the site from the north. KCC Highways would reiterate the comments made earlier in this consultation response, in that the applicant should be required to investigate the feasibility of providing a 3-meter-wide shared foot/cycleway between Peter's Bridge and the Holborough Lakes service station. This would ensure continuity of provision between the two locations, as well as being in the overall interest of promoting sustainable modes of transport.

Public Transport

5.5.11 Sections 2.32 to 2.36 of the applicant's TA identify the nearest public bus stops to the development site. The nearest stops are situated on the south and northbound carriageway of the A228. Full details, including route maps and timetables, of the routes that serve the stops in questions are contained in Appendix A5 of the applicant's TA. Examples of locations that can be accessed on these routes include Larkfield, Maidstone, Chatham and Rochester.

5.5.12 Public Right of Way Route (*PROW*) 0233/MR32/3 is situated east of the development site and provides a direct link to Snodland train station as demonstrated in the applicant's TA (*Figure 2.16*). Alternatively, the station could be accessed via Snodland High Street, Rocfort Road and Brook Street, although this would involve pedestrians crossing the A228 at the Holborough Lakes service station, which does not currently have any controlled crossing facilities. As highlighted by the applicant Snodland train station provides services to destinations including Maidstone, Tonbridge and London at a reasonable

frequency. If not already undertaken, then consultation is recommended with KCC's PROW team given the proximity of PROW route 0233/MR32/3 to the site.

Travel Plan

- 5.5.13 In addition to the submitted TA the applicant has provided a framework Travel Plan (TP). As outlined within the TP initial surveys will be conducted to ascertain baseline travel to work figures, which will then be supplemented by annual surveys. The applicant has proposed a target of a 10% reduction in single occupancy private vehicle travel within 5 years of the initial survey being undertaken.
- 5.5.14 Measures outlined by the applicant to encourage the take up of sustainable modes of transport by the development's future occupants include promotion of the County Council's lift sharing scheme (liftshare), promotion of the on and offsite pedestrian network and the promotion of bicycle user groups upon opening of the site. These measures are considered acceptable to this authority.

Trip Generation

- 5.5.15 It is my understanding that trip generation figures for the employment element of the proposals have been obtained from TRICS, the National Trip Generation database. Inspection of the trip generation figures for the employment element of the proposals reveals that the applicant has included a site in Northern Ireland (TRICS site reference: AR-02-D-01). Closer review of this site on the TRICS database confirms that 50% of the units on the site were unoccupied at the time of the survey in 2010. Consequently, sensitivity checking is required with this site omitted from the site selection parameters.
- 5.5.16 Further clarity is also required on the source of the trip rates shown in tables 6.2 to 6.4, as they do not correspond to the times or figures shown in Appendix A10 (TRICS Outputs). For example, a two-way trip rate of 0.653 between 07:45-08:45 is given in tables 6.2-6.4, yet no such time period or corresponding rate is shown in Appendix A10, whereas Appendix 13 (Traffic Flow Diagrams) gives a two-way trip rate of 0.693 for the AM peak period.
- 5.5.17 Rather than making use of the TRICS database comparable A3/A5 have been surveyed for the roadside element of the proposals. Importantly, both the surveyed sites have drive-thru facilities and possess similar location characteristics to the development site. This approach is acceptable in principle to this authority and in accordance with KCC's formal pre-application advice.
- 5.5.18 I note that paragraphs 6.12 and 6.15 of the applicant's TA states that the raw survey data is contained in Appendix A11; however, I am unable to locate the survey data in Appendix A11. I would therefore be grateful if the applicant could provide the missing survey data for review and validation by this authority. In addition, the trip rates that are contained in tables 6.5 and 6.6 differ to those that

are presented in Appendix 13 (traffic flow diagrams). For example, a two-way trip rate for the AM peak period of 53.57 is given in Appendix 13, yet Table 6.5 gives a two-way trip rate of 36.197 for the McDonald's unit.

Pass-by trips

5.5.19 As highlighted in the applicant's TA (paragraph 6.20) KCC Highways advised in our formal pre-application advice that a 50% reduction from the total traffic generation of the roadside element of the proposals to account for pass-by trips, would provide a robust basis for assessment. The applicant has proposed that the number of pass-by trips would in fact be much higher (80% and 95%) based on the proximity of other nearby A3/A5 restaurants and the high traffic volumes already travelling along the A228. It is therefore assumed within the applicant's methodology that customers are less likely to travel to a facility that is further away from their nearest existing restaurant. Consequently, it is assumed that the new restaurant will primarily act as a local facility, namely for the residents of local settlements such as Snodland, Peter's Village and Halling for example.

5.5.20 Surveys have been undertaken at sites with similar locational characteristics by the applicant in accordance with the guidance in TRICS Research Report 14/1 titled 'Pass-By and Diverted Trips (Paragraph 11.1)'. The results of these surveys demonstrate that single purpose trips represent a low percentage of the overall number of trips. These surveys support the applicant's proposals that the number of overall pass-by-trips would in fact be higher than 50%. Consequently, it is considered that the applicant has provided satisfactory justification for a pass-by percentage of 80% and 95% for "Drive Thru 1" and "Drive Thru 2" respectively.

Trip Generation

5.5.21 To distribute the traffic associated with the proposals the applicant has used 'origin and destination' data from the 2011 census, alongside Google real time journey planner. Data for Middle Super Output Area (MSOA) E205005150: Tonbridge and Malling 002 has been used, as this is the census area that the development site falls within.

5.5.22 In summary, the applicant has forecast that 63% of the employment-based trips will approach to/from the north, with the remaining 37% approaching from the south. Although KCC Highways would not wholly agree with some of the detailed routing forecasts shown in Table 6.12 of the applicant's TA, the principles that underpin the applicant's methodology are considered acceptable. However, in the interest of clarity, it would be helpful if the applicant could provide the census data and associated workings that underpin their distribution assumptions.

5.5.23 Although the applicant has not explicitly explained the distribution for the drive thru element of the proposals it appears from the submitted flow diagrams that a first principles approach has been adopted. It is noteworthy that the applicant has

forecast that a significant proportion (25%) of the drive-thru trips will come to/from the Manley Boulevard arm of the Holborough Lakes roundabout. It is unclear how this conclusion has been reached, as this arm of the roundabout only serves the Holborough Lakes estate. In addition, the applicant has forecast that none of the drive thru trips will arrive from the northern arm of the Peter's Bridge roundabout. Again, the rationale for this is somewhat unclear given the proximity of Halling to the site. Further sensitivity testing is therefore required.

5.5.24 Finally, I note that the Heavy Goods Vehicles (HGV) movements associated with the development have been distributed separately based upon the patterns observed in the traffic surveys undertaken by the applicant. This approach is acceptable to this authority.

Traffic Impact

5.5.25 To quantify the anticipated traffic impact of the proposals on the Local Highway Network the applicant has undertaken a number of junction capacity assessments namely for: Peter's Bridge/A228 roundabout, Holborough Lakes Roundabout and the site access itself. No capacity assessments have been undertaken for the amended layby access onto the A228, as this is not possible within the capabilities of the available industry standard software.

5.5.26 The junction capacity assessments completed are founded on traffic surveys undertaken on Thursday 29th November 2018 and are contained in Appendix A3 of the applicant's TA. These surveys were undertaken in the AM and PM peak period. Importantly, as well as undertaking turning counts at the junctions in question, queue length surveys have also been undertaken to validate the results of the junction capacity assessments.

5.5.27 It is of note that the results of the traffic surveys confirm the local highway networks peak hours of operation in the study area as 07:45 and 08:45 and 16:30 and 17:30 respectively; rather than the traditional periods of 08:00 to 09:00 and 17:00 to 18:00. Because of the results from the traffic surveys the junction capacity assessments have been undertaken based upon the local highways peak hours of operation, as identified in the survey. This approach is acceptable to this authority.

5.5.28 Importantly the applicant has also included nearby committed developments in their junction capacity assessments namely: Kings Hill Phase 3 (TMBC reference: 13/01535/OEA), Holborough Lakes (TMBC reference: 01/02746/OEA), Peter's Village (TMBC reference: 05/00989/OEA) and Leybourne Grange. Where some of these developments are in an advance stage of construction, such as the Holborough Lakes development for example, a pro-rotta rate has been used in order to avoid double counting the traffic from the occupied parts of the development. This approach is acceptable to this authority as the movements from the occupied sections of the development will have been captured within the traffic

surveys undertaken by the applicant. Several different scenarios have been modelled by the applicant, these include:

- 2018 observed i.e. the existing situation based upon the traffic surveys undertaken.
- 2023 future year scenario i.e. growthed 2018 traffic flows and committed development included.
- 2023 development scenario i.e. 2018 growthed flows, committed development and the development's traffic.
- 2023 outline case i.e. 2018 growthed flows, committed development and the development traffic from the 1993 outline consent.

5.5.29 As discussed earlier in this response clarification is required in respect of the applicant's trip rate methodology because this will have a consequential impact on the results of the junction capacity assessments contained in the submitted TA.

5.5.30 It would also be helpful if the applicant could provide an additional traffic flow diagram, which demonstrates the 2023 growthed flows, committed development trips and new residual trips (minus pass by and the sites existing trips), as I am unable to locate such a diagram in Appendix A12. The provision of such a diagram will assist in validating the outputs from the junction capacity assessments that have been undertaken.

5.5.31 Tonbridge & Malling's draft Local Plan was submitted to the Inspectorate earlier this year. An additional assessment is required for the end of the Local Plan period of 2031 in order to determine whether this development will lead to any significant impact which may affect the local plan allocations. Please provide assessments for 2031 base plus committed development (including permitted) and 2031 base plus committed plus proposed traffic flows.

Parking

5.5.32 Supplementary Planning Guidance SPG4, Kent Vehicle Parking Standards is the County Council's adopted guidance in respect of recommended parking for non-residential land uses, as outlined in table 4.7 of the applicant's TA. In accordance with Kent County Council Highways formal pre-application advice the applicant has undertaken a parking accumulation exercise to validate the level of provision that is proposed. Although, it is accepted that the results in tables 4.12 to 4.14 indicate that the level of provision will be sufficient for forecast demand, without any overspill parking on the adjacent public highway; the raw survey data that underpins the parking accumulations is missing from the appendix of the TA. I would therefore be grateful if the applicant could provide the omitted survey data in the first instance.

5.5.33 As detailed in sections 4.16 to 4.20 SPG4 also provides guidance on the required level of cycle parking provision, dependent on a development's land use class and overall size. I note that the requisite level of cycle parking will be provided within the curtilage of each individual unit, as shown on the applicant's site plan (drawing number: S059/3002 Revision P14 titled 'Proposed Site Plan'). This approach is acceptable to this authority.

Turning and Servicing

5.5.34 In accordance with standard practice the applicant has submitted a suite of swept path analysis to demonstrate the suitability of the development's proposed layout for the vehicles that will require access. This analysis is contained in Appendix A9 of the applicant's TA and includes a 16.5-meter-long articulated vehicle. I note from drawing number 07.7 titled 'Swept Path Analysis (16.5M Articulated Vehicle)' that the service vehicle will overrun a number of marked parking bays in order to access its final position to undertake servicing. Confirmation of the servicing plan for the "Drive Thru 1" element of the proposals is therefore required. For example, will staff mark/cone off spaces prior to deliveries/servicing being undertaken?

Summary

5.5.35 There are several areas where key information has been omitted, specifically in relation to the applicant's trip generation and distribution methodology. It is important that further clarification is provided on these matters in the first instance, as any amendments will have a consequential impact on the results of the junction capacity assessments undertaken. Once the applicant has provided the further information requested, I will then provide further highway-based comments.

Additional comments received 12.05.2019

Access

5.5.36 As confirmed in the applicant's Transport Note, they have no objection to providing the additional shared 3-meter shared foot/cycle way requested by this authority. I note that the applicant anticipates that there may be some challenges in providing the foot/cycle way for the entire length requested; most notably by the southbound bus stop where the existing footway abuts the site's perimeter fence. However, having reviewed the site layout plan (*drawing number: S059/3002 Rev p14, titled 'Proposed Layout Site Plan'*) and the applicant's red/blue line boundary against the existing highway boundary it is considered that the requested provision is achievable, all be it subject to land dedication and amendments to the existing boundary fence line. Precise details of the foot/cycleway alignment could be agreed at the detailed design stage as part of any future S278 Agreement with this authority.

Trip generation

- 5.5.37 Clarification on the trip rates used within the junction capacity assessments for the employment element of the proposals has been provided. In addition, the methodology used to calculate the PM peak hour trip rates has been clarified. On the basis that the traffic surveys undertaken identify the PM peak hour for the study area as being between 16:30 and 17:30, rather than 17:00 to 18:00, the average rate for between 16:00 and 18:00 has been used. This approach is acceptable given the results of the traffic survey undertaken by the applicant.
- 5.5.38 As requested in this authority's original consultation response dated 12th April 2019 sensitivity checks have been undertaken with TRICS reference site: AR-02-D-01 removed from the site selection parameters. Whilst it is noted that omitting this site increases the overall trip generation from the employment element of the proposals, it is accepted that this does not significantly alter the overall trip generation figures presented in the TA.
- 5.5.39 In addition to providing clarification on the trip rates for the employment element of the proposals, clarification has also been provided on the trip rates for the roadside/drive thru element of the development. The applicant has confirmed that PM peak hour surveys from the drive thru restaurant in Brickhill, Bletchley were used in the junction capacity assessments contained in the TA, rather than survey data from the Park Farm restaurant in Folkestone. None the less, it is accepted that the Brickhill restaurant also has similar locational characteristics to the Vantage Point site, and therefore provides a suitable basis for comparison. The raw survey data for the drive thru A3/A5 elements of the proposal has also been provided for review and validation by this authority.
- 5.5.40 A review of the survey data for the comparable site to the "Drive Thru 2" element of the proposals (*contained in Appendix A3 of the TN*) confirms that data was available for a whole day period (06:00-19:00); however, only PM peak hour survey data was available for the comparable site to "Drive Thru 1" (Brickhill) restaurant. Consequently, the applicant has calculated a conversion factor based on the PM peak hour survey data for the restaurant against a traffic profile from the TRICS database. KCC Highways would not wholly agree with the use of this methodology to calculate the anticipated AM peak hour trips; however, additional sensitivity testing has been undertaken.
- 5.5.41 The sensitivity testing involved comparing the AM peak hour trips presented in the TA against trip rates derived from a sample of sites contained in the TRICS database. Importantly, the sample sites used in the sensitivity testing are of a similar scale to the development site, as well as possessing similar location characteristics. The results of this sensitivity test were submitted to Kent County Council (KCC) Highways via email on Tuesday 13th May 2019. Whilst the results of this sensitivity test confirm that the McDonald's element of the proposals will generate more movements in AM peak than anticipated in the TA (**133 two-way**

movement compared to 103 two-way movements), this needs to be considered in the context of the high number of pass-by trips that the A3/A5 “Drive Thru 1” is forecast to generate (**80% of total trips**). Therefore, based on the revised more robust trip generation figures an additional 30 two-way movements are anticipated in AM peak period, of which only **6** will be new trips on the local highway network. It is accepted that a change of this magnitude will not materially affect the results of the junction capacity assessments, or the conclusions that have been drawn from them.

Trip Distribution

5.5.42 As requested in this authority’s initial consultation response details of the workings behind the distribution assumptions contained in Table 6.12 of the TA have been provided. These details confirm that a significant proportion (63%) of the employment trips associated with the development proposals are likely to route via the A228 (*North*), Hall Road (*North*) or Hall Road (*South*). KCC Highways would still not agree with some of the detailed routing proportions relating to routes that approach the site from the south, particularly in relation to the A228, Leybourne Way, Castle Way and M20 junctions. However, given the low number of new trips that the proposals are anticipated to generate through these junctions and modest increase (**2-3.5%**) on future year (2023) traffic flows the proposals are anticipated to represent, additional junction capacity assessments are not considered necessary.

5.5.43 The applicant has acknowledged that a proportion of the new trips associated with the drive thru/roadside element of the proposals could have been assigned to the northern/Halling arm of the Peter’s Bridge roundabout. KCC Highways still anticipates that in practice a proportion of the new trips from the drive thru/roadside element of the proposals will come from the Halling direction. None the less, it is accepted that given the modest number of new trips the proposals are anticipated to generate (**25 two-way movements in the AM peak period and 33 two-way movements in the PM peak period**) and positive junction capacity assessments further remodelling is not required. Finally, it has been confirmed that the distribution assignments contained in Table 6.10 of the TA relates to new drive-thru trips only, exclusive of pass-by trips. This is considered to a reasonable assumption and reflective of the demand likely to be generated from the Holborough Lakes development.

Traffic Impact

5.5.44 Highway capacity assessments for the following scenarios have been undertaken by the applicant:

- Existing scenario (Observed 2018)
- Future year scenario without the development traffic (Base 2023)
- Future year scenario with the development traffic (Development case 2023)
- Future year scenario with the outline 1993 consent traffic (Outline case 2023)

Peter's Bridge/Medway Works Roundabout

5.5.45 The baseline scenario (*Observed 2018*) capacity assessments indicate that the junction is currently operating within capacity, with no significant queuing (***max queue length of 2.4 vehicles in the AM peak***) or delays on any arms of the roundabout. This is consistent with the results of the queue length surveys undertaken on Thursday 29th November 2018, which are contained in appendix A3 of the TA. A future year scenario (*Development Case 2023*) that includes background growth, traffic flows from committed development proposals as well as the additional traffic flows from the development site has also been tested. The results of this assessment confirm that the junction will continue to operate within capacity in both the AM and PM peak hour periods, all be it with some minor additional queuing (***most notably on its northern arm***) when compared to the future year scenario without the additional traffic from the development (*Base 2023*). As the junction will continue to operate within capacity in 2023 with the additional traffic generated by the development no mitigating measures are required.

5.5.46 In addition to undertaking a junction capacity assessment, analysis of the personal injury collision record at the junction has been undertaken. Personal injury collision data covering the period between 1st July 2013 and 30th June 2018 has been obtained from KCC's Transport Intelligence Team. In this period 3 collisions have been recorded, all of which were slight in severity but clustered at the A228 north exit arm of the roundabout. All these collisions relate to drivers suddenly changing lane and not noticing the vehicle in the adjacent lane therefore leading to a collision. Neither the geometry of the existing highway layout or its condition is listed as a contributory factor in any of the collisions.

Site Access (A228 junction)

5.5.47 As stated in section 7 of the TA it is not possible to undertake a junction capacity assessment when merge (*acceleration*) and diverge (*deceleration*) lanes are to be provided. This is because there is no opposing traffic flow travelling in the opposite direction to the traffic joining the major carriageway from the minor arm. Consequently, use of conventional modelling software such as Picady to check the capacity of the proposed junction arrangement assessment is not possible in this instance.

Site Access (private service road)

Finally, a capacity assessment has been undertaken at the priority junction that serves the NY recovery yard currently situated on the site. Again, capacity assessments for the existing and future year scenario with the addition of the development traffic proposals have been undertaken. Unsurprisingly, this assessment confirms that all arms of the junction operate well within capacity, with no queueing in all scenarios.

Parking

5.5.48 As stated earlier in this consultation response the applicant has verified the source of the employment trip rates that underpin the TA, as well as undertaking sensitivity testing with the site previously identified by KCC Highways omitted. Table 1 in the applicant's TN confirms that admission of this site does not significantly alter the resulting trip generation figures. Consequently, the conclusion drawn from Table 4.12 of the TA remain valid and it is accepted that a provision of 123 car parking spaces will meet forecast demand for the employment element of the proposals.

The raw survey data for the drive-thru/roadside element of the proposals that underpins the parking accumulation exercise presented in the TA have now been provided. Whilst it is disappointing that the overall accumulations for the drive-thru element of the proposals (*Table 4.15 in the TA*) have not been updated with the more robust trip generation figures provided in the sensitivity tests undertaken, it is accepted that the proposed provision will be sufficient for the forecast demand. In the interest of clarity and the avoidance of doubt the revised parking accumulation with the more robust trip generation figures is given below in Table 1.

Time	Arrive	Depart	Accumulation	Available
07:00-08:00	25	22	23	54
08:00-09:00	43	38	28	49
09:00-10:00	36	37	27	50
10:00-11:00	30	33	24	53
11:00-12:00	38	33	27	50
12:00-13:00	43	38	29	48
13:00-14:00	40	41	31	46
14:00-15:00	30	35	26	51
15:00-16:00	28	25	29	48
16:00-17:00	29	32	26	51
17:00-18:00	32	32	26	51
18:00-19:00	29	30	25	52

Table 1: Parking Accumulation (Combined Drive Thru) using trip generation figures from applicant's sensitivity test.

SUPPLEMENTARY NOTES TO TABLE 1

NOTE 1: Starting accumulation for each individual unit assumed as 10 vehicles.

NOTE 2: Table 1 assumes that 30% of all Drive Thru 1's trips will park, whereas 45% of the overall Drive Thru 2 trips will park as identified in the surveys undertaken by the applicant.

NOTE 3: Total gross internal floor area of the Drive Thru 1 restaurant assumed as 443 square meters in accordance with the details submitted in the application form.

5.5.49 Table 1 confirms that peak accumulation will still occur between 12:00 and 14:00 where 31 of the 77 spaces (**40% of the proposed provision**) will be occupied. These findings are broadly consistent with Table 4.15 (*Parking Accumulation Combined Drive Thru*) contained in the TA, which forecast a maximum occupancy of 36 vehicles (*46% of the proposed provision*). It should be noted that the accumulations shown above in Table 1 and Table 4.15 of the TA slightly differ due to the amended traffic profile associated with the applicant's sensitivity testing. In summary, it is accepted that it has been demonstrated that a total of 77 car parking spaces will meet the demands of the drive-thru element of the proposals, without any overspill parking on the adjacent public highway.

Turning and Servicing

5.5.50 I am grateful for the applicant's confirmation that the intended operators have pre-existing established delivery strategies that they will also apply to the development site. It is noted that deliveries for this element of the proposals will be programmed for quieter periods when demand for parking spaces is lower, therefore enabling delivery vehicles to manoeuvre, park and then undertake the required deliveries. Whilst this approach is acceptable in principle, the applicant should be required by condition to provide a delivery management plan. This plan should outline delivery times and measures that will be taken to ensure that deliveries can be undertaken, without any detriment to the public highway.

Summary

5.5.51 I refer to the above planning application and having considered the development proposals and the effect on the highway network, raise no objection on behalf of the local highway authority. In the event that the Borough Council is minded to approve the application, KCC Highways request that the following works are secured via a S278 agreement: *-Provision of a 3-meter shared foot/cycle way from the point where the existing shared foot/cycle way situated to the north of the site terminates, up to the existing dropped kerb crossing point situated to the east of the Holborough Lakes Service Station, prior to use of the site commencing.*

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- 5.6 KCC (Heritage): The site has potential for prehistoric and post-medieval archaeology. I note that a desk based assessment has been submitted which looks fine and gives a good overview of the site. I am happy that archaeological issues can be dealt with through an appropriate condition.
- 5.7 KCC (LLFA):
- 5.7.1 We have reviewed the updated FRA (Brookbanks, March 2019). At detailed design, we would expect that design is compliant with KCC Drainage and Planning Policy Statement (June 2017), specifically that:
1. any attenuation storage is calculated on the full contributing development area.
 2. the drainage system modelled using FeH rainfall data in any appropriate modelling or simulation software. Where FeH data is not available, 26.25mm should be manually input for the M5-60 value, as per the requirements of our latest drainage and planning policy statement (June 2017).
- 5.7.2 These are technical matters which can be addressed during detailed design. In this instance there is sufficient open space to allow an increase in surface area of the attenuation ponds if necessitated by the change in design criteria.
- 5.7.3 Should your local authority be minded to grant permission for this development, we would recommend conditions requiring the submission of a detailed surface water drainage scheme and that a verification report be submitted once the approved details have been implemented.
- 5.8 EA: No objection subject to conditions concerning flood risk and contamination.
- 5.9 Southern Water: There is an increased risk of flooding arising from the impact of the foul sewerage flows from the proposed development. A condition should be used to require details of foul sewage and surface water disposal to be submitted to and approved by the LPA in consultation with Southern Water.
- 5.10 Neighbours (response to site and press notices): 0/2X/49R/11S. The 49 letters of objection do so for the following reasons:
- Additional traffic congestion
 - Dangerous for pedestrians trying to cross the road despite the 50mph speed limit
 - Additional litter from the food and drink units
 - The car parks will attract boy racers and their associated anti-social behaviour
 - Further anti-social behaviour arising from the food and drink units

- We should be discouraging fast food units, not encouraging them for health reasons
- It is irresponsible to locate fast food outlets close to local schools
- The development would urbanise the semi-rural environment
- There are already sufficient food and drink establishments in the local area. There is no need for the proposed units
- Increased light and noise pollution
- The applicant's Transport Assessment (TA) does not take into account the planning permission for the rail head on the adjacent site serving the quarry

5.11 The letters submitted in support comment as follows:

- The land has been under used since the cement works were demolished
- It is currently used to hold old lorries and is not a good first impression to visitors
- The development will provide much needed jobs
- It will not bring additional traffic into the area

6. Determining Issues:

Principle of the development

- 6.1 The whole of the site is located within an area designated under the existing development plan as an employment area to which policies E1 and E3 of the DLA DPD applies.
- 6.2 Policy E1 safeguards the site (and others within the wider Borough) for uses that fall within use classes B1, B2 and B8. It states that uses other than these will not be permitted. It also requires that the site's redevelopment must not result in unacceptable harm upon residential or rural amenity by virtue of noise, smell, dust vibration or other emissions, or by the visual intrusion or the nature and scale of traffic generation. With specific reference to the site in question, the policy requires the site to be developed with a quality development reflecting the gateway status of the site.
- 6.3 Policy E3 simply designates the site as a vacant site and states that it is allocated for employment use.
- 6.4 Section 6 of the NPPF refers to building a strong competitive economy. Paragraph 80 states that decisions should create the conditions in which

businesses can invest, expand and adapt. Significant weight should be placed on the need to support economic growth and productivity, taking into account local business needs and wider opportunities for development.

- 6.5 The proposed development of units A, B C and D would be create approx. 11,000 sqm of floorspace for purposes falling within B1, B2 and B8 use classes. This element of the proposed development therefore wholly accords with the policies above and is acceptable in terms of broad principle.
- 6.6 The proposed A3/A5 units to be located within the site conflict with policies E1 and E3 as they are not employment uses falling within the B1, B2 or B8 use classes. However, these units would still contribute towards employment generation despite not being traditional employment uses in planning. This is an important material consideration which weighs in favour of this aspect of the proposed development.
- 6.7 Furthermore, in terms of the introduction of these uses onto this site, I am mindful that Section 7 of the NPPF seeks to ensure the vitality of town centres. It states at paragraph 86 that LPAs should apply a sequential test to applications for main town centre uses which are neither in an existing centre nor in accordance with an up to date local plan. The inclusion of the proposed A3/A5 uses as part of a much larger commercial orientated development would not, however, typically be found in town centres in the same way that bars, cafes and restaurants would be expected to contribute to vitality and viability of town centres. Rather, they are commonly found adjacent to motorways and dual carriageways, on sites such as this, given that a key element of their business model is the ability to serve passing motorists. As such, I do not consider that the inclusion of these uses on this site would adversely affect the function of Snodland town itself.
- 6.8 In light of the above considerations, the principle of the proposed uses associated with this development, in this location, is considered to be acceptable.

Character of development:

- 6.9 Policy CP 24 of the TMBCS requires all development to be well designed and of a high quality in terms of detailing and use of materials. Proposals must be designed to respect the site and its surroundings in terms of scale, layout, siting, character and appearance. Policy SQ 1 of the MDE DPPD echoes the requirements of policy CP 24 and requires developments to protect, conserve and, where possible enhance the character and local distinctiveness of the area.

Concerning the quality of new development, the NPPF states at paragraph 124:

“The creation of high quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.”

6.10 Paragraph 127 of the NPPF states that decisions should ensure that developments:

- Will function well and add to the overall quality of the area
- Are visually attractive as a result of good architecture
- Are sympathetic to local character and history, including the surrounding built development

6.11 Paragraph 130 of the NPPF states that permission should be refused for development of poor design that fails to take the opportunity available for improving the character of quality of an area and the way it functions.

6.12 It must also be borne in mind that policy E1 of the DLA DPD requires the development to respect the site's "gateway location".

6.13 It is therefore clear that the development plan policies CP 24 and SQ 1 are in conformity with current national planning guidance concerning the quality of development.

6.14 The boundary of the Holborough Mill CA lies on the west side of the road opposite the southern portion of the application site. The CA has a narrow frontage to the road and is heavily tree screened. Two separate Listed Buildings are located within this CA. Consequently, the following must also be taken into consideration when determining the current proposals.

6.15 Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

6.16 Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended) states that when exercising powers within Conservation Areas, special attention shall be paid to the desirability of preserving or enhancing the character or appearance of the Conservation Area.

6.17 Current Government guidance concerning development and the historic environment is contained within section 16 of the NPPF. It states at paragraph 192 that when determining applications, LPA's should take account of the desirability of sustaining and enhancing the significance of heritage assets.

6.18 Paragraph 193 states:

"When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be).

This is irrespective of whether potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.”

- 6.19 The proposed industrial units are would be large in size, highly visible from the A228 and other public vantage points. Whilst their overall scale and form would reflect their proposed function, they have been designed with curving roof forms, different types of cladding and glazed screening that would provide a higher quality of commercial building than a typical industrial warehouse. The design of the proposed industrial units has clearly been influenced by the requirement of policy E1 for the development of this site to reflects its gateway status
- 6.20 The two smaller A3/A5 units are of a form and design that is typical of such units. The materials to be used respect the design of the units the units themselves and would sit comfortably within the wider development.
- 6.21 The largest of the proposed units (Unit A) would be located at the southern end of the site close to existing large scale industrial buildings also located on the east side of the A228. The scale of the units would reduce northwards across the site with the much smaller A3/A5 units being located at the northern end of the site, at the point that is farthest from the existing built form of Snodland. The proposed layout and the scaling down of the units from the south to the north end of the site as proposed respects the particular context of the site and the development within the wider locality.
- 6.22 Significant additional landscaping is to take place under this proposal to supplement the existing hedgerows and boundary screening to the site. Substantial amounts of additional tree planting would take place from the northern end of the site along its eastern boundary and also on the western side of the site adjacent to the realigned access road. Tree planting would also take place along both sides of the central access road, alongside the western boundary of the site adjacent to Unit D and along each side of the southern access road serving Unit A. Tree planting would also take place within the proposed ecology Park at the southern end of the site. Trees to be planted will include Beech, Silver Birch, Small leaf Lime, Hornbeam, Field Maple, Hazel, Malus, Sorbus (Rowan), and Norway Maple.
- 6.23 Substantial hedgerow planting would take place along sections of the western boundary of the site, together with large swathes of shrub planting, which would extend into the site adjacent to the access roads.
- 6.24 The existing site is dominated by an expansive area of hardstanding used to park recovery vehicles and, whilst some tree screening is present along the boundary with the A228, much of the site is highly visible as are the numerous recovery vehicles and associated plant within it. The current use of the site does not make a positive contribution to its character or indeed provide a high quality entrance to the Borough. By contrast, the proposed development, by reason of the design and layout of the proposed buildings, coupled with the proposed comprehensive

landscaping scheme would significantly enhance the character of the site. For these reasons, I consider that the development would not fail to preserve the character and appearance of the Conservation Area and would not harm the setting of the Grade II Listed Building located within the Holborough Mill Conservation Area.

- 6.25 Taking all of the above into account the development would comply with policies CP 24, SQ 1 and the requirement of policy E1 to provide a high quality development that would respect the site's gateway location to the Borough, and also paragraphs 127, 130, 192 and 193 of the NPPF.

Highway safety:

- 6.26 Policy SQ 8 of the MDE DPD states at point 2 that development proposals will only be permitted where they would not significantly harm highway safety and where traffic generated by the development can adequately be served by the highway network. It goes on to state at point 3 that development which involves either the construction of a new access or the increased use of an existing one onto the primary or secondary road network where a significantly increased risk of crashes or traffic delays would result what will not be permitted.
- 6.27 Paragraph 109 of the NPPF states that development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.
- 6.28 Paragraph 110 of the NPPF states that developments should meet a number of different aims, the first of which is to give priority to pedestrian and cycle movements within the site and neighbouring areas and, as far as possible, to facilitate access to public transport. The applicant has agreed with the local highway authority to enter into a s278 agreement to increase the length of the cycle lane along the western side of the site in the form of shared footpath/cycle lane that would be provided within the limits of the public highway. A bus stop is located with the south bound carriageway, next to the site and another is located within the northbound carriageway, to the south of the Holborough roundabout. The site is not located that far from Snodland town itself and there are pedestrian crossing points across the A228 on either side of the Holborough roundabout. Consequently, the site is accessible to users of public transport and, of course improvements will be made to the cycleway/footpath immediately next to the site under an agreement between the applicant and the local highway authority.
- 6.29 Paragraph 110 of the NPPF also states that developments be designed to enable charging of plug-in and other ultra-low emission vehicles and to allow access by delivery and emergency vehicles. The scheme has been designed to allow such access and would provide for vehicle charging within the parking areas.
- 6.30 Highways England has been consulted in respect of this application and considers that it would not materially affect the safety, reliability and/or operation of the

strategic road network. For example with regard to trip generation, Highways England considers that the likely trip generation by the drive thru units could largely be expected to be pass by trips already on the highway network or traffic from Snodland, neither of which will affect the strategic road network (e.g. the M20 or M2 motorways). Furthermore in its consideration of the application, Highways England has clearly taken the existing use of the site as a vehicle recovery depot into account, which it considers to be similar to the main [commercial] use that will replace it.

- 6.31 The local highway authority is also now satisfied that the development would be acceptable in terms of impact upon the local highway network. With specific regard to trip generation the highway authority considers that the baseline traffic surveys were undertaken at the appropriate time of the day. Additional sensitivity testing has been sought by the highway authority, which the applicant has undertaken regarding both the proposed commercial units and the two drive thru units. This additional testing has resulted in a small increase in the forecast number of trips generated by the proposed development. However, the highway authority agrees with the applicant's TA and Highways England that the most of the visits to the proposed drive thru units would be from passing vehicles (more than 80%) and the actual number of new trips generated by this aspect of the development would be very low. In light of this the highway authority considers the impact of the development upon the local highway junctions to be acceptable and they will continue to operate within capacity, not just based on present day levels, but also those predicted for 2023 as well.
- 6.32 The amount of car parking proposed for each element of the development has also been found to be acceptable by the local highway authority. Conditions can, of course, be used to ensure that the parking and access arrangements are provided prior to the first occupation of the individual units.
- 6.33 I am aware that objections have been lodged on grounds that the development will be geared towards car borne traffic particularly the food and drink units, and that an additional crossing should be provided across the A228 to enable pedestrians to cross the road more safely should they wish to access those units. As has been stated by the local highway authority, a controlled toucan crossing is planned to be installed adjacent to the petrol filling station to the south of the Holborough Lakes roundabout, which would of course improve the ability of pedestrian and cyclists to cross the A228 close to the application site, together with the provision of a longer section of cycle lane along the western boundary of the site. For clarity, the toucan crossing proposed is part of KCC's strategy for wider road improvements and is not mitigation required to make the proposed development acceptable. However it would, when installed, make the site more accessible by pedestrians and cyclists.
- 6.34 An objection has been made on behalf of the neighbouring land owner that account has not be taken of an extant planning permission (TM/02/3665) for

additional railway sidings on the adjacent land. However that permission relates to the provision of railway sidings within the adjacent site in order to reduce the amount of road movements required to remove the cement from that site. As such the current proposal does not need to consider the cumulative impacts of this extant permission in terms of highways impacts.

6.35 Taking the above into account, the development is not considered to cause an unacceptable impact upon highway safety and the residual cumulative impacts upon the road network are not considered to be severe. Therefore, in accordance with paragraph 109 of the NPPF, permission should not be refused on highways grounds.

Flooding and drainage:

6.36 The southern half of the site lies within flood zone 2. A smaller section of this part of the site also lies within flood zone 3 as well. The site is, of course, specifically allocated within the current Development Plan for employment provision. As such the designation of this site for this purpose would have been informed by a Strategic Flood Risk Assessment undertaken as part of the Development Plan process.

6.37 Current Government advice contained within the NPPF at paragraph 162 states that where development comes forward on sites allocated in the development plan, the sequential test need not be applied. This test is used to steer developments to areas with the lowest risk of flooding. The NPPG provides guidance concerning appropriate land uses with the different flood zones. It defines the proposed uses are regarded as “less vulnerable” in flood risk terms which are appropriate within both flood zones 2 and 3.

6.38 Both the EA and the LLFA are satisfied that the development is acceptable in terms of flood risk and that suitable surface water drainage can be provided on site as part of the overall development.

6.39 The development will be connected to the mains sewer for the disposal of foul waste and is not, therefore, a matter for the local planning to consider further. Of course, the applicant will need to comply with the Building Regulations and the requirements of the water authority.

Other material considerations:

6.40 There is potential for the proposed development to create noise given the nature of the uses to be accommodated. However, the existing use of the site as a vehicle recovery depot creates noise as well and other impacts on amenity. The site is also not immediately adjoined by residential properties; the nearest ones are located on the west side of the A228, south west of the site, within the Holborough Lakes development. Given the particular location of the site, the existing land use and the presence of the A228 dual carriageway along its western

boundary, I do not consider that the proposed development would cause unacceptable detriment to the amenity of residents within the locality.

Consequently, it is not considered necessary or reasonable to require deliveries to the site to be undertaken only during certain times of the day or days of the week, or indeed control the operation of any of the proposed units in a similar way.

- 6.41 Details of the external lighting have also been submitted at this stage. This will be a combination of LED lamps mounted on 5m, 6m, 8m and 10m high columns and other lamps mounted to the external walls of the commercial buildings. The tallest columns would be located around the car park to Unit A (the largest unit). Smaller columns mounted with LED lights would be installed throughout the wider site as well as lamps being installed on the external walls of the commercial buildings. All of the lighting will fit in with the character of the overall development and has been designed to not cause unacceptable light spill outward from the site.
- 6.42 The southern part of the site (the location of Building A) is designated as an area of archaeological potential. An initial assessment undertaken on behalf of the applicant has revealed that only an area within the north west of the site (an area of undisturbed pasture) has the potential of undisturbed remains associated with an Iron Age/Roman settlement. This part of the site lies outside of the designated area of archaeological protection, but given that remains from these eras have been found in the local area, it is considered reasonable and necessary for a condition to be used to ensure that any remains found on site during excavation works are recorded appropriately.
- 6.43 Much concern has been voiced regarding the likely operator(s) of the proposed A3/A5 units and in particular that the McDonalds units are not wanted in the local area. However, the identity of a particular operator of a proposed use cannot be determinative in planning. The application has to be assessed on the basis of the proposed use, not the user. The NPPF in section 8 states that planning decisions should aim to achieve healthy, inclusive and safe places. (paragraph 91). In paragraph 92, with specific reference to enabling and supporting healthy lifestyles, it provides examples of how this could be achieved which includes layouts of development that encourage walking and cycling. As has been stated earlier in this report, the applicant has agreed to improve such links to the site by the provision of an additional section of cycle lane and footpath along the western boundary of the site. Footpaths would be created alongside the access road within the site together with pedestrian crossings.

Conclusions:

- 6.44 The proposed development would provide a comprehensive redevelopment of this designated employment site. It is acknowledged that the development would also include food and drink uses which would not normally be permitted on such sites. However given the limited size of this element of the proposed development compared to the significant size of the proposed employment provision, the overall

development would result in economic growth in the local area and make a significant contribution towards employment provision within the Borough.

- 6.45 The development would also markedly improve the character of the site and will include the installation of many new trees, hedges and shrubs, together with appropriate lighting within the site.
- 6.46 Both Highways England and the local highway authority consider the development to be acceptable in terms of impact upon the strategic and local road networks. Adequate car parking would be provided for the development as a whole and provision will also be made for cycle storage and charging electric and other low emission vehicles.
- 6.47 Due to the location of the site, the development would not cause demonstrable harm to the amenity of residents living in the local area.
- 6.48 For all of the above reasons, the development is considered to be acceptable, and as such, the following recommendation is put forward.

7. Recommendation:

- 7.1 **Grant planning permission** in accordance with the following submitted details:

Proposed Plans 18-081-EX-002 PL3 dated 25.02.2019, Planting Plan
6777.ASP.PP.1.0_REV A dated 25.02.2019, Planting Plan
6777.ASP.PP.1.1_REV C dated 25.02.2019, Planting Plan
6777.ASP.PP.1.2_REV C dated 25.02.2019, Planting Plan
6777.ASP.PP.1.3_REV C dated 25.02.2019, Landscaping 6777.ASP3 dated
25.02.2019, Site Plan S059_3001.PL2 dated 25.02.2019, Site Plan
S059_3002.PL4 dated 25.02.2019, Floor Plan S059_3025.PL1 dated
25.02.2019, Floor Plan S059_3026.PL1 dated 25.02.2019, Floor Plan
S059_3027.PL1 dated 25.02.2019, Roof Plan S059_3028.PL1 dated
25.02.2019, Floor Plan S059_3029.PL1 dated 25.02.2019, Section
S059_3035.PL1 dated 25.02.2019, Elevations S059_3036.PL1 dated
25.02.2019, Elevations S059_3037.PL2 dated 25.02.2019, Floor Plan
S059_3050.PL2 dated 25.02.2019, Floor Plan S059_3051.PL1 dated
25.02.2019, Floor Plan S059_3052.PL1 dated 25.02.2019, Roof Plan
S059_3053.PL1 dated 25.02.2019, Floor Plan S059_3054.PL1 dated
25.02.2019, Sections S059_3060.PL1 dated 25.02.2019, Elevations
S059_3061.PL1 dated 25.02.2019, Elevations S059_3062.PL1 dated
25.02.2019, Floor Plan S059_3075.PL1 dated 25.02.2019, Other screening
opinion dated 15.03.2019, Floor Plan S059_3076.PL1 dated 25.02.2019, Floor
Plan S059_3077.PL1 dated 25.02.2019, Floor Plan S059_3079.PL1 dated
25.02.2019, Sections S059_3085.PL1 dated 25.02.2019, Elevations
S059_3086.PL1 dated 25.02.2019, Elevations S059_3087.PL1 dated
25.02.2019, Site Plan S059_3100.PL2 dated 25.02.2019, Floor Plan
S059_3105.PL1 dated 25.02.2019, Elevations S059_3106.PL1 dated

25.02.2019, Floor Plan S059_3110.PL2 dated 25.02.2019, Elevations S059_3111.PL2 dated 25.02.2019, Elevations S059_3112.PL2 dated 25.02.2019, Roof Plan S059_3115.PL2 dated 25.02.2019, Location Plan S059_3000.PL2 dated 25.02.2019, Letter cover letter dated 25.02.2019, Other Aubrilam Brochure dated 25.02.2019, Design and Access Statement dated 25.02.2019, Energy Statement dated 25.02.2019, Other canopy brochure dated 25.02.2019, Planning Statement dated 25.02.2019, Other play frame dated 25.02.2019, Schedule areas dated 25.02.2019, Statement ventilation dated 25.02.2019, Air Quality Assessment dated 25.02.2019, Arboricultural Survey dated 25.02.2019, Archaeological Assessment dated 25.02.2019, Ecological Assessment dated 25.02.2019, Lighting dated 25.02.2019, Flood Risk Assessment dated 25.02.2019, Noise Assessment dated 25.02.2019, Environmental Assessment geoenvironmental assessment dated 25.02.2019, Report site services overview dated 25.02.2019, Transport Statement dated 25.02.2019, Travel Plan dated 25.02.2019, Other Transport Note dated 18.04.2019, Other Remediation Strategy & Verification Plan dated 26.04.2019, Email dated 26.04.2019, subject to the following conditions:

Conditions:

- 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 accord with the approved plans.

Reason: To ensure that the development does not harm the character and appearance of the existing building or visual amenity of the locality.

- 3 The use of Units A, B, C and D shall not be commenced, until the area shown on the submitted layout as vehicle parking space and loading/unloading areas for those units has been provided, surfaced and drained. Thereafter, those areas shall be kept available for such use and no permanent development, whether or not permitted by the Town and Country Planning (General Permitted Development) Order 2015 (or any order amending, revoking or re-enacting that Order) shall be carried out on the land so shown or in such a position as to preclude vehicular access to this reserved parking and loading/unloading space.

Reason: Development without provision of adequate accommodation for the parking of vehicles is likely to lead to hazardous on-street parking.

- 4 The use of the two A3/A5 units labelled "Drive Thru 1" and "Drive Thru 2" on plan no. S059/3002 pl4 shall not be commenced, until the area shown on drawing no S059/3100 pl 3 as vehicle parking space has been provided, surfaced and drained. Thereafter, those areas shall be kept available for such use and no permanent development, whether or not permitted by the Town and Country

Planning (General Permitted Development) Order 2015 (or any order amending, revoking or re-enacting that Order) shall be carried out on the land so shown or in such a position as to preclude vehicular access to this reserved parking space.

Reason: Development without provision of adequate accommodation for the parking of vehicles is likely to lead to hazardous on-street parking.

- 5 The access to the site shall be constructed in accordance with the approved plan (05 Rev A titled 'Potential Left-In/Left-Out Junction with Merge and Diverge Lanes). The access shall be implemented prior to first commencement of the use of any of the buildings hereby approved (with the exception of (Unit A shown on plan no. S059/3002 pl4) and shall be retained at all times thereafter.

Reason: In the interests of highway safety.

- 6 No building shall be occupied until that part of the service road which provides access to it has been constructed in accordance with the approved plans.

Reason: To ensure the safe and free flow of traffic.

- 7 The cycle storage facilities shall be installed in accordance with the plans hereby approved prior to the first occupation of any of the approved buildings.

Reason: To ensure that adequate cycle storage is provided.

- 8 The development shall be carried out in accordance with the submitted flood risk assessment (ref: 6600149-MLM-ZZ-XX-RP-C-0001-Rev01, MLM Consulting Engineers Limited, Date: 07/02/2019) and the following mitigation measures it details:

Finished floor levels shall be set at 6.4m above Ordnance Datum (AOD) for building Units A, B and C as shown in section 3.1 and Appendix E (drawing ref: 6600149-MLM-ZZ-XX-DR-C-0002) of the FRA.

Less flood resilient buildings to be located in flood zone 1 as stated in section 3.1 of the FRA.

Evacuation of the site will be managed by the site operators in response to the Environment Agency early flood warning system (See section 7 of FRA).

These mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the scheme's timing/phasing arrangements. The measures detailed above shall be retained and maintained thereafter throughout the lifetime of the development.

Reason: To reduce the risk of flooding to the proposed development and future occupants.

- 9 No drainage systems for the infiltration of surface water to the ground are permitted other than with the written consent of the local planning authority. Any

proposals for such systems must be supported by an assessment of the risks to controlled waters. The development shall be carried out in accordance with the approved details.

Reason: To ensure that the development does not contribute to, is not put at unacceptable risk from, or adversely affected by, unacceptable levels of water pollution caused by mobilised contaminants. This is in line with paragraph 170 of the National Planning Policy Framework.

10 No development shall take place other than as required as part of any relevant approved site investigation works until the following have been submitted to and approved by the local planning Authority:

(a) Results of the site investigations (including any necessary intrusive investigations) and a risk assessment of the degree and nature of any contamination on site and the impact on human health, controlled waters and the wider environment. These results shall include a detailed remediation method statement informed by the site investigation results and associated risk assessment, which details how the site will be made suitable for its approved end use through removal or mitigation measures. The method statement must include details of all works to be undertaken, proposed remediation objectives, remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site cannot be determined as Contaminated Land as defined under Part 2A of the Environmental Protection Act 1990 (or as otherwise amended).

The submitted scheme shall include details of arrangements for responding to any discovery of unforeseen contamination during the undertaking hereby permitted. Such arrangements shall include a requirement to notify the Local Planning Authority in writing of the presence of any such unforeseen contamination along with a timetable of works to be undertaken to make the site suitable for its approved end use.

(b) Prior to the commencement of the development the relevant approved remediation scheme shall be carried out as approved. The Local Planning Authority should be given a minimum of two weeks written notification of the commencement of the remediation scheme works.

Reason: In the interests of amenity, public safety and human health and in accordance with the National Planning Policy Framework.

11 Following completion of the approved remediation method strategy, and prior to the first occupation of the development, a relevant verification report that scientifically and technically demonstrates the effectiveness and completion of the remediation scheme at above and below ground level shall be submitted for the information of the Local Planning Authority.

The report shall be undertaken in accordance with DEFRA and the Environment Agency's Model Procedures for the Management of Land Contamination, CLR 11. Where it is identified that further remediation works are necessary, details

and a timetable of these works shall be submitted to the Local Planning Authority for written approval and shall be fully implemented as approved.

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

Reason: In the interests of amenity, public safety and human health and in accordance with the National Planning Policy Framework.

- 12 The scheme of landscaping and boundary treatment shown on the approved plans shall be carried out in the first planting season following occupation of the buildings or the completion of the development, whichever is the earlier. Any trees or plants which within 10 years of planting are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

Reason: Pursuant to Section 197 of the Town and Country Planning Act 1990 and to protect and enhance the appearance and character of the site and locality.

- 13 Units A, B, C and D as identified on plan number S059/3002 pl4 shall not be occupied until the electric vehicle charging points shown on plan nos. S059/3025 pl1, 3050 pl2 and 3075 pl1 have been installed in accordance with details that have first been approved by the Local Planning Authority. The work shall be carried out in strict accordance with the approved details and shall be retained at all times thereafter.

Reason: In order to encourage the use of electric vehicles to help reduce vehicle emissions in the interests of air quality and in accordance with paragraph 110 of the NPPF.

- 14 The developer shall afford access at all reasonable times to any archaeologist nominated by the Local Planning Authority and shall allow him/her to observe the excavation and record items of interest and finds. The developer will inform the Local Planning Authority of the start date of construction works on site not less than two weeks before the commencement of such works.

Reason: In the interests of archaeological research.

- 15 The external lighting shall be installed in accordance with the details shown on plan no. 18-081-EX-002 PL3 and maintained/retained in accordance with those details in perpetuity.

Reason: In order to ensure that the lighting accords with the approved plans and does not cause unacceptable light pollution in the locality.

- 16 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order amending, revoking and re-enacting that Order) no development shall be carried out within Classes H and J, of Part 7 of Schedule 2 of that Order.

Reason: In order to enable the local Planning Authority to control further development of this site in the interests of amenity.

- 17 The development hereby approved shall be undertaken in accordance with the following plans:

Proposed Plans 18-081-EX-002 PL3 dated 25.02.2019, Planting Plan 6777.ASP.PP.1.0_REV A dated 25.02.2019, Planting Plan 6777.ASP.PP.1.1_REV C dated 25.02.2019, Planting Plan 6777.ASP.PP.1.2_REV C dated 25.02.2019, Planting Plan 6777.ASP.PP.1.3_REV C dated 25.02.2019, Landscaping 6777.ASP3 dated 25.02.2019, Site Plan S059_3001.PL2 dated 25.02.2019, Site Plan S059_3002.PL4 dated 25.02.2019, Floor Plan S059_3025.PL1 dated 25.02.2019, Floor Plan S059_3026.PL1 dated 25.02.2019, Floor Plan S059_3027.PL1 dated 25.02.2019, Roof Plan S059_3028.PL1 dated 25.02.2019, Floor Plan S059_3029.PL1 dated 25.02.2019, Section S059_3035.PL1 dated 25.02.2019, Elevations S059_3036.PL1 dated 25.02.2019, Elevations S059_3037.PL2 dated 25.02.2019, Floor Plan S059_3050.PL2 dated 25.02.2019, Floor Plan S059_3051.PL1 dated 25.02.2019, Floor Plan S059_3052.PL1 dated 25.02.2019, Roof Plan S059_3053.PL1 dated 25.02.2019, Floor Plan S059_3054.PL1 dated 25.02.2019, Sections S059_3060.PL1 dated 25.02.2019, Elevations S059_3061.PL1 dated 25.02.2019, Elevations S059_3062.PL1 dated 25.02.2019, Floor Plan S059_3075.PL1 dated 25.02.2019, Other screening opinion dated 15.03.2019, Floor Plan S059_3076.PL1 dated 25.02.2019, Floor Plan S059_3077.PL1 dated 25.02.2019, Floor Plan S059_3079.PL1 dated 25.02.2019, Sections S059_3085.PL1 dated 25.02.2019, Elevations S059_3086.PL1 dated 25.02.2019, Elevations S059_3087.PL1 dated 25.02.2019, , Floor Plan S059_3105.PL1 dated 25.02.2019, Elevations S059_3106.PL1 dated 25.02.2019, Floor Plan S059_3110.PL2 dated 25.02.2019, Elevations S059_3111.PL2 dated 25.02.2019, Elevations S059_3112.PL2 dated 25.02.2019, Roof Plan S059_3115.PL2 dated 25.02.2019, Location Plan S059_3000.PL2 dated 25.02.2019, Site Plan S059_3100.PL3 dated 09.05.2019

Reason: To ensure the development is undertaken in accordance with the plans hereby approved.

Contact: Matthew Broome

SUPPLEMENTARY REPORTS**AREA 3 PLANNING COMMITTEEDATED 11 JULY 2019**

**Snodland TM/19/00449/FL
Snodland East And Ham Hill**

Erection of 4 no. warehouse units (Use Classes B1c/B2/B8) and 2 no. Drive-Thru units (Use Classes A3 and/or A5), together with the provision of parking, landscaping and associated works at Development Site North Of Vantage Point Holborough Road

DPHEH: Late representations received have indicated that there may be an extant planning permission for development on neighbouring land (granted by KCC some time ago as the Minerals and Waste Planning Authority). If this is confirmed, the Transport Assessment submitted in connection with the application will need to take this committed development into account and a revised version produced for further consultation and consideration.

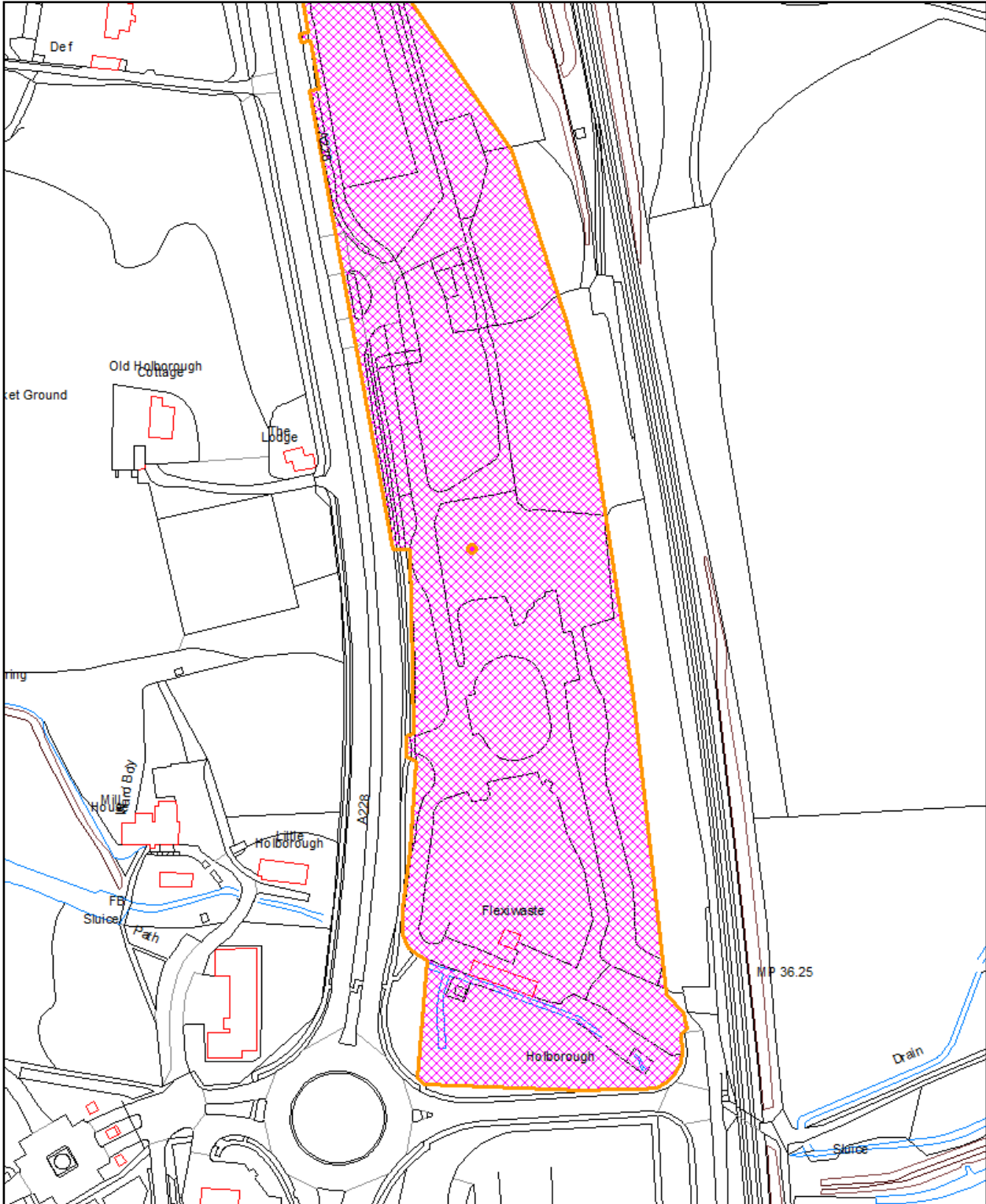
APPLICATION WITHDRAWN FROM AGENDA

TM/19/00449/FL

Development Site North Of Vantage Point Holborough Road Snodland Kent

Erection of 4 no. warehouse units (Use Classes B1c/B2/B8) and 2 no. Drive-Thru units (Use Classes A3 and/or A5), together with the provision of parking, landscaping and associated works

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**East Malling &
Larkfield**
East Malling

27 June 2019

TM/19/01532/FL

Proposal: Change of Use from dwelling house (Class C3) to a Wellness Centre (Class C2)
Location: 3 Gilletts Lane East Malling West Malling Kent ME19 6AS
Go to: [Recommendation](#)

1. Description:

- 1.1 It is proposed to change the use of the existing dwelling house (use class C3) to a wellness centre (use class C2). No external alterations are proposed to the building in order to facilitate the change of use. Parking would remain on the existing drive for 3x spaces.
- 1.2 The centre would be privately run. Staffing numbers will be as follows:
 - Three nurses on shift patterns of 8 hours each, to ensure one nurse in attendance 24 hours a day
 - One registered manager (“RM”) on site during normal working hours, with overall responsibility for the centre
 - Two support staff on normal hours who will take care of the general requirements including food preparation, cleaning, gardening etc.
- 1.3 The centre will host a maximum of 3 clients, with admission pre-arranged at specific times during the week. The applicant advises that they expect only 2 clients to be receiving treatment at the centre at any one time.

2. Reason for reporting to Committee:

- 2.1 At the request of Councillor Roud for the Committee to consider if the proposal would have an unacceptable impact on neighbouring amenity by reason of noise and disruption and whether there would be significant traffic movements arising.

3. The Site:

- 3.1 The site is a detached dwelling within the settlement confines of East Malling. It lies on the north side of Gilletts Lane, outside of the Conservation Area and is separated from the boundary by adjacent development. There are no designations present that are considered relevant to the determination of this application.
- 3.2 The site sits between two adjacent detached dwellings, both similar “chalet” style properties with roof accommodation. The garden of the dwelling on the eastern boundary has been parcelled off and a detached bungalow is located here, backing onto the rear garden of the site. Across the road, on a raised elevation, is

a conventional two storey detached dwelling. The area has a semi-rural fringe character, lying on the outer limits of the East Malling village.

4. Planning History (relevant):

TM/55/10235/OLD grant with conditions 3 September 1955

O/A for maximum of 3 bungalows with vehicular access.

TM/56/10433/OLD grant with conditions 17 February 1956

Semi-bungalow, garage and access.

TM/10/02213/FL Approved 4 October 2010

Proposed one and half storey side extension over existing garage and single storey rear extension

TM/10/02214/CA Application Not Proceeded With 10 August 2010

Proposed one and half storey side extension over existing garage and single storey rear extension

5. Consultees:

5.1 Parish Council: Strongly object.

5.1.1 In respect of the application form we would point out the property has been empty since November 2018 (Question 6); there are trees and shrubs on the property (Question 10); and the property is close to the East Malling stream which emerges in Gilletts Pond in this lane (Question 11). It is believed the property is served by a main sewer (Question 13).

5.1.2 The site itself is in a valley with a steep entrance down narrow Gilletts Lane and a similarly steep exit out to The Rocks Road. Before street naming the area was known as Gilletts Hole due to this land formation with the pond and stream arising from it.

5.1.3 In practice due to the slopes and sight lines vehicles enter the lane from Chapel Street and exit via The Rocks Road. The Parish Council considers this essentially rural lane is unsuitable to accept any more traffic and it would seem this use may generate more traffic than as a residence.

5.1.4 In this respect the use applied for – Class C – covers a range of uses including residential care; nursing homes, boarding schools and so on. The Parish Council is concerned once permission is given one of the other uses could happen without the need for planning permission and therefore basis on this application such as 2/3 residents could just change.

5.1.5 It is understood the applicant has other centres including in Devon and there is local concern this “Wellness Centre” if approved could be for a wider range of residents than stated.

5.1.6 We reserve the right to submit further comments.

5.1.7 Following receipt of additional information, further comments were received by the Parish Council:

5.1.8 The further information provided is noted and is helpful by way of background relating to the role of Care Quality Commission. However, the Parish Council is concerned about the proposed change of use on planning grounds considering this is an unsuitable location.

5.1.9 The plan showing space for 3 vehicles is noted and we are concerned as to whether this will be adequate given the nature of Gilletts Lane with its narrowness and general character.

5.2 TMBC Environmental Protection: I do not believe that there are any Environmental Protection issues raised by this application and I thus have no comments to make.

5.3 Private Reps: 14/0X/14R/0S + site notice. 14 objections raised on the following (summarised) grounds:

- Slightly concerned
- Where will patients park
- 3 spaces insufficient
- Road struggling to cope
- Not right location
- Security threatened
- House prices affected
- Music playing
- Strange location in walking distance of two pubs
- Should remain totally residential
- Submission statement detailed with technical jargon
- TRICS system is not suitable indicator of vehicle movements
- No mention of negative effects of vehicle movements
- No room to manoeuvre on the drive
- Should remain private residence
- Does not reflect local distinctiveness of the area
- Query accuracy of vehicle movement data
- Inappropriate to have alcohol addicts close to families
- Possibility of other changes of use occurring
- More movements than stated
- Will not offer peace and quiet
- Danger to our children
- No business hours outlined
- Increased criminality and noise

- Would restrict our lifestyle in order to pacify occupants of the centre
- Property is overextended and has sold garden for development
- No decent facilities
- Should not be commercial
- Will there be alcohol on the premises?
- What happens if clients get violent?
- Not wanted or needed here
- No public transport through the village
- Lane not one way
- Underlying purpose is to make money
- Query how it complements area
- Foul language can be heard by drivers on street
- Does consent allow for exponential growth
- Applicants failed to maintain property

6. Determining Issues:

6.1 The site is within the settlement confines of East Malling where policy CP13 sets out that minor development appropriate to the scale of the settlement is considered acceptable. Given that no physical development is proposed and the application involves a change of use to another residential institution (within use class C), it is considered that this type of proposal accords with policy CP13 and there is no objection in principle. However, it is still necessary to consider the impact on the character and appearance of the area, the impact on neighbouring amenity, and parking and highways.

Neighbouring Amenity:

6.2 Third party comments raising concerns over noise increase, potential crime and the unsuitability of the use in this location are fully noted. It is also recognised that surrounding land uses are entirely residential in nature. However, there are also a number of alternative uses that can sit comfortably within residential neighbourhoods without noticeably altering their character. The proposed use class falls within “C2” or “Residential institutions” and includes residential accommodation and care to people in need of care, residential schools, colleges or training centres, hospitals, nursing homes. The nature of the use of the site will be for periods of rest for persons in need of care and is considered to comfortably fit within the definition of class C2.

6.3 A number of third party comments refer to fears of increased noise and disruption, with potential for possibly violent individuals being present in the building or surrounding area, as a result of the nature of the centre in providing recovery for those recovering from alcohol addiction. Generally these would be considered operational matters, not for assessment or control through the planning system. However, in light of the number of comments referring to this, it is recognised that this is a significant concern amongst residents.

- 6.4 In such circumstances, it is important to recognise that the planning system does play a role in maintaining and enhancing well-being amongst individuals and communities, and fear is well documented as being an important contributory factor to diminished levels of well-being. Paragraph 91 of the NPPF states that planning decisions should aim to achieve places which promote safe and accessible environments where crime and disorder, and the fear of crime, do not undermine quality of life or community cohesion.
- 6.5 In establishing whether local fear of crime and anti-social behaviour can reasonably be a material planning consideration, regard should be given to the case of *West Midlands Probation Committee v Secretary of State for the Environment* [1997]. In this case the High Court dismissed an application to quash a decision of the Secretary of State in dismissing an appeal by the West Midlands Probation Committee against a refusal by Walsall Metropolitan Borough Council. The case concerned the refusal to grant planning permission for the extension of a bail and probation hostel in Aldridge. Part of the initial refusal, which was eventually upheld in the High Court, rested on the conclusion that the expansion of such a use would be unsuitable within a residential area and that the historic experiences of residents in terms of anti-social behaviour and crime and the *genuine fear* [TMBC emphasis] from such activities would be accentuated by the proposed development, to a point that would noticeably impair the living conditions that residents might reasonably expect to enjoy in such an area.
- 6.6 In considering the nature of the use, the type of likely clientele, number of patients at any one time and the strict clinical regime the centre will be required to adhere to, it is considered that it cannot fairly be said that there would be a reasonable fear of crime arising. The centre is primarily for rest and recovery and it is not considered there is a greater likelihood of crime or disorder arising from its operations than any other residential property. If anything the strict regulatory regime it will operate within makes it more likely that patient behaviour will be properly managed. To put in another way, a refusal of planning permission and the dwelling being sold on the open market could result in occupation by noisy and disruptive residents with no such management controls. It is considered that it is impossible to tie the nature of the use of the premises to reasonable perceptions of actual or perceived increases in crime. As a result, it is considered that the scheme would not conflict with paragraph 91 of the NPPF.
- 6.7 The use is also considered to be relatively “low key” in terms of linked activity: the planning statement explains that visitors will be transported to the site rather than drive themselves; whilst in the centre they are monitored by nurses and spend their time resting and recovering. The centre has to be registered and approved by the Care Quality Commission with stringent checks and inspections on its set up and operations. Whilst there would be staff movements on shift patterns, aside from the 24 hour nurses, the comings and goings of the RM and support staff would be in accordance with normal working hours and no different to local residents commuting to and from work. Highways evidence suggests this would

result in less movements than an ordinary dwelling. Ultimately it is not considered that any significant level of disruption or harm to neighbouring amenity would arise through comings and goings.

- 6.8 As such whilst the proposed use is not a private residence, it is considered that it can sit alongside such uses without any measurable change in the character of the area. There is nothing to suggest that the use would result in any greater level of noise or disruption than might reasonably be expected in such an area and, given the strict monitoring and operational controls in place, if anything it is likely to be quieter and less intensive in activity than a typical family home. It is further noted that the Council's Environmental Protection Team have raised no objections on noise grounds and this further suggests that there is no evidence of any harmful levels of disruption to adjoining properties. Given the nature of the use of the facilities and strict controls on behaviour, it is not considered likely that the development would result in increased crime or fear of crime to neighbouring properties.
- 6.9 Overall it is considered that whilst the proposed use may be different, it is unlikely to be noticeably different from any other residential property and there is no evidence before the Council of any actual harm arising to neighbouring amenity. For the same reasons, and given the lack of physical alterations to the property, it is considered that the character and appearance of the area as a predominantly residential neighbourhood would be preserved. As such the development is considered to comply with policies CP24 of the TMBCS and SQ1 of the MDE DPD.

Parking & Highways:

- 6.10 Policies CP2 of the TMBCS and SQ8 of the MDE DPD require development to not significantly harm highway safety, and demonstrate that traffic generated by the development can adequately be served by the highway network. This is consistent with the aims of the NPPF at chapter 9. Within this chapter, paragraph 109 explains 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.
- 6.11 Concerns regarding the narrow access are limited availability of parking are noted. However, given the low number of clients on site at any one time, spaced out with shift patterns, and given that clients are predominantly driven to the site, there is no evidence of any "severe" or "unacceptable" impacts on the safety and operation of the public highway, being the test required by paragraph 109 to refuse planning permission on highways grounds. The evidence supplied by the applicant indicates that the likelihood is for the number of vehicle movements to be comparable to an ordinary residential use, and even with a benevolent reading of these figures, there is no evidence that traffic generation would be harmful or severe even if it fluctuated at times above the supplied figures.

6.12 The Kent Parking Standards SPD sets out that for a residential institution expected parking provision would be 1 ambulance space, 1 space per resident staff plus 1 space per 2 other staff. None of the staff are proposed to be permanent (resident) on site, so for the maximum of 4 staff proposed on site at any one time this equates to a demand for 2 staff spaces which will be provided. Given that residents are not proposed to drive to the centre and that the Parking SPD requires 1 space for residents per 6 beds (there are three beds) it is considered that overall parking provision would be in line with expectations. There is also space on the drive that would be sufficient to meet the demands of ambulance visits on rare occasions.

6.13 Overall the NPPF is clear that highways impacts must be severe before a development can be justifiably refused on such grounds. It is considered that there is simply no evidence that such impacts would occur and therefore the proposal is not considered to conflict with policy SQ8 of the MDE DPD or paragraph 109 of the NPPF.

Loss of residential dwelling:

6.14 The proposal would result in the net loss of 1 residential dwelling through the conversion. The Council cannot currently demonstrate a 5 year supply of housing and the loss of a dwelling is undesirable. However, the adopted development plan does not contain policies resisting the loss of such accommodation.

Conclusion:

6.15 The careful use of conditions can ensure that patient numbers are managed and the use remains as a wellness and recovery centre (and could not be changed to another use falling within C2 without planning permission being obtained). This would prevent any intensification of the use of the site that could be detrimental to neighbouring amenity, without a formal application being made and considered by the Council. Whilst neighbouring concerns are fully noted there is not considered to be any evidence of harmful impacts on amenity or the operation of the public highway. It is therefore recommended that, subject to suitable conditions, the application is approved.

7. Recommendation:

7.1 **Grant planning permission** in accordance with the following submitted details: Existing + Proposed Plans and Elevations EMA-2019-93-01 00 dated 27.06.2019, Proposed Plans and Elevations EMA-2019-93-02 00 dated 27.06.2019, Parking Provision EMA-2019-93-01 dated 29.07.2019, Details Further information dated 29.07.2019, 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.

Reason: In pursuance of Section 91 of the Town and Country Planning Act 1990.

- 2 No more than 3 patients shall stay at the centre at any one time.

Reason: In the interests of safeguarding neighbouring amenity.

- 3 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order amending, revoking and re-enacting that Order), the use hereby approved shall be for a wellness centre only and for no other purpose falling within use class C2.

Reason: To ensure the use is controlled in the interests of safeguarding neighbouring amenity and highways safety.

- 4 The use hereby approved shall not be occupied until the area shown on the submitted layout for a vehicle parking space has been provided, surfaced and drained. Thereafter it shall be kept available for such use and no permanent development, whether or not permitted by the Town and Country Planning (General Permitted Development) Order 2015 (or any order amending, revoking and re-enacting that Order) shall be carried out on the land so shown (other than the erection of a garage or garages) or in such a position as to preclude vehicular access to this reserved parking space.

Reason: To ensure that parking is provided and maintained in accordance with the Council's adopted standards.

- 5 Before the development hereby approved is occupied, a management plan detailing how the facility will be operated shall be submitted to and approved in writing by the Local Planning Authority. The centre will be run in accordance with the approved management plan at all times.

Reason: In the interests of safeguarding neighbouring amenity.

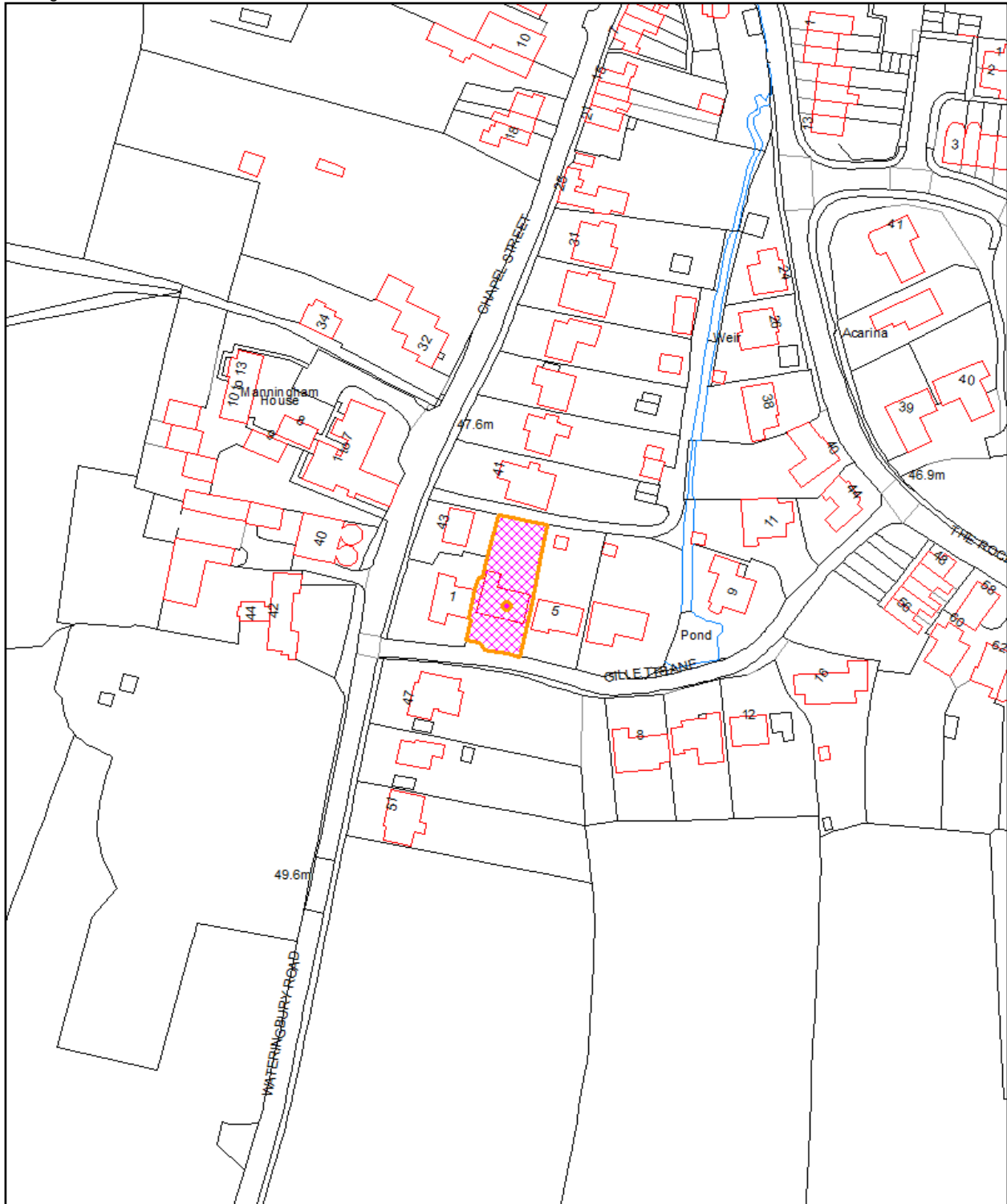
Contact: Adem Mehmet

TM/19/01532/FL

3 Gilletts Lane East Malling West Malling Kent ME19 6AS

Change of Use from dwelling house (Class C3) to a Wellness Centre (Class C2)

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Agenda Item 9

The Chairman to move that the press and public be excluded from the remainder of the meeting during consideration of any items the publication of which would disclose exempt information.

**ANY REPORTS APPEARING AFTER THIS PAGE CONTAIN EXEMPT
INFORMATION**

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