

TONBRIDGE & MALLING BOROUGH COUNCIL



EXECUTIVE SERVICES

Chief Executive

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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@tmbs.gov.uk

27 May 2020

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 Online via Microsoft Teams on Thursday, 4th June, 2020 commencing at 7.30 pm. Information on how to observe the meeting will be published on the Council's website. Deposited plans will be available for Members' inspection for half an hour before the start of the meeting.

Yours faithfully

JULIE BEILBY

Chief Executive

AGENDA

PART 1 - PUBLIC

1. Apologies for Absence
2. Declarations of Interest

3. Minutes 5 - 8

To confirm as a correct record the Minutes of the meeting of Area 3 Planning Committee held on 30 January 2020

Decisions to be taken by the Committee

4. Development Control 9 - 12

Introduction and Glossary

5. TM/19/00786/FL - The Oast House, Hollow Lane, Snodland 13 - 66

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

6. TM/18/01106/FL - Belvidere Oast, 165 Wateringbury Road, East Malling 67 - 100

Proposed new entrance to No. 165 Wateringbury Road

7. 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.

Matters for consideration in Private

PART 2 - PRIVATE

8. Exclusion of Press and Public 101 - 102

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.

9. 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, 30th January, 2020

Present: 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 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 and Cllr C J Williams

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

Apologies for absence were received from Councillors D A S Davis (Chairman) and Mrs T Dean

PART 1 - PUBLIC

AP3 20/1 DECLARATIONS OF INTEREST

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

AP3 20/2 MINUTES

RESOLVED: That the Minutes of the meeting of the Area 3 Planning Committee held on 21 November 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 20/3 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 20/4 TM/19/01979/FL - 80 ROCHESTER ROAD, AYLESFORD

Demolition of existing cottage and the erection, on a site comprising the curtilage of the cottage and adjoining land to the north, formerly part of Aylesford Quarry, of eight dwellings, comprising one four-bedroom detached house, two semi-detached pairs of four-bedroom houses, and a terrace of three two-bedroom houses, with associated access, parking spaces, and landscaping at 80 Rochester Road, Aylesford.

RESOLVED: That planning permission be GRANTED in accordance with the submitted details, conditions, reasons and informatives as set out in the report of the Director of Planning, Housing and Environmental Health, subject to

- (1) The applicant entering into a planning obligation with the Borough Council to provide financial contributions towards public open space provision in accordance with the requirements of policy OS3 of the MDE DPD

It is expected that the Section 106 agreement should be agreed in principle within 3 months and the legalities completed within 6 months of the committee resolution unless there are good reasons for the delay. Should the agreement under Section 106 of the Act not be completed and signed by all relevant parties by 30 June 2020, a report back to the Area 3 Planning Committee will be made either updating on progress and making a further recommendation or in the alternative the application may be refused under powers delegated to the Director of Planning, Housing and Environmental Health who will determine the specific reasons for refusal in consultation with the Chairman and Ward Members.

- (2) Amended Condition 10

(a) No above ground development shall begin 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 draining scheme shall not involve surface water being discharged directly into the ground. The scheme must demonstrate that the rate and volume of run-off leaving the site post-development will be restricted to that of the existing site.

(b) No building hereby permitted shall be occupied until details of the implementation, maintenance and management of the sustainable drainage scheme have been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented and thereafter managed and maintained in accordance with the approved details. These details shall include:

- i) A timetable for its implementation, and
- ii) A management and maintenance place for the lifetime of the development which shall include the arrangements for adoption by any public body or statutory undertaker, or any other arrangements to secure the operation of the sustainable drainage system throughout its lifetime.

Reason: To ensure that the principles of sustainable drainage are incorporated into this proposal and to ensure ongoing efficiency of the drainage provisions.

(3) Amended Informative:

3. The Public Right of Way MR456 that runs to the east of the site 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 the future and no furniture or fixtures may be erected on or across Public Rights of Way without consent. Full regard should be given to this in preparing the construction management plan pursuant to Condition 2 of this permission.

(4) Additional Informatives

8. In respect of the details to be submitted pursuant to Condition 2 of this permission, provision should be made to ensure that contractor's vehicles do not turn right when exiting the site.

9. The applicant is strongly advised to consider formal adoption of the road as public highway at the earliest opportunity.

[Speaker: John Balcombe – Chairman, Aylesford Parish Council]

PART 2 - PRIVATE

AP3 20/5 EXCLUSION OF PRESS AND PUBLIC

There were no items considered in private.

The meeting ended at 8.10 pm

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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 Determination of this application was deferred by APC3 on 03 October 2019 to enable KCC (H+T) in their role as statutory consultee to the LPA to further review the submission and provide additional, detailed technical advice.
- 1.2 Members will be aware that the application was scheduled to be heard at the APC3 on 19 March 2020. This meeting was cancelled owing to the Covid-19 pandemic. This report is based on the original report drafted for the March Committee but has been updated to reflect the additional comments received from KCC (H+T).
- 1.3 A copy of the October report and associated supplementary report is appended to this report in full at Annex 1 and the two should be read in conjunction.
- 1.4 Since the deferral, the applicant has taken the opportunity to submit additional information in the form of a Technical Note (TN) which was received on 20 December 2019 and an updated TN received on 10 January 2020. The stated purpose of these documents are to “provide clarity on transport related points raised at the October committee”.
- 1.5 The updated TN received on 10 January 2020 is appended to this report at Annex 2. The updated TN provides information regarding trip generation and cumulative highway impacts, customer and staff parking and HGV movements.
- 1.6 It is on the basis of this additional information, alongside the technical information submitted previously, that KCC (H+T) have provided their further detailed advice.

2. Consultees (received since 03 October 2019):

- 2.1 KCC (H+T): Representation received 13 February 2020 is appended to this report at Annex 3. Representation received 19 March 2020 is appended to this report at Annex 4.

3. Determining Issues:

3.1 The relevant policy framework and material planning considerations were set out in full in the October 2019 report and this should be read in conjunction with that report. The following assessment focuses on the reason APC3 deferred determination and the further work that has since been undertaken. All other matters remain as previously reported.

Trip generation and cumulative traffic impacts:

3.2 The original TA based the potential trip generation calculations for the proposed use on a comparison between the application site and an existing KFC site in Hounslow. The comparison was made because both sites are similarly located, being on the edges of towns, adjacent to dual carriageways linking near-by population centres. The Hounslow site is larger in floor area than the proposed site and therefore the predicted trip generation numbers have been adjusted accordingly on a pro rata basis.

3.3 Traffic surveys were carried out at the application site to determine the current level of traffic on the adjacent highway in order to create a baseline – how much traffic is already on the adjacent highway network in 2019. The potential trip numbers generated by the proposed use, as determined by the comparison with the Hounslow site, were then added and a predicted level of traffic for in 2024 (when the proposed use could come forward) was calculated.

3.4 The trip numbers were then analysed using the industry standard junction capacity simulation software (software developed by the Transport Research Laboratory (TRL) which models roundabouts, priority junctions and signalised junctions). The analysis provided by this software concludes that the impact of the predicted level of traffic would have only a minor cumulative impact on the surrounding highway network. This is demonstrated below:

| Scenario | 2024 Future Year | | | | | | | | |
|--|--------------------------------|--------------|------|-----------------|--------------|------|-------------------|--------------|------|
| | Period | | | | | | | | |
| | Weekday Interpeak | | | Weekday PM Peak | | | Weekend Interpeak | | |
| Junction Arm/ Movement | Queue (PCU) | Delay (s) | RFC | Queue (PCU) | Delay (s) | RFC | Queue (PCU) | Delay (s) | RFC |
| Hollow Lane to Malling Road E – left turn | 0.1 | 7.34 | 0.06 | 0.1 | 7.87 | 0.06 | 0 | 7.70 | 0.03 |
| Hollow Lane to Malling Road W - right turn | 0.3 | 10.95 | 0.23 | 0.3 | 12.67 | 0.23 | 0.4 | 12.70 | 0.31 |
| Malling Road E to Hollow Lane - right turn | 0 | 5.89 | 0.04 | 0.1 | 5.85 | 0.05 | 0.1 | 5.57 | 0.04 |
| Scenario | 2024 Future Year + Development | | | | | | | | |
| Hollow Lane to Malling Road E – left turn | 0.1 | 7.78 | 0.06 | 0.1 | 8.19 | 0.06 | 0 | 8.09 | 0.03 |

| | | | | | | | | | |
|---|-----|-------|------|-----|-------|------|-----|-------|------|
| Hollow Lane to Malling Road W - right turn | 0.4 | 12.21 | 0.31 | 0.4 | 13.72 | 0.29 | 0.6 | 14.09 | 0.37 |
| Malling Road E to Hollow Lane - right turn | 0 | 5.94 | 0.04 | 0.1 | 5.90 | 0.06 | 0.1 | 5.61 | 0.04 |
| Where PCU = passenger carrying units, s = seconds and RFC = ratio of flow to capacity | | | | | | | | | |

- 3.5 The table shows that the maximum increase or impact of the proposed development is on the right turning manoeuvres out of Hollow Lane. Here there is a predicted increase of RFCs of 6% - 7% resulting in a minor increase in delays and queue lengths.
- 3.6 The TN also provides a comparison between the level of vehicle movements associated with the extant use of the site and the proposed use of the site. Whilst it is appreciated that the site is currently vacant the extant use of the site is B1, permission having been granted in 1987 for an industrial use with ancillary office and showroom. Trip generation levels for this use were taken from the TRICS database and used by way of comparison with the proposed use. The TN concludes that the net number of trips associated with the proposed use would be less than those associated with the extant use.
- 3.7 As Members will be aware policy SQ8 of the MDE DPD states that development will only be permitted where there will be no significant harm to highway safety, and 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.
- 3.8 The highway authority, as the relevant technical consultee, is satisfied that the methodology used to predict the levels of associated traffic movement is sound. It is noted that the Hounslow KFC, owing to its size and location, is likely to busier than the proposed use and this adds further robustness to the predicted trip generation rates. It is also noted that the proposed use would result in fewer traffic movements than the extant use. The highway authority concurs with the conclusion that the impact of the associated increase in traffic movements will have a minor impact only on the wider highway network. The predicted impact is minor – the predicted impact does not result in significant harm to highway safety and the cumulative impacts of the development are not severe.

On-site parking requirements:

- 3.9 The original TA predicted the anticipated number of arrivals and departures at the site based on a comparison with the Hounslow KFC site. The predictions were calculated using hourly and 15 minutes segments and added the number of vehicles already in the car park at the beginning of the time segment to the predicted number of arrivals, and subtracted the predicted number of departures.

Using this analysis the busiest time segment on the weekday is predicted to be between 13:15 and 13:30 when up to 18 vehicles could be in the car park. This would leave 5 free spaces. The busiest time segment on the weekend is predicted to be between 15:15 and 15:30 when up to 20 vehicles could be in the car park. This would leave 2 free spaces.

- 3.10 This analysis was based on the total numbers of predicted traffic visiting the site. The analysis was then refined to remove the predicted drive-through element. On this basis the busiest weekday time segment between 13:15 and 13:30 would result in a predicted 10 vehicles parking leaving 13 free spaces, and the busiest time segment on the weekend between 15:15 and 15:30 would result in up to 17 vehicles leaving 5 free spaces.
- 3.11 In addition, and at the request of KCC (H+T), a further analysis of the predicted on-site vehicle parking requirements was undertaken. The analysis was based on information from the TRICS database of surveys (TRICS being the Trip Rate Information Computer System database of trip rates for developments). This analysis supports the finding of the original analysis in that the forecast car parking accumulations are well within the capacity of the proposed car park.
- 3.12 For added certainty KCC (H+T) has carried out further analysis of the survey data from the Hounslow KFC with regard to onsite parking requirements. This used a 30 minute time segment and is very much a worst case scenario. This analysis added the number of vehicles already in the car park at the beginning of the time segment to the predicted number of arrivals, without subtracting the predicted number of departures. This revealed that the car park would be mostly within capacity but that capacity could be slightly exceeded on weekday lunchtimes. However this is worst case scenario and in reality the proposed use is based on convenience for customers. This means that in a worst case scenario customers would use the drive-through or make other arrangements.
- 3.13 In terms of staff parking, the proposal includes 3 staff-only parking spaces. It is anticipated that the proposed use is likely to employ up to 51 members of staff, although only 11 to be full time. However not all members of staff would be on site at any one time. It is anticipated that between 11 and 13 members of staff are likely to be present at any one time. It is appreciated that SPG4 recommends 1 space per 2 members of staff and the proposal does not meet this requirement.
- 3.14 However it must be noted that the recommendation made in SPG4 is a maximum and not a minimum standard. In addition it is in the commercial interests of the proposed user to ensure onsite car parking is reserved for customers and not for staff members. Consequently the staff parking will be strictly controlled by the restaurant manager and this can be ensured through a Staff Travel Plan. It must also be remembered that the site lies within a sustainable location, close to the existing settlement and public transport links. On the basis that the staff parking arrangements are to be strictly controlled through a Staff Travel Plan the level of

provision of staff-only parking is acceptable. A Staff Travel Plan can be ensured by planning condition.

HGV movements:

- 3.15 The TN confirms that the proposed development has not been designed to accommodate customers driving HGVs, and notes that there is a 7.5 tonne weight restriction on nearby Malling Road. HGV movements associated with collections and deliveries to the site can be controlled through the submitted Servicing and Delivery Plan which restricts the operating hours to between 07.30 and 17.00 on weekdays and Saturdays, with no HGV movements on Sundays.

Traffic Regulation Order:

- 3.16 In accordance with paragraph 54 of the NPPF it is necessary to consider whether otherwise unacceptable development could be made acceptable through the use of conditions or planning obligations. Regulation 122 of the CIL sets out that a planning obligation may only constitute a reason for granting planning permission for the development if the obligation is necessary to make the development acceptable in planning terms, directly related to the development, and is fairly and reasonably related in scale and kind to the development.
- 3.17 In order to ensure that appropriate visibility splays are maintained at the entrance/exit of the proposed development it will be necessary to introduce additional traffic restrictions on Hollow Lane. In addition, to ensure wider highway safety and that the predicted junction capacity assessments are maintained it will also be necessary to introduce additional traffic restrictions at the junctions of Alex Hughes Close and Corona Terrace.
- 3.18 The introduction of double yellow lines at various points on the highway adjacent to the proposed development is necessary to ensure the proposed use will not result in any adverse impact in terms of highway safety. The introduction of double yellow lines at various points on the highway adjacent to the proposed development is directly related to the anticipated traffic movements associated with the proposed development and is appropriate in that it is fairly and reasonably related in scale and kind to the development. On this basis it is appropriate to recommend an additional planning condition to require the applicant to submit a scaled plan showing the proposed parking restrictions, to undertake an assurance to submit a Third Party Traffic Regulation Order Request document to the highway authority, and to fund the fees and implementation costs.
- 3.19 The agent has confirmed by email of 17 February 2020 that the applicant is willing to comply with this proposed planning condition.

Additional KCC (H+T) comments:

3.20 Additional KCC (H+T) comments have been received following the publication of the March 2020 agenda. The comments response to a series of questions regarding the accuracy of the submitted TN. KCC (H+T) acknowledge that some mistakes may have been made in the TN, but these are not crucial errors. The HA remain content that the capacity assessments show low ratios of flow to capacity which will result in a minor impact only, and that the introduction of yellow lines to the southern end of Hollow Lane will ensure the safe operation of the relevant junctions. With regard to vehicle parking the HA reiterate that they have undertaken their own analysis. This shows that although the car park capacity could mathematically be slightly exceeded on weekday lunchtimes, fast food restaurants rely heavily on convenient, spur of the moment, trade. It is therefore reasonable to expect that should the car park become full, other customer arrivals will either use the drive-through facility or go elsewhere/make other arrangements. The HA reiterate that subject to the recommended planning conditions no objection is raised.

Conclusions:

3.21 Policy SQ8 of the MDE DPD states that development will only be permitted where there will be no significant harm to highway safety, and 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.

3.22 As reported elsewhere on this agenda, the views of statutory consultees should as a matter of law be given 'great' or 'considerable' weight. A departure from those views requires "*cogent and compelling reasons*" (as set out by the High Court in *R(Hart DC) v Secretary of State for Communities and Local Government [2008] EWHC 1204 (Admin)*).

3.23 The local highway authority concurs with the methodologies used in the original TA and subsequent TNs, and despite noticing some discrepancies the findings of these reports are considered to be sound. The TA, subsequent TNs and the analysis undertaken by the HA has demonstrated that the vehicle movements associated with the proposed development will have a minor impact only on the highway network and result in fewer theoretical traffic movements than the extant use.

3.24 The TA, subsequent TNs and the analysis undertaken by the HA has also demonstrated that the proposed on-site car parking is sufficient. In the interest of highway safety it is necessary to impose a planning condition seeking the applicant to enter into a TRO to introduce additional double yellow lines to part of the adjacent highway.

3.25 The predicted impact of the proposed development on the wider highway is minor and does not therefore result in significant harm to highway safety and the cumulative impacts of the development are not severe. There are no cogent or compelling reasons to differ from the view of the highway authority. Consequently, for the reasons set out above, along with those provided in the appended report, I recommend planning permission is granted subject to the imposition of planning conditions.

4. Recommendation:

4.1 **Grant planning permission** in accordance with the following submitted details: Email received 10.01.2020, Report technical note received 10.01.2020, Other technical note received 20.12.2019, Letter received 01.04.2019, Location Plan received 01.04.2019, Planning Statement received 09.04.2019, Other Delivery and Servicing plan received 01.04.2019, Details Silencer specifications received 01.04.2019, Travel Plan received 01.04.2019, Transport Assessment received 09.04.2019, Existing Plans SNC18/G099 received 01.04.2019, Proposed Layout SNC18/G100 A received 01.04.2019, Signage Drawing SNC18/G122 B received 01.04.2019, Existing Elevations SNC18/G210 received 01.04.2019, Proposed Elevations SNC18/G211 received 01.04.2019, Proposed Elevations SNC18/G212 received 01.04.2019, Proposed Roof Plan SNC18/G903 received 01.04.2019, Planting Plan 2243 01 A received 01.04.2019, Proposed Floor Plans STS0182-M01 received 01.04.2019, Proposed Roof Plan STS0182-M01 received 01.04.2019, Site Plan SNC18/G121 C received 04.07.2019, Acoustic Assessment REV A received 04.07.2019, Letter Appeal decisions received 04.07.2019, Email received 17.02.2020, 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.

Reason: In the interests of general amenity and highway safety.

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.

17. Prior to the first commencement of the use hereby permitted, full details of the proposed parking restrictions on Hollow Lane and at the junctions of Alex Hughes Close and Corona Terrace shall be submitted to and approved in writing by the Local Planning Authority. The applicant shall enter into an agreement with the Highway Authority to ensure the proposed parking restrictions are implemented in advance of the commencement of the use hereby approved and retained and maintained in accordance with the approved details at all times thereafter.

Reason: To ensure no obstruction of vision splays and to ensure that the predicted junction capacity assessments are maintained in the interests of highway safety.

18. Prior to the first commencement of the use hereby permitted, a Staff Travel Plan shall be submitted to and approved in writing by the Local Planning Authority. The recommendations of the Staff Travel Plan will be implemented and retained thereafter.

Reason: To ensure adequate on-site parking.

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 applicant's 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

Report from 3 October 2019

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.

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- 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

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TECHNICAL NOTE



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The Oast House, Snodland

Job Number: J323538

Date: 10 January 2020

Client: Castlebarn Limited

Prepared By : COR

Approved By : LF

Response to Committee Members

1 Introduction

- 1.1 This Technical Note (TN) has been prepared by mode transport planning (mode) on behalf of Castlebarn Limited who are a KFC franchisee. A planning application, reference 19/00786/FL, was submitted to Tonbridge and Malling Borough Council for a proposed A3/A5 Restaurant and Take-away unit with associated drive-thru at The Oast House, Malling Road, Snodland.
- 1.2 The application was sent to committee with a recommendation to grant permission from the Case Officer. The application was heard at the October 3rd 2019 Area Three Planning Committee meeting. Kent County Council (KCC) in its capacity as the Local Highway Authority also recommended the application be granted and were present at the October committee meeting to give evidence. Councillors decided to defer their decision to allow time for further clarification of highway information to be provided.
- 1.3 The purpose of this TN is to provide clarity on transport related points raised at the October committee meeting. Further clarification and justification of the assessment presented in the submitted Transport Assessment (TA) and a post-submission TN, is expanded in more detail.
- 1.4 This TN should be read in conjunction with the submitted transport documentation including the TA, Travel Plan (TP), Delivery and Servicing Plan (DSP) and a post-submission TN on parking accumulation.

2 Trip Assessment Site Selection

- 2.1 To provide a robust assessment of the predicted number of development trips, a similar operational KFC site was chosen as per that located on the A4 Bath Road, Hounslow. The submitted TA and post application TN provided justification as to why this site was chosen and this has been accepted in principle by KCC.
- 2.2 The Hounslow site is located on the edge of town adjacent to a dual carriageway linking near-by population centres. The KFC unit on-site also has a drive-thru and is larger than the proposed A3/A5 unit at the Oast House, Snodland (approx. 420m² compared to the proposed 228m²). As a comparable site survey, the Hounslow KFC unit is likely to generate more vehicle movements than the proposed unit.

2.3 The Hounslow site also contains a Starbucks unit with drive-thru facilities. The Starbucks drive-thru facility is ancillary to the main coffee shop use. The Starbucks unit is an A1 Retail / A3 Restaurant Use Class with
January 2020

a GEA of approximately 204m². In comparison, the KFC unit is an A3 Restaurant / A5 Hot Food TakeAway Use Class with a larger GEA of approximately 420m². Given the different land use class of each unit, the trip profile for each is likely to differ slightly. This is reflected in the survey data which showed the majority of drive-thru vehicle movements are for the KFC unit (73% of the total during the weekday and 65% during the weekend day)..

2.4 The submitted TA provided a robust assessment of the proposed development based on the principle of the Hounslow site as a singular site (i.e. individual KFC and Starbucks vehicle movements were not separated). The purpose for using the Hounslow data is outlined in section 4.4 of the TA, where the Hounslow trip rates were found to be higher than a TRICS comparison exercise for the peak weekend period (the highest generation period for an A3/A5 use). It therefore remains robust to utilise these trip rates as a guide for trip profiling for the proposed development in Snodland.

2.5 The combined floor area of the KFC and Starbucks is more than double that of the proposed development and would likely represent a larger trip generator in terms of vehicle movements. The following sections provide an expansion of the TA assessment in terms of the submitted survey data, to further quantify the breakdown of development trips by type and 15-minute time segments.

2.6 Appendix F of the submitted TA includes the raw survey data for the Hounslow site, albeit presented in an hourly format consistent with the assessment presented within the TA. This same raw survey data is presented in the 15-minute breakdown below to expand on the number of vehicle movements across the hourly period (previously presented in section 4, 5 and 6 of the TA and section 2 of the post-submission TN). The data is provided in [Appendix A](#) of this TN for ease of reference.

3 Proposed Parking to Accommodate Customer Traffic

3.1 The submitted TA detailed the predicted number of arrival and departure vehicle trips for the development proposal on an hourly basis during operational hours, as based on the sample KFC site (A4 Bath Road, Hounslow). This provided a profile of car parking accumulation within the development proposal and was further expanded on in the post-submission 'Response to Local Highway Authority Comments' TN.

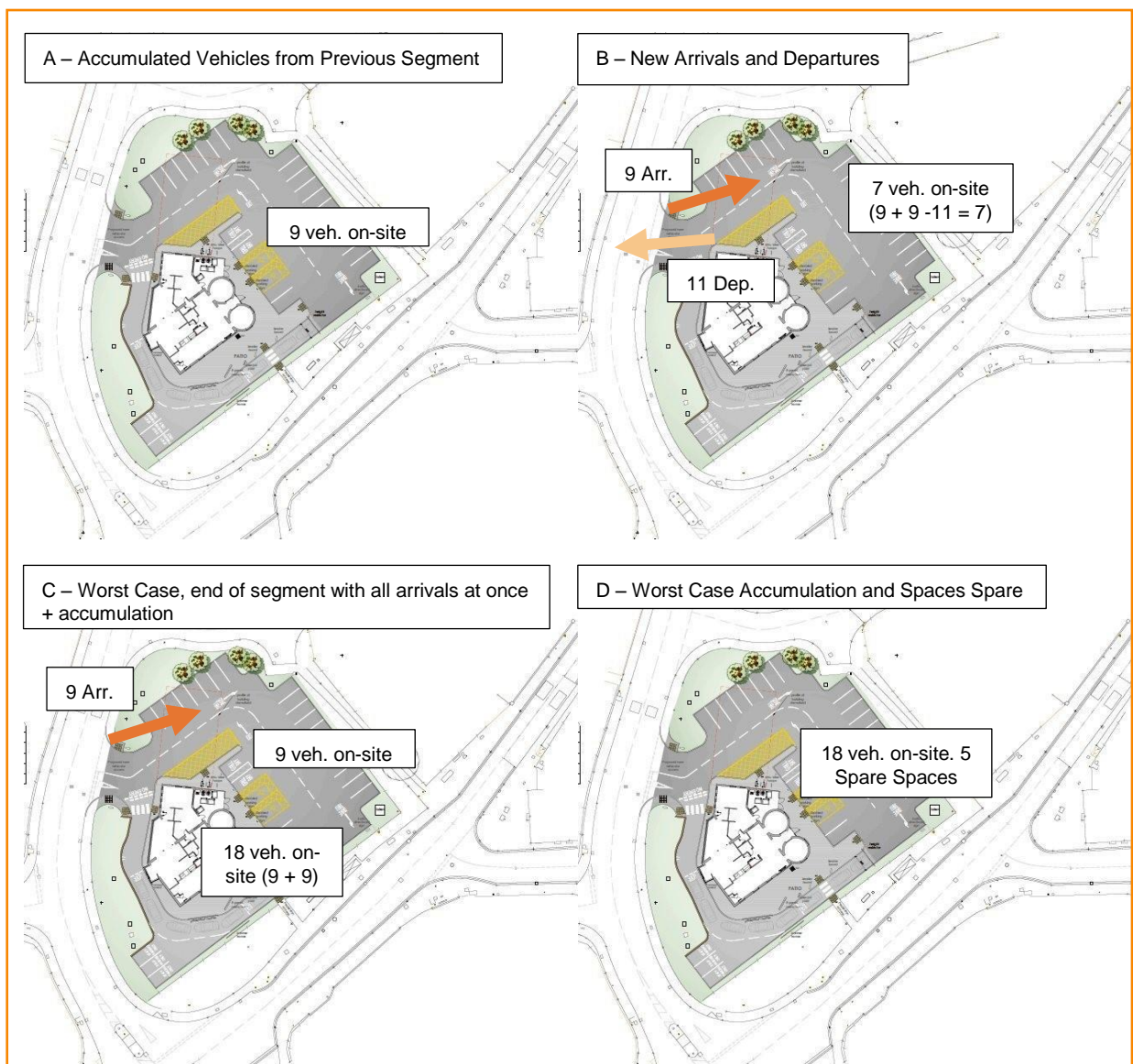
3.2 For further clarification, the car parking accumulation profile has been calculated by adding the number of vehicles already in the car park at the start of the time segment with the number arrivals, less the number of departures. The submitted assessments had assumed a robust scenario from a parking demand standpoint, in that all vehicles arriving at the site have been assumed to park before leaving. This approach has not excluded drive-thru only trips which in the most part will be expected to arrive and depart the site without using a parking space (although this is considered later in this TN).

3.3 The number of arrivals and departure trips per times segment is definitive and the accumulation profile assumes vehicles come and go at regular intervals per time segment. What is left at the end of the time segment (after some vehicles have arrived and some have departed), is the calculated parking

accumulation for that time period. This is irrespective of 'dwell' times as it is simply a function of calculated arrivals and departures, as per the Hounslow site survey.

3.4 Although unlikely to happen in practice, it is possible that all arrivals could occur prior to any departures occurring, which would relate to a high parking accumulation at that particular time. This may relate to particular dwell times during a time segment being unaccounted for. To allow for this possible effect, the time segments have been provided at 15-minute intervals, as per the same survey data in this TN (the original data was collected in 15-minute intervals). An extra worst-case allowance for arrivals preceding departures has also been assessed. A sample time segment is illustrated diagrammatically on Figure 3.1.

Figure 3.1 Sample 15-minute Time Segment



3.5 **Figure 3.1** illustrates a 15-minute time segment, based on the busiest 15-minute time period during a weekday, 13:15 to 13:30. At the start of the time segment, 9 vehicles are present on-site, which is the accumulation from the previous 15-minutes. Over the next 15-minutes a total of 9 vehicles will arrive and 11 will depart which would leave an accumulation of 7 vehicles on-site at the end of the time period. As a worst case, if the 9 arrivals precede any of the 11 departures before the end of the time segment, a total of 18 vehicles would be on site at that time, leaving 5 spare parking spaces.

3.6 The 15-minute parking accumulation profile over the course of a weekday and weekend day has been assessed, allowing for the worst-case scenario for all arrivals preceding departures. This shows the expected maximum parking demand during that 15-minute segment. The capacity of the car park is assumed to be 23 standard spaces, which excludes the 'grill bays' and staff bays as these are designated and not for general use.

3.7 The 15-minute parking accumulation profile for a weekday and weekend on the above basis is demonstrated on **Figures 3.2** and **3.3**. This shows the number of accumulated spaces (orange), the potential for all arrivals preceding departures (grey) and the minimum number of spare spaces with the worst-case scenario (light orange). At the request of the Highway Officer, **Appendix B** contains a tabulated version of **Figure 3.2** and **3.3**.

Figure 3.2 Weekday Parking Accumulation

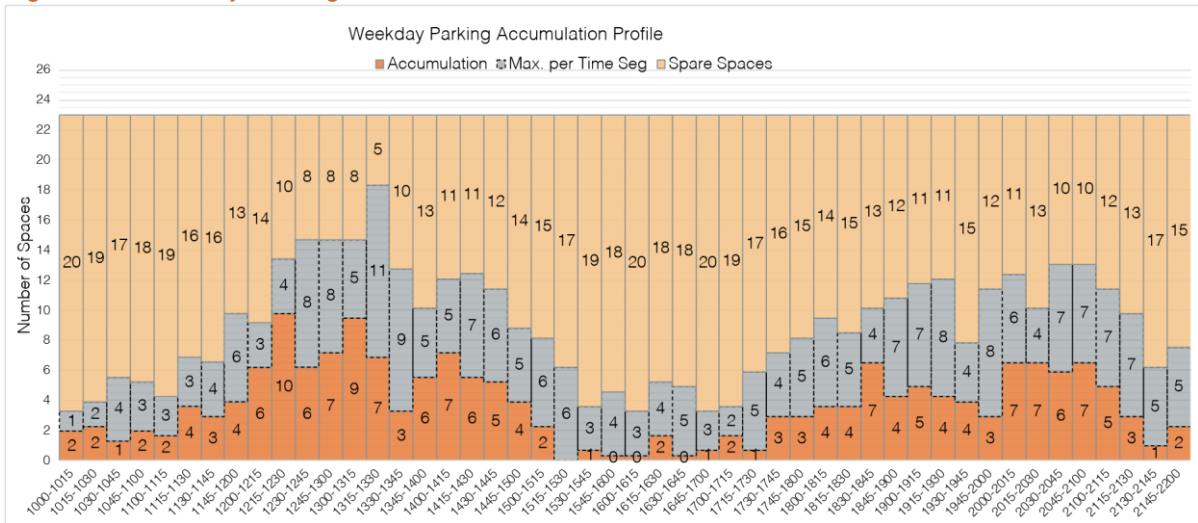
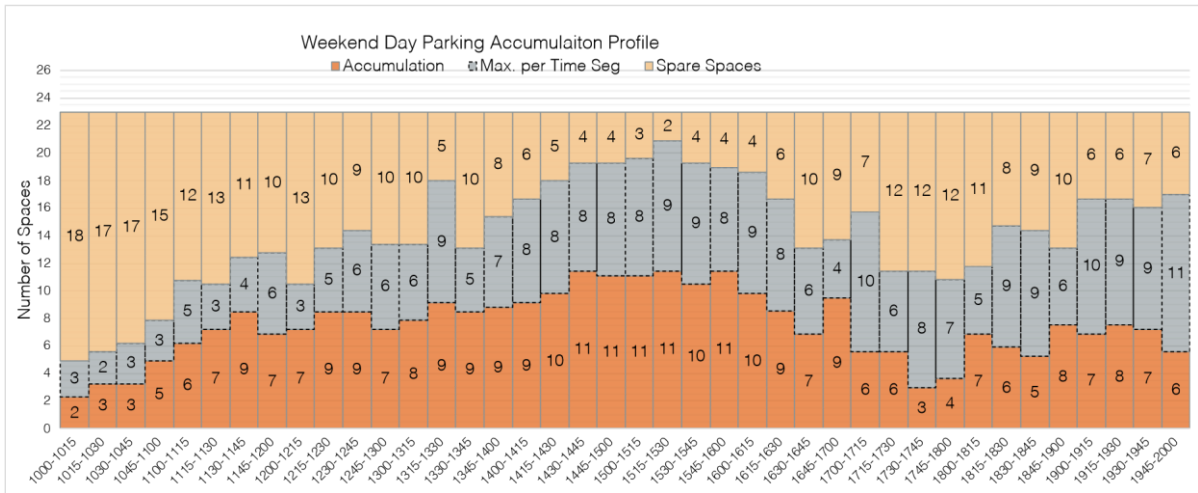


Figure 3.3 Weekend Day Parking Accumulation



3.8 Figures 3.2 and 3.3 demonstrate that the proposed parking provision has sufficient capacity to accommodate the predicted demand across both the weekday and weekend day, with spare capacity, even when allowing for the worst-case possibility of all arrivals preceding any departures (grey). The busiest time segment on the weekday is between 13:15 and 13:30, when up to 18 vehicles could be in the car park leaving 5 spaces free. On the weekend day this is between 15:15 and 15:30, when up to 20 vehicles could be in the car park leaving 2 spaces free.

3.9 Fundamentally, Figures 3.2 and 3.3 are based on the total arrival and departure vehicles trips, irrespective of being dine-in/restaurant take-away and drive-thru. This allows for any degree of dwell time and does not account for the many arrivals and departures that will not require use of the car park. Notwithstanding the demonstrated spare spaces, this is a significant overestimate of car parking demand because of this.

3.10 To provide an account of the drive-thru reducing car parking demand upon the worst-case car parking accumulation assessment, the submitted Hounslow survey data has been further interrogated in terms of the breakdown drive-thru movements during the survey period.

3.11 The total drive-thru vehicle movements recorded on a weekday and weekend day at the Hounslow site have been divided by the total number of vehicle movements to provide the percentage of total two-way vehicle movements being drive-thru only. It should be noted, for the purpose of this assessment the total drive-thru movements combine the drive-thru vehicle movements of the Starbucks and KFC units for an overall total number of drive-thru vehicle movements. However, given these trips do not relate to a dwell time in the car park and will only factor down the worst-case assessment (which demonstrates sufficient car parking capacity in any event), the assessment is considered suitable. Regardless, it is also possible that a Starbucks would have a lower rate of drive-thru to dine-in than the KFC, which would only mean a more robust assessment in consideration of car parking demand.

3.12 During the weekday (10:00 to 22:00 - same time period as the post submission TN assessment), the average percentage of development trips which would be utilising the drive-thru is 48% per hour, with a maximum of 63% of trips between 21:00 to 22:00 hours. For the weekend day (10:00 to 20:00), the average is 38% per hour and the expected maximum percentage is 53% between 20:00 to 21:00 hours.

3.13 To assess only the non drive-thru trips, the expected number of drive-thru trips based on the above average percentages (48% on a weekday and 38% on a weekend day) have been removed from the arrivals and departures in the parking accumulation calculation. This leaves an accumulation profile based on solely non-drive thru trips, as demonstrated in Figures 3.4 and 3.5. Notwithstanding the removal of drive-thru trips, this retains the allowance for the worst-case of all arrivals preceding any departures. At the request of the Highway Officer, Appendix C contains a tabulated version of Figure 3.4 and 3.5.

Figure 3.4 Weekday Non Drive-Thru Parking Accumulation Profile

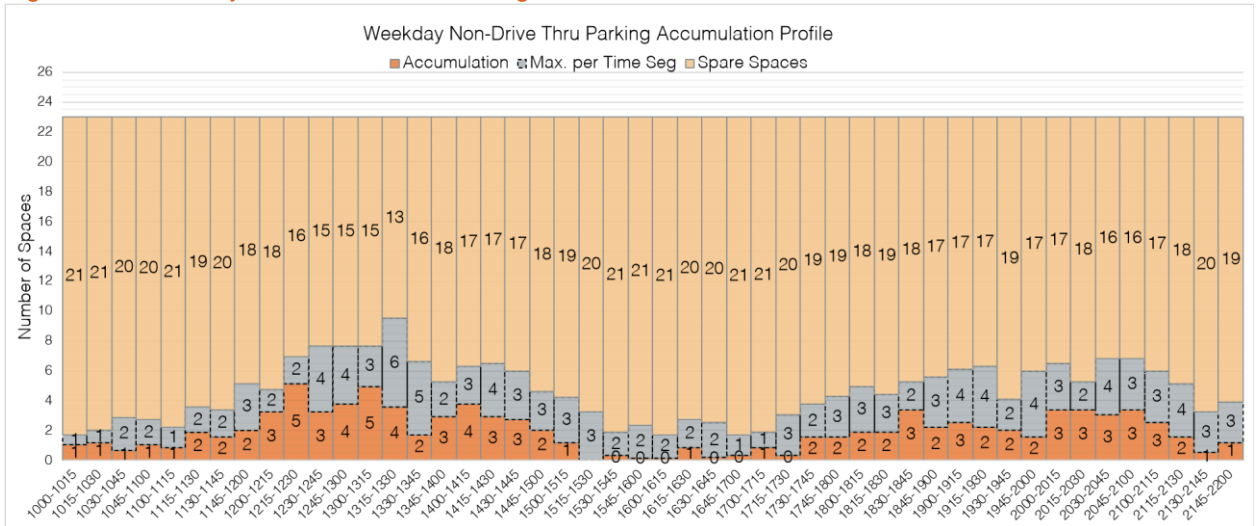
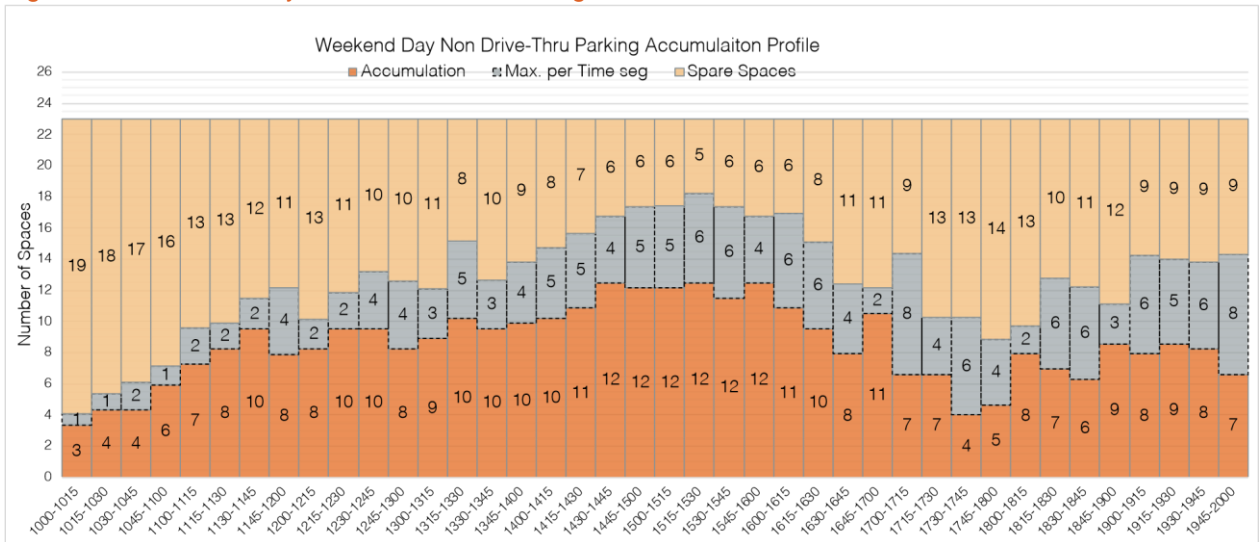


Figure 3.5 Weekend Day Non Drive-Thru Parking Accumulation Profile



3.14 Figures 3.4 and 3.5 demonstrate that the proposed parking provision has greater capacity to accommodate the predicted demand across both the weekday and weekend day, when removing drivethru trips from the accumulation calculation. This is also inclusive of allowing for the worst-case possibility of all arrivals preceding any departures (grey). The busiest time segment on the weekday remains between 13:15 and 13:30, when up to 10 vehicles could be in the car park leaving 13 spaces free. On the weekend day this

also remains between 15:15 and 15:30, when up to 17 vehicles could be in the car park leaving 5 spaces free.

4 TRICS Accumulation Profile

4.1 At the request of the Highway Officer, a parking accumulation profile based on the TRICS trip rates detailed in the submitted TA are provided to allow a comparison with [Figures 3.2](#) and [3.3](#). TRICS provides hourly trip rates for arrivals and departures and the trip rates account for all expected trip types. The hourly parking accumulation profile for a weekday and weekend based on TRICS trip rates is demonstrated on [Tables 4.1](#) and [4.2](#). The tables also show the number of accumulated spaces.

Table 4.1 Weekday Trip Rates, Trips and Parking Accumulation (TRICS Trip Rates)

| Time Period | Trip Calculations | | | | Accumulation |
|--------------------------------|-------------------------------|---------------------------------|----------------------------------|-------------------------------------|--------------|
| | Arrival Trip Rate (p/100 sqm) | Departure Trip Rate (p/100 sqm) | Vehicular Arrivals (p/2.28 sqm)* | Vehicular Departures (p/ 2.28 sqm)* | |
| Cars Parked at Start of Survey | | | | | 3 |
| 10:00 – 11:00 | 6.498 | 6.209 | 15 | 14 | 4 |
| 11:00 – 12:00 | 8.014 | 7.292 | 18 | 17 | 5 |
| 12:00 – 13:00 | 12.347 | 13.069 | 28 | 30 | 3 |
| 13:00 – 14:00 | 11.625 | 11.986 | 27 | 27 | 3 |
| 14:00 – 15:00 | 7.798 | 8.375 | 18 | 19 | 2 |
| 15:00 – 16:00 | 6.209 | 6.570 | 14 | 15 | 1 |
| 16:00 – 17:00 | 7.870 | 7.798 | 18 | 18 | 1 |
| 17:00 – 18:00 | 8.809 | 8.375 | 20 | 19 | 2 |
| 18:00 – 19:00 | 9.819 | 10.253 | 22 | 23 | 1 |
| 19:00 – 20:00 | 7.798 | 8.087 | 18 | 18 | 1 |
| 20:00 – 21:00 | 6.065 | 6.570 | 14 | 15 | 0 |
| 21:00 – 22:00 | 3.466 | 3.682 | 8 | 8 | 0 |

*Proposed unit floor area is 228sqm hence p/100 sqm for calculation of vehicle trips

Table 4.2: Weekend Trip Rates, Trips and Parking Accumulation (TRICS Trip Rates)

| Time Period | Trip Calculations | Accumulation |
|-------------|-------------------|--------------|
|-------------|-------------------|--------------|

| | Arrival Trip Rate (p/100 sqm) | Departure Trip Rate (p/100 sqm) | Vehicular Arrivals (p/2.28 sqm)* | Vehicular Departures (p/2.28 sqm)* | |
|--------------------------------|-------------------------------|---------------------------------|----------------------------------|------------------------------------|----|
| Cars Parked at Start of Survey | | | | | 0 |
| 10:00 – 11:00 | 1.920 | 1.440 | 4 | 3 | 1 |
| 11:00 – 12:00 | 7.040 | 5.760 | 16 | 13 | 4 |
| 12:00 – 13:00 | 16.480 | 13.120 | 38 | 30 | 12 |
| 13:00 – 14:00 | 15.520 | 16.960 | 35 | 39 | 8 |
| 14:00 – 15:00 | 12.000 | 13.280 | 27 | 30 | 5 |
| 15:00 – 16:00 | 9.920 | 8.640 | 23 | 20 | 8 |
| 16:00 – 17:00 | 10.400 | 12.800 | 24 | 29 | 3 |
| 17:00 – 18:00 | 13.600 | 12.000 | 31 | 27 | 7 |
| 18:00 – 19:00 | 12.000 | 13.760 | 27 | 31 | 3 |
| 19:00 – 20:00 | 9.760 | 10.560 | 22 | 24 | 1 |
| 20:00 – 21:00 | 8.000 | 8.160 | 18 | 19 | 0 |
| 21:00 – 22:00 | 6.560 | 6.400 | 15 | 15 | 1 |

*Proposed unit floor area is 228sqm hence p/100 sqm for calculation of vehicle trips

4.2 [Tables 4.1](#) and [4.2](#) demonstrate that when development trips are based on the TRICS trip rates the proposed parking provision has sufficient capacity to accommodate the predicted demand across both the weekday and weekend day.

5 Staff Parking

5.1 The TA presented a detailed assessment ([Section 5](#) and further supported by a post-submission TN) of the proposed parking provision including a breakdown of how many spaces are to be allocated solely for the use of staff members. The proposed layout includes 3 staff only car parking spaces. At committee and in the Case Officers follow up note, further justification for 3 staff parking space was requested. The proposed car park is principally for use by customers with some provision for staff. For the avoidance of doubt, the assessment of car parking accumulation detailed to-date and expanded on further in this TN is for customer parking accumulation and customer parking only.

5.2 Staff parking standards come from Kent County Council Supplementary Planning Guidance SPG4 2006. For an A3 or A5 land use, a maximum of 1 space per 2 members of staff is suggested. This is a maximum level and not necessarily a level that needs to (or should) be met by each development proposal, especially if

the accumulation assessment indicates spare capacity. As noted in the TP, the development proposal would be expected to employ up to 51 members of staff including up to 11 full time staff. Subject

to final operator details and seasonal demand, it could be expected that 11 to 13 staff members could be on-site per shift.

5.3 In practical terms, not all 51 members of staff will be on-site at any one time. The actual number will depend on a number of factors such as shift patterns, weekday or weekend customer demand and seasonal periods. Use of these 3 spaces by staff will be tightly restricted by the General Manager who will be the only one to assign usage of these spaces. As a starting point, staff will be advised parking is for customers and not general staff usage (excluding those granted parking privileges to use the 3 staff spaces).

5.4 Staff travel demand to the site is to be managed by the TP and an appointed Travel Plan Co-ordinator. All staff will be informed of the TP before commencing employment and encouraged to travel to and from the site by sustainable modes. Relevant and current information on sustainable travel modes to the site will be available to all staff members. The site is well connected to the surrounding area by footways (for shorter journeys) and a half hourly bus services pass the site on Malling Road. Staff members will be aware of parking restrictions in place at the site and the fact the car park is for customers along with the TP measures; staff will be encouraged to travel to and from the site by alternative sustainable travel modes.

6 Traffic Impact on the Local Highway Network

6.1 The submitted TA considered the cumulative impact of the proposed development on the local highway network in a baseline year and 2024 future year.

6.2 Section 4 and 6 of the TA presented an assessment of the predicted number of development trips. The assessment considered the peak hours (weekday interpeak and PM peak and a weekend interpeak hour) and assessed the impact of development trips on surrounding junctions as well as the proposed site access. Background traffic growth over a 5-year period on the highway network (2019 to 2024) was taken into account in terms of a ‘cumulative’ effect. The assessment showed the proposed development traffic, even with the additional general background growth of network traffic, would have a negligible cumulative impact on the surrounding highway network.

6.3 To further consider the cumulative impact of the proposed development and at the request of the planning case officer, the development trips have been compared with the number of trips generated by the sites’ existing extant B1 land use during the weekday peak hour periods (the site has an extant planning permission from 1987 for an industrial use with office store and showroom).

6.4 The existing site is unoccupied and so there is no readily available trip baseline. Instead, the TRICS database has been utilised to provide comparable vehicle trip rates for the ‘industrial unit’ land category. The corresponding vehicle trip rates and trips during the AM (08:00-09:00) and PM (17:00-18:00) weekday peak hour periods are summarised in Table 6.1. A full TRICS output is provided in Appendix D.

Table 6.1 Comparison of Trips from Existing Land Use

| Time Period | Weekday AM Peak (08:00-09:00) | | | Weekday PM Peak (17:00-18:00) | | |
|-------------|-------------------------------|--------|-------|-------------------------------|--------|-------|
| | Arrive | Depart | Total | Arrive | Depart | Total |
| | | | | | | |

| | | | | | | |
|------------------------|-------|-------|-------|-------|-------|-------|
| Trip rates | 0.387 | 0.146 | 0.533 | 0.048 | 0.580 | 0.628 |
| Trips (405 GEA sqm) | 2 | 1 | 3 | 0 | 2 | 2 |

6.5 Considering the extant trips are already on the network in planning terms, the proposed development trips would therefore include these trips as they replace the extant land use. As such, the net number of trips on the local highway network would be less. Notwithstanding these trips that could be considered to already be on the network, the total development proposal vehicular movements have been fully assessed in the submitted TA. As noted above, the TA assessed the proposed development to have a negligible impact on the local highway network and that surrounding junctions would still have spare capacity in the future year, even with the addition of background traffic growth and the addition of development trips.

7 HGV Access Controls

7.1 The Case Officer has noted committee members would like further consideration of the HGV movements at the site and whether such movements may overspill onto the local highway network, specifically onto Hollow Lane.

7.2 HGVs are not expected to utilise the site and the proposed layout has not specifically been designed to encourage such vehicles, although allowance is made for a rigid HGV for servicing and delivery purposes.

7.3 Deliveries to the proposed development will be actively managed as detailed in the submitted DSP. The DSP aims to efficiently manage the number of trips and, when they occur, to avoid highway network peaks and peak restaurant times. The layout provides an off-highway delivery bay, designed to accommodate the largest vehicle expected to visit the site, an 11.52m rigid HGV. The delivery bay ensures the rigid vehicle can park in a dedicated space, whilst not inhibiting the movement of other vehicles around the site or onto the local highway when unloading and loading.

7.4 Considering the wider highway network in the vicinity of the site (Hollow Lane, Malling Road and its junction with the A228), HGV movements are currently restricted or advised against. For instance, a 7.5t weight restriction is in place on Malling Road north from its junction with Hollow Lane. In addition, advanced signage is in place at the A228 roundabout advising of the weight restriction. Hollow Lane is not part of the weight restriction however advisory signage noting the route as 'Unsuitable for HGVs' is in place at its junction with Malling Road. Waiting restrictions in the form of double yellow lines are in place along Malling Road.

7.5 It is unlikely HGVs will attempt to access the site given the nature of the local highway, restrictions in place and the proposed layout of the site. Nor would HGVs be expected to temporarily park on Hollow Lane to access the site on foot.

8 Summary

8.1 This TN has been prepared by mode on behalf of Castlebarn Limited (a KFC franchisee) in response to the request for further clarification of the transport evidence submitted to Tonbridge and Malling Borough

Technical Note

The Oast House, Snodland



Response to Committee Members

Council for the proposed development of an A3/A5 restaurant and drive-thru unit at The Oast House, Snodland. The additional information is provided following the request of committee members.

8.2 The TN has clarified the selection of the Hounslow KFC operational site for use as a suitably comparable survey site for the proposed unit at the Oast House, Snodland. Further assessment of the predicted number of development trips, a breakdown of drive-thru and non drive-thru trips along with 15-minute parking accumulation profile has been provided. In addition, staff parking and HGV movements were also raised at the committee meeting. The TN has also addressed these outstanding points. This TN along with the submitted transport documents (TA, TP etc.) have assessed the potential transport impact of the proposed development to be negligible. This is supported by the Local Highway Authority who recommended the planning application for approval.

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**Area 3 Planning Committee
Tonbridge & Malling Borough
Council**

Development Control
Gibson Building
Gibson Drive
Kings Hill
West Malling, Kent
ME19 4LZ

App. Ref. TM/19/00786/FL

Annex 3



**Highways and
Transportation**

Ashford Highway Depot
4 Javelin Way
Ashford
TN24 8AD

Tel: 03000 418181

Date: 13 February 2020

Location The Oast House Hollow Lane Snodland Kent ME6 5LB

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 and both freestanding and elevational internally illuminated and non-illuminated signage

Maria

Thank you for re-consulting me regarding this application.

Introduction

Fundamental to making traffic forecasts of a proposal from TRICS or other surveys is a comparison of floor areas on a pro-rata basis. It is my understanding from subsequent communications to the documents submitted, that the gross external floor areas concerned are as follows: -

| | Gross External Floor Area (GEA) | |
|-----------------------|---------------------------------|---------|
| KFC Hounslow | 422.5m2 | 697.5m2 |
| Starbucks Hounslow | 275m2 | |
| KFC proposal Snodland | 280m2 | |

Traffic Generation

As well as the size of a unit, traffic generation can vary according to many other factors, one of which is location or location type. It is understood why the site at Hounslow was chosen for comparison analysis; as an example of a busy site, adjacent to the A4, so that, in traffic generation terms, a robust assessment is made. This approach in traffic generation terms, is understood and accepted by the highway authority.

It is also accepted that according to industry standard junction capacity analysis for year 2024 weekday interpeak, weekday pm peak and weekend interpeak scenarios, the traffic generated from this proposal does not establish unacceptable over capacity or a severe impact at the junctions tested. Ratios of flows to capacity of less than 50% were obtained from the modelling.

Parking Accumulation

Parking accumulates in car parks according to the number of arrivals and the duration of stay. From records of arrivals and departures at intervals, the accumulation at the end of each interval can be determined.

Ignoring all drive throughs which are self-explanatory, it is unclear if a typical 'dine in' duration of stay at a Starbucks, a coffee shop, is materially different (shorter) to a typical duration of stay at a KFC. If materially so, it could be that Starbucks visits bias (dilute or reduce) the average duration of stay at a site where both are surveyed together, compared to a survey of a KFC only. Using collective figures *may* therefore underestimate assessments of accumulation for a proposed KFC only site.

By comparison, for this application, the applicant's consultant has also undertaken a conventional analysis of fast food drive through restaurants from the TRICS database of surveys.

The restaurants found from specifying suburban and edge of town areas were: -

For weekdays

LIST OF SITES relevant to selection parameters

1 CA-06-D-02 MCDONALD'S CAMBRIDGESHIRE, NEWMARKET ROAD, CAMBRIDGE

Suburban Area (PPS6 Out of Centre), Residential Zone

Total Gross floor area: 435 sqm

Survey date: TUESDAY 19/09/17 Survey Type: MANUAL

2 NR-06-D-01 MCDONALD'S NORTHAMPTONSHIRE, MARQUEE DRIVE, NORTHAMPTON

Edge of Town, Commercial Zone

Total Gross floor area: 220 sqm

Survey date: TUESDAY 22/05/07 Survey Type: MANUAL

3 SO-06-D-01 MCDONALD'S SLOUGH, WINDSOR ROAD, SLOUGH

Edge of Town, Residential Zone

Total Gross floor area: 480 sqm

Survey date: WEDNESDAY 21/11/12 Survey Type: MANUAL

4 WM-06-D-01 BURGER KING WEST MIDLANDS, KINGSBURY ROAD, BIRMINGHAM, ERDINGTON

Suburban Area (PPS6 Out of Centre), No Sub Category

Total Gross floor area: 250 sqm

Survey date: TUESDAY 25/11/08 Survey Type: MANUAL

And for weekend days

LIST OF SITES relevant to selection parameters

1 DS-06-D-01 KFC DERBYSHIRE, WYVERN WAY, DERBY, PRIDE PARK

Suburban Area (PPS6 Out of Centre), Development Zone

Total Gross floor area: 370 sqm

Survey date: SUNDAY 26/07/15 Survey Type: MANUAL

2 LC-06-D-03 BURGER KING LANCASHIRE, LOWER AUDLEY, BLACKBURN, WATERSIDE

Suburban Area (PPS6 Out of Centre), Commercial Zone

Total Gross floor area: 255 sqm

Survey date: SATURDAY 08/11/03 Survey Type: MANUAL

Analysis of the hourly arrival and departure profiles of these sites reveals that for a 280m² KFC proposal (this application), low car parking accumulations are forecast, well within the capacity of the car park proposed.

I have obtained the survey data in spreadsheet form of the Hounslow KFC/Starbucks site and undertaken an analysis using a half hourly time interval. This indicates, using a robust accumulation analysis of all arrivals entering before any vehicles leaving at each interval, that mathematically the car park capacity proposed could be slightly exceeded on weekday lunchtimes. In reality, it is expected that where a car park is full, customers will either use the drive-through facility or go elsewhere/make other arrangements.

Off-site measures

Regardless of the degree of occupation of the off-road car parking proposed, there are sound reasons for the southern end of Hollow Lane to require parking restrictions in association with this application. Namely: -

1. To maintain the visibility splays required at the site access.
2. To maintain the capacity assumptions made within the capacity assessments undertaken for the site access and at the junction of Hollow Lane with Malling Road.

It is considered that the southern 100m or so of Hollow Lane should incorporate a double yellow line regime. To reinforce Rule 243 of the Highway Code corner protection double yellow lines should also be included for the junctions of Alex Hughes Close and Corona Terrace with Hollow Lane.

Conclusions and recommendations

On behalf of this authority I do not consider that a highway reason for refusal could be sustained and I recommend therefore that this application (at least in highway terms), is granted. I recommend however by condition, that prior to commencement, the applicant proposes parking restrictions as described, on a plan for consideration by the planning and highway authorities. It is also recommended that once the extent and type of parking restrictions are agreed, that the applicant be required by further condition to undertake procedures up to and including Chapter 4 of the County Council's Third Party Traffic Regulation Order Requests document, also prior to commencement. The applicant will then be required to fund the fees for subsequent stages undertaken by the Highway Authority, and implementation costs.

Other conditions previously specified are recommended and repeated below: -

- Submission of a Construction Management Plan before the commencement of any development on site.
- Provision of construction vehicle loading/unloading and turning facilities prior to commencement of work on site and for the duration of construction.
- Submission of a management/maintenance plan of the highway verges surrounding the site for approval prior to commencement.
- Provision of measures to prevent the discharge of surface water onto the highway.
- Provision of wheel washing facilities prior to commencement of work on site and for the duration of construction.
- Provision and permanent retention of the vehicle parking spaces and/or garages shown on the submitted plans prior to the use of the site commencing.
- Provision and permanent retention of the vehicle loading/unloading and turning facilities shown on the submitted plans prior to the use of the site commencing.
- Completion and maintenance of the access shown on the submitted plans prior to the use of the site commencing.

- Any goods vehicle movements associated with the development will be undertaken in accordance with the Delivery and Servicing Plan submitted with this application. The Planning and Highway Authorities will be consulted before undertaking any significant changes identified and proposed through the monitoring and review discussed in Chapter 6 of this document, for these authority's prior approval.

Planning permission does not convey any approval for construction of the required access, or any other works within the highway for which a statutory licence must be obtained. Applicants should contact Kent County Council - Highways and Transportation (web: www.kent.gov.uk/roads_and_transport.aspx or telephone: 03000 418181) in order to obtain the necessary Application Pack.

INFORMATIVE: 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.

Across the county there are pieces of land next to private homes and gardens that do not look like roads or pavements but are actually part of the road. This is called 'highway land'. Some of this land is owned by The Kent County Council (KCC) whilst some are owned by third party owners. Irrespective of the ownership, this land may have 'highway rights' over the topsoil. Information about how to clarify the highway boundary can be found at <https://www.kent.gov.uk/roads-and-travel/what-we-look-after/highway-land/highway-boundary-enquiries>

The applicant must also ensure that the details shown on the approved plans agree in every aspect 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.

Yours faithfully

Terry Drury
Senior Development Planner



Highways and Transportation
Ashford Highway Depot
4 Javelin Way
Ashford
TN24 8AD

Tel: 03000 418181
Date: 19 March 2020

Tonbridge & Malling Borough Council
Development Control
Gibson Building
Gibson Drive
Kings Hill
West Malling, Kent
ME19 4LZ

Application - TM/19/00786/FL

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

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 and both freestanding and elevational internally illuminated and non-illuminated signage

Maria

Following my response of 13th February regarding this application, I would like to add the following comments.

The work undertaken by Mode Transport Planning for this application has inconsistencies and ambiguities. To varying degrees, unpicking transport assessments is regrettably not unusual in development planning and trying to iron out all of the creases for the workload there is would be inordinately time consuming. The submission of subsequent technical notes with this application has compounded inconsistencies rather than making things clearer. I am loath to ask for more information.

Whilst I am sceptical that some basic mistakes have been made, such as using the wrong floor area types, I do not consider that crucial errors have been made, covering a highway reason for refusal. I am content that the fast food restaurant proposal does not conflict directly with traditional peak periods of movement. The capacity assessments undertaken show low ratios of flow to capacity (RFC's) with minor impacts on the RFC's from the development. Had these RFC's been approaching operational capacity (0.85) then there would have been justification for further scrutiny and possibly a request for a fundamentally different approach to be undertaken. Possibly undertaking a study on a KFC **only** site such as at Rainham, as has been suggested.

With the application of yellow lines on the southern end of Hollow Lane I do not consider there are grounds to substantiate an unacceptable impact on highway safety; the second highway

reason for refusal given in paragraph 109 of the NPPF. These works will also maintain the operation of junctions, particularly Hollow Lane with Malling Road.

With regards to car parking accumulations the work undertaken from the TRICS database shows that the car park proposed should be of sufficient capacity for the size of fast food restaurant proposed. The Hounslow site comparisons also show that the car park should be of sufficient capacity. A 15-minute time segment analysis of all entry's in that segment occurring before any egress, also shows that the car park should be of sufficient capacity. I have undertaken my own analysis on a ¼ hourly time basis which shows that mathematically the car park capacity proposed could be slightly exceeded on weekday lunchtimes. Fast food restaurants rely heavily on convenient, spur of the moment, trade. I would expect that, should the car park become full, other customer arrivals will either use the drive-through facility or go elsewhere/make other arrangements.

With regard to staff parking I note that this will be limited to 3 designated spaces (probably for shift managers/supervisors) and other staff will be advised that customer car parking is not for staff use. As discussed, and from observation, I would imagine that most staff will be young, and hopefully locally employed, so that work patterns can be flexibly arranged. Car ownership, or access to a car, I expect would be low. 11 to 13 staff could be on site per shift. In transport impact terms the test would be whether 10 staff, who in a worst-case scenario would need to park elsewhere, could constitute a severe or unsafe impact on the highway. I do not consider that an assertion to that effect could be sustained.

As indicated in my response of 13 February, on behalf of the highway authority, I recommend that, subject to conditions required at thresholds, I have no objection to this application.

Yours faithfully

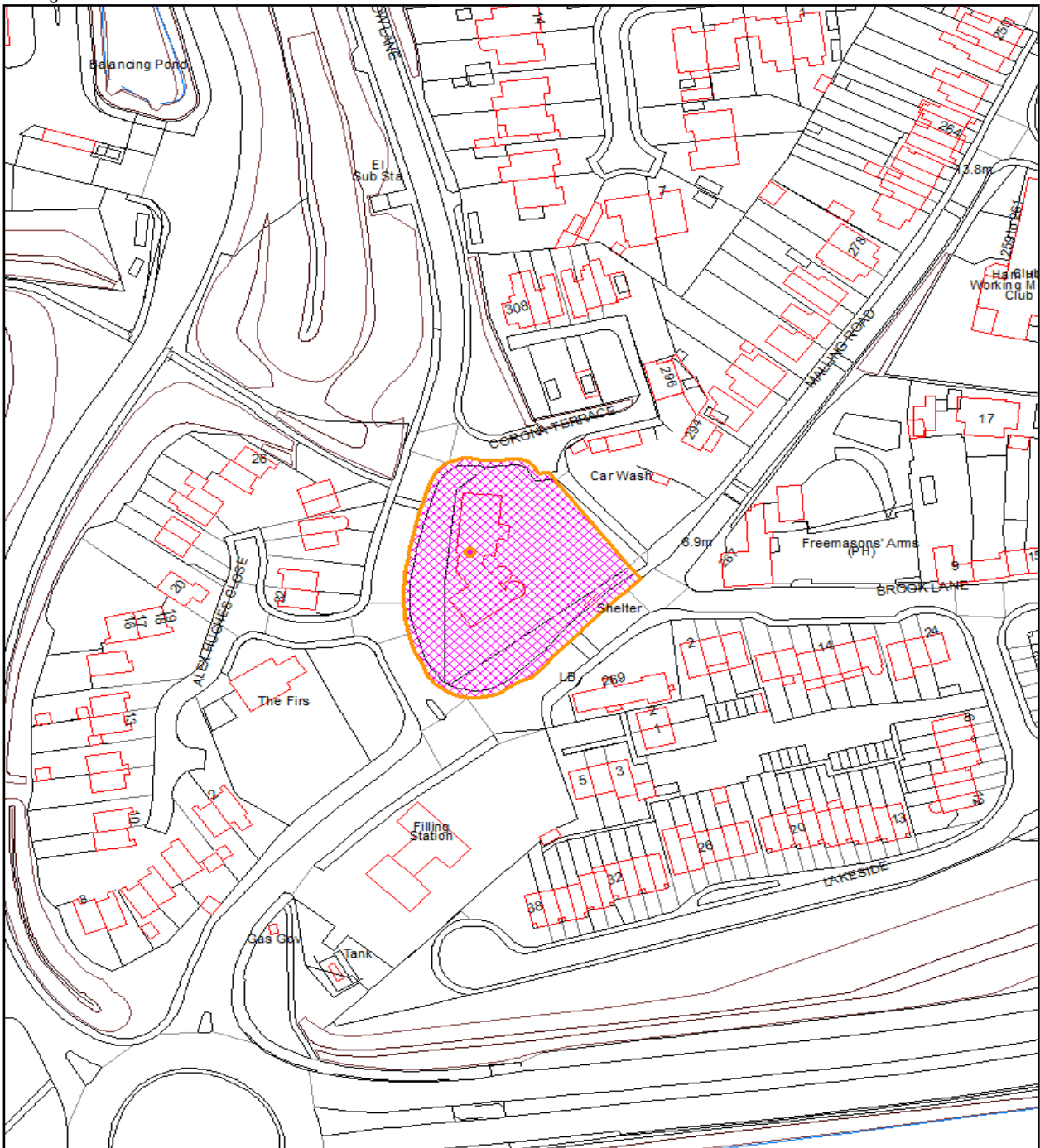
Terry Drury
Senior Development Planner

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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**East Malling &
Larkfield**
East Malling

14 May 2018

TM/18/01106/FL

Proposal: Proposed new entrance to No.165 Wateringbury Road
Location: Belvidere Oast 165 Wateringbury Road East Malling West
Malling Kent ME19 6JE
Go to: [Recommendation](#)

1. Description:

- 1.1 Determination of this application was deferred by APC3 on 25 April 2019 to allow the applicant a further opportunity to submit information in support of the proposed development. My previous report is appended in full for Members information, at Annex 1.
- 1.2 A Technical Note was subsequently prepared by Charles and Associates on behalf of the applicant and submitted in support of this application in August 2019. This is appended in full in Annex 2. The note seeks to describe the lack of visibility afforded by the current vehicle access serving this (and the neighbouring) site, provides a summary of the accidents recorded along this stretch of Wateringbury Road, close to the application site, and the forward visibility that would be afforded by the proposed access.
- 1.3 Members will note that this application was previously intended to be reported back to APC3 on 19 March but it was necessary to cancel that meeting due to national circumstances.

2. Consultees: (since 25 April 2019)

- 2.1 KCC (H&T): I note that speed surveys have not been undertaken. For the purposes of calculation therefore, without survey data, traffic speeds of 40mph, the speed limit, are assumed.
 - 2.1.1 I disagree with paragraph 3.1.2 of the report, '*The proposed access location is positioned along a straight section of the Wateringbury Road*'. I consider that the proposed access is positioned immediately south of a kink in Wateringbury Road and Figure 2.6 – looking north, within the report demonstrates this. I also disagree with paragraph 2.1.10 of the report which is unclear and unsubstantiated.
 - 2.1.2 My analysis of the current proposals are as follows: -
 - 40mph = 17.88 meters per second; design visibility splay = 65m
 - Visibility proposed north from access = 25m, 38% of that required for 40mph. Time taken to cover 25m at 40mph = 1.4 seconds

2.1.3 Stopping is broken down into reaction time and then deceleration from breaking until stationary. The standard reaction time used in the industry is 1.5 seconds. In other words, the figures suggest that a motorist controlling a southbound vehicle travelling at 40mph could still be travelling at 40mph after 25m when trying to stop.

2.1.4 I appreciate that the existing access is poor and from historic Google Earth images this appears to have been like this since at least 2003. However, on behalf of this authority I cannot condone a new access which has such a poor, substandard visibility splay.

3. Determining Issues:

3.1 The relevant adopted planning policies and all other material considerations are set out within my previous report and should be read in conjunction with the further assessment that follows.

3.2 It is accepted that the existing access which serves both the application site and the neighbouring property at 163 Watringbury Road currently provides a substandard level of visibility for vehicles leaving the site and pulling out on Watringbury Road. However, the proposed access, whilst providing more visibility for the *applicant's* property than the existing access, would still fail to provide an adequate degree of forward visibility for vehicles, particularly when looking to the right. In making their representations, KCC (H+T) seeks to explain this point by explaining that a vehicle travelling south along the Watringbury Road towards the application site at the speed limit of 40mph would still be travelling at that same speed as it passes the proposed access even if the driver could see a car emerging from the access at the earliest opportunity and applied his brakes as soon as possible. This is due to the limited visibility provided to the side of the proposed access (25 metres) and the accepted reaction time of a motorist being able to apply their brakes is 1.5 seconds i.e. a delay of 1.5 seconds occurs between a motorist seeing an obstruction and applying the brakes. In this small period of time, a vehicle travelling at 40mph would cover 25 metres. Due to these factors a vehicle leaving the proposed access would not be seen by vehicles travelling at the legal speed limit for the road until it was too late to stop (and therefore cause an accident).

3.3 It is acknowledged that the proposed access would provide a greater degree of visibility than the existing access to the site. However, it is still considered to be unacceptable by the local highway authority because of the inadequate degree of visibility it would provide for the speed of the road.

3.4 It is clear that the Technical Note provided in support of the scheme does not contain any information that allows for KCC (H+T) to remove their previous objection, and that certain elements contained within the report are disputed. In this respect, Members should be aware that the views of statutory consultees should as a matter of law be given 'great' or 'considerable' weight. A departure from those views requires "*cogent and compelling reasons*" (as set out by the High

Court in *R(Hart DC) v Secretary of State for Communities and Local Government [2008] EWHC 1204 (Admin)*). There remain no such reasons in this case.

- 3.5 The technical note provided on behalf of the applicant considers that the provision of the new access for the applicant's property would reduce the risk of accidents occurring as less movements would take place using the existing access. However, the same amount of vehicle movements would still take place as currently occur, only from two separate substandard accesses, rather than one. Given the unequivocal advice from the highway authority in response to the technical note submitted on behalf of the applicant, it is clear that the applicant has failed to provide further information to demonstrate that the access would be acceptable in terms of highway safety. This is not a criticism of the applicant or the writer of the technical note but rather because the particular circumstances of this case are such that the proposed access would be unacceptable due to sub-standard visibility splays.
- 3.6 Consequently, the further information submitted on behalf of the applicant has not been such that KCC (H+T) have removed their objection to the proposal, which remains contrary to adopted policy and the requirements of the NPPF. I therefore continue to recommend that planning permission be refused.

4. Recommendation:

- 4.1 **Refuse planning permission** for the following reason:

Reason:

1. The proposed development by virtue of the lack of suitable forward visibility splays for vehicles emerging from the proposed access, will cause unacceptable harm to highway safety and is, therefore, contrary to policy SQ 8 (2) of the Managing Development and the Environment - Development plan Document 2010 and paragraphs 108 and 109 of the National Planning Policy Framework 2019.

Contact: Matthew Broome

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**East Malling &
Larkfield**
East Malling

14 May 2018

TM/18/01106/FL

Proposal: Proposed new entrance to No.165 Wateringbury Road
Location: Belvidere Oast 165 Wateringbury Road East Malling West
Malling Kent ME19 6JE
Go to: [Recommendation](#)

1. Description:

- 1.1 Planning permission is sought to create a new vehicular access to this property onto Wateringbury Road. Currently, access to the site is shared with the neighbouring property at 163 Wateringbury Road and visibility for vehicles leaving the site is limited in either direction due to the geometry of the road and layout of boundary walls and buildings in the locality.
- 1.2 The proposed new access would be located approx. 30m to the south of the existing access which is to remain in place to serve the residential property at 163 Wateringbury Road. This would require the removal of a section of close boarded fence, shrubs and bushes.

2. Reason for reporting to Committee:

- 2.1 At the request of Cllr Roud to fully assess the merits of the proposed development.

3. The Site:

- 3.1 The site is located outside the settlement confines of East Malling, within the countryside, on the east side of Wateringbury Road. The site contains a detached dwelling house created through the conversion of a former oast house. A timber cart barn is located in front of the dwelling.
- 3.2 Wateringbury Road in the vicinity of the site has a 40mph speed limit and the carriageway measures between 4m and 5.5m in width. The road is bisected by white lines defining the north and south bound carriageways. The road is flanked by vegetation on both sides in the locality, although sections of ragstone boundary wall are located on either side of the existing access to the application site and in front of the neighbouring dwelling at 163 Wateringbury Road, which measure between approx. 1.2m and 1.5m high. A section of footpath is located on the west side of the road, opposite the site.

4. Planning History (relevant):

TM/08/01476/FL Approved 12 June 2008

Freestanding car port to front of building and shed/workshop to rear garden

5. Consultees:

- 5.1 PC: No objection but in respect of the proposed vision splay, it is felt that the highway authority need to assess whether this is satisfactory.
- 5.2 KCC (H&T): Initial comments: I estimate visibility to the nearside when looking right/north to be 1/3 of the minimum recommend for the speed on this road. This is of concern and I consider grounds to recommend a refusal to this application. Visibility to the south is also inadequate.
- 5.2.1 Looking at the cross sections provided I estimate the gradient of the access proposed to the highway to be 1:4.3 of 23%. The gradient of the access should be no steeper than 1in 10 for the first 1.5 metres from the highway boundary and no steeper than 1 in 8 thereafter.
- 5.2.2 In conclusion I recommend a refusal for this application on behalf of the highway authority.
- Subsequent comments submitted in respect of amended plans of the proposed access*
- 5.2.3 I am grateful for the cross section provided which shows a satisfactory access gradient (1:20, maximum acceptable 1:8) although this is not based on a survey; levels shown indicatively; the access extends at least 18m into the site/off the highway.
- 5.2.4 For a 40mph speed, a sight stopping distance of 65m is required. This is measured from a view point 2.4m back off the highway to a nearside point on the highway which can be 1m from the kerb line/edge of carriageway. Currently from the latest access plan, the visibility to the north (looking right on emerging) is 24m. This is unacceptably low. Visibility to the north ignoring (i.e. removing) the Ragstone wall next to the garages indicates that a visibility of 41m might be achieved. This equates to a stopping distance for traffic approaching at 29mph.
- 5.2.5 On behalf of this authority I write to confirm that a refusal of this application is recommended on the grounds that inadequate/unsafe visibility is available for emerging traffic.
- 5.2.6 Private reps (including site notice): 2\0S\0X\0R

6. Determining Issues:

- 6.1 The main issue with this application is the impact of the works upon highway safety.
- 6.2 Policy SQ8 of the MDE DPD relates to road safety, transport and parking. Point 2 of the policy states:

“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.”

- 6.3 Paragraph 108 of the NPPF states that when assessing specific planning applications it should be ensured that safe and suitable access to the site can be achieved for all users and that any significant impacts from the development upon highway safety can be cost effectively mitigated to an acceptable level.
- 6.4 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.
- 6.5 It is apparent from the representations made by the highway authority that an acceptable level of forward visibility cannot be provided with the design of the proposed access onto Wateringbury Road. Particularly when looking north (i.e. into the path of approaching traffic from East Malling), the amount of visibility that would be provided (24m) is approx. 1/3 of what is required for the 40mph speed of the road. This is considered by the highway authority to be “unacceptably low”. The highway authority has even considered the likely visibility were the ragstone wall that fronts onto Wateringbury Road in front of the site removed. I must stress that this is not part of the proposed development but a hypothetical situation. However, even if that wall was removed, the visibility looking north from the proposed access would still fall well short of that required for the speed of the road. The visibility to the south of the proposed access is also considered to be unacceptable to the highway authority.
- 6.6 In light of the above, it is considered that the proposed access would not be safe or suitable. Adequate mitigation cannot be undertaken (such as by the removal of the front boundary wall to the north of the proposed access) that would render the proposed development acceptable. Consequently, the proposed development is considered to have an unacceptable impact upon highway safety and is, therefore, contrary to policy SQ 8 of the MDE DPD and also current national planning advice contained within paragraphs 108 and 109 of the NPPF.
- 6.7 Turning to other matters material to the consideration of this application, policy CP24 of the TMBCS requires all developments to be well designed and of a high quality in terms of detailing and use of materials. Proposals must, through scale, layout, siting, character and appearance, be designed to respect the site and its

surroundings. The proposed access would require the removal of a section of close boarded fencing and shrubs located behind it. The size and design of the proposed access are such that it would not have an unacceptable impact upon the character of the site or wider rural locality. It would not, therefore, be contrary to policy CP24 of the TMBCS.

- 6.8 To provide the required visibility splays would necessitate the demolition of the ragstone walls in front of the application site and the neighbouring dwelling at 163 Wateringbury Road, as well as cutting back a long section of vegetation on the south side of the access road. These works would have a detrimental impact upon the character of the street scene, which would be contrary to policy CP24.
- 6.9 In light of the above considerations, the proposed development would result in an unacceptable impact upon highway safety and, as such, would be contrary to adopted development plan policy SQ8 as well as current Government planning policy contained within the NPPF. As such, I recommend that planning permission is refused.

7. Recommendation:

- 7.1 **Refuse planning permission** for the following reason:

Reason:

1. The proposed development by virtue of the lack of suitable forward visibility splays for vehicles emerging from the proposed access, would not provide safe or suitable access for those using it and would, therefore cause unacceptable harm to highway safety which cannot be mitigated to an acceptable level. The development is, therefore contrary to policy SQ 8 (2) of the Managing Development and the Environment – Development plan Document 2010 and paragraphs 108 and 109 of the National Planning Policy Framework 2019.

Contact: Matthew Broome



Technical Note

165 Watringbury Road

19-039-001 Rev A

Proposed Access & Visibility Splays

August 2019

| Rev | Issue Purpose | Author | Checked | Reviewed | Approved | Date |
|-----|---------------|--------|---------|----------|----------|----------|
| - | Issue | DH | SW | SW | JW | 06/08/19 |
| A | Minor Update | DH | SW | SW | JW | 07/08/19 |

1 Introduction

Context

- 1.1.1 This Technical Note has been prepared by Charles & Associates on behalf of Mr & Mrs Kenward in support of a proposed new entrance to 165 Watringbury Road, planning application no.TM/18/01106/FL. At present the residents of 165 Watringbury Rd share an access with a neighbouring property (no. 163).
- 1.1.2 The proposed access arrangement is located approximately 30m to the south of the existing access and is shown on **drawing PL-103B** within **Appendix A** of this technical note. This drawing was submitted as part of the planning application.
- 1.1.3 The planning application has currently been deferred by the planning committee following a recommendation for refusal from the highways officer at Kent County Council (KCC) on the grounds that it was thought inadequate/unsafe visibility is available for emerging traffic.
- 1.1.4 This supplementary report is intended to provide further justification of the proposed access arrangement in the context that it provides a significant improvement in terms of safety compared with the existing access.



2 Existing Access & Conditions

Wateringbury Road

- 2.1.1 Wateringbury Road is a rural road connecting the village of Wateringbury via Red Hill, to East Malling and further on towards the A20 London via New Road and the M20 motorway. It's primarily a straight road with sporadic street lighting and various access roads to residential dwellings.
- 2.1.2 The carriageway width varies between 4.5-5.5m in width with centreline markings and a footway located alongside the western carriageway lane. Wateringbury Road has an existing speed limit of 40mph, with areas of traffic calming on the approach to Chapel St to the north where the 40mph speed limit ends and vehicles enter a 20mph zone approaching East Malling.

Existing Access Arrangements

- 2.1.3 The existing access to 165 Wateringbury Road is currently shared along with property 163 and is located on the inside of a sharp bend. The access itself is positioned up close to the edge of the road, with a gap between the property boundary walls approximately 6m in width allowing access to the properties. **Figure 2.1** below shows the existing access.

Figure 2.1 – Existing Access



- 2.1.4 The visibility from the existing access is extremely limited. **Figure 2.2** and **Figure 2.3** below show the maximum achievable visibility in its current form.

Figure 2.2 - Looking South



Figure 2.3 - Looking North



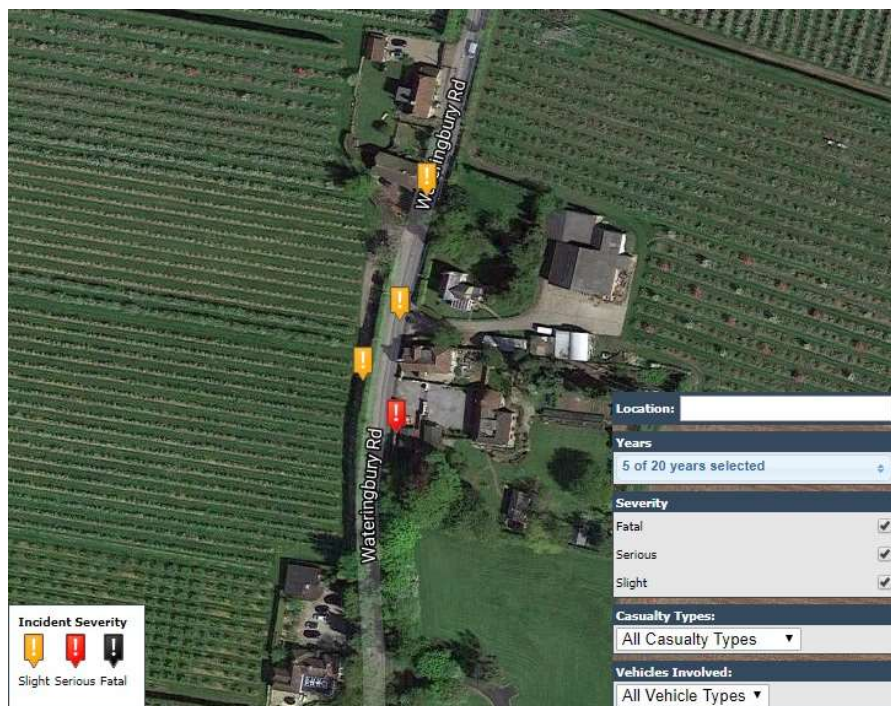
- 2.1.5 With regard to the plans submitted with the planning application (**drawing PL-103B** in **Appendix A**) the existing access is considered to achieve visibility of approximately 25m (Y-distance) of visibility in both directions. It should be noted, however, that this appears to have been measured 1m (X-distance) back from the major road and measured to the offside kerb. Current guidance recommends that visibility be measured from an X-distance of 2.4m to the near side kerb.
- 2.1.6 **Drawing PL-103B** has been updated with an X-distance measurement set back 2.4m, and splays measured 1m offset from the nearside kerb, where vehicles are generally placed on the carriageway. This achieves approximately 5m visibility in both directions which represents a significant safety concern as vehicles traveling on Wateringbury Road have virtually no reaction time to stop and avoid a collision with vehicles exiting the current access. See **drawing 19-038-001** within **Appendix C** for details.
- 2.1.7 Based on the above and observations undertaken on site is considered that the existing access represents an extremely dangerous situation which has a high risk of causing a serious or worse accident involving existing vehicles and/or vehicles travelling on Wateringbury Road.

Accident Data

2.1.8 A review of accidents in close proximity of the existing access has been analysed using data downloaded from www.Crashmap.co.uk. The full accident data reports are contained within **Appendix B** whilst **Figure 2.4** below shows the accident locations which have been categorised by severity as follows:

- Slight;
- Serious; and
- Fatal.

Figure 2.4 – Accident Locations



2.1.9 Three slight accidents and one serious accident occurred during a five-year period between 2014-2018 in close proximity to the current access. The serious accident shown in red above, involved a single motorcycle that appears to have lost control on the bend close to the access road.

2.1.10 Although the accident reports do not specifically identify a causation factor directly attributed to the existing access, it is considered that the number of accidents concentrated in this location is significantly higher than normal and unsafe movements manoeuvring out of the existing access could further exacerbate this issue.

3 Proposed Access Arrangement

- 3.1.1 The proposed access to 165 Wateringbury Road is situated approximately 30m to the south of the existing access, which is to remain as access solely to property no.163.
- 3.1.2 The proposed access location is positioned along a straight section of the Wateringbury Road which naturally leads to improved visibility in comparison to an access on the inside of a bend.
- 3.1.3 During the site visit, photographs were taken to provide a rough indication of the improvement to visibility on the proposed access. **Figure 2.5** and **Figure 2.6** below show the approximate visibility achievable for the proposed access.

Figure 2.5 - Looking South



Figure 2.6 - Looking North



- 3.1.4 The access proposal within **drawing PL-103B** shows much improved visibility splays of approximately 45m (Y-distance) in both directions, measured back 3m (X-distance) from the major road.
- 3.1.5 Following current best practice the proposed access visibility has been reviewed adopting an X-distance of 2.4m and measured to the furthest achievable point offset 1 metre from the nearside kerb. The proposed access achieves 37m visibility to the south and 25m visibility to the north as shown in **drawing 19-038-001** contained within **Appendix C** of this report.

- 3.1.6 It is acknowledged that the available visibility from the proposed access falls short of recommended design standards for a 40mph road, however, in comparison to the existing access the proposals represent a significant improvement in safety terms. The achievable visibility to the south is increased by approximately 32m or 640% and to the north by 20m or 400%. The new access and increased visibility affords vehicles travelling on Wateringbury Road significantly more reaction time to avoid collisions in comparison with the existing access.
- 3.1.7 Furthermore, the implementation of the new access would significantly reduce the number of movements from the existing access in proportional terms; which are considered to be extremely unsafe. It is anticipated that the number of movements would be reduced by approximately 70% based upon the number of vehicles owned by the respective users.
- 3.1.8 The response from the highway authority regarding the visibility from the proposed access when viewed in isolation is understood, however, it is considered that any improvement from the existing situation would be beneficial; and when considered in overall terms would reduce the risk of accidents occurring in this location.

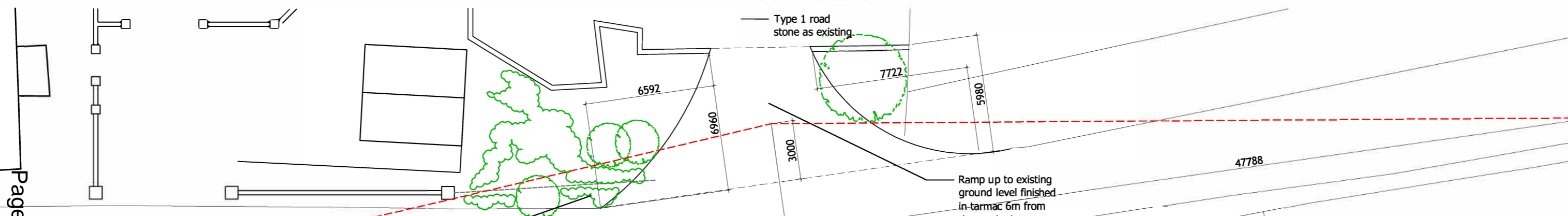
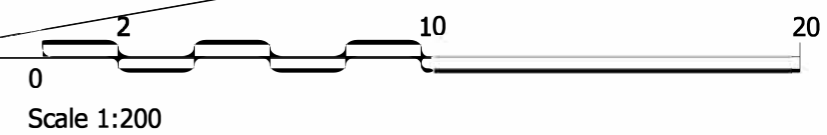
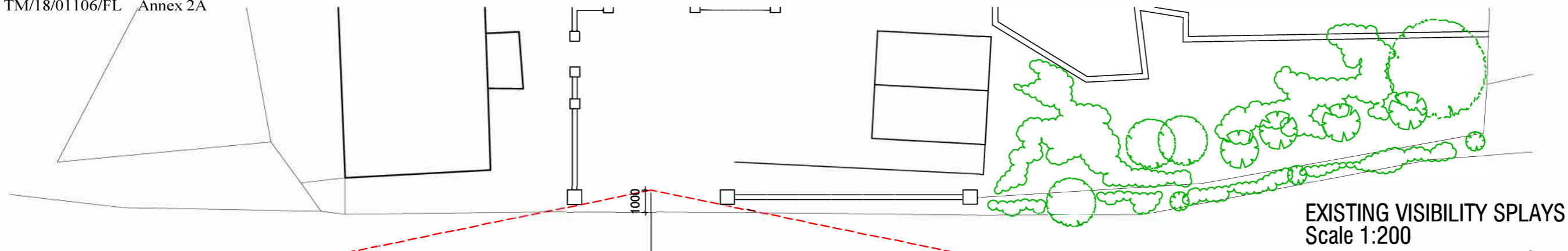
4 Summary & Conclusions

- 4.1.1 This technical note has been produced in support of a proposed new access to property 165 Wateringbury Road (planning application no. TM/18/01106/FL).
- 4.1.2 The existing access shared by properties no.163 and no.165 has extremely limited visibility in both directions and is considered to represent a high risk of serious accidents occurring in the future.
- 4.1.3 The proposed access for property no. 165 is positioned 30m south of the existing access and is considered a significantly safer overall design in comparison to the existing arrangement. Positioned away from the sharp bend of Wateringbury Road the access provides increased visibility of 640% to the south and 400% to the north.
- 4.1.4 The existing driveway will remain as access to property no.163; however, the introduction of the proposed access to property no.165 would remove a significant proportion of trips using the hazardous access, therefore reducing the risk of vehicle collisions.
- 4.1.5 It is acknowledged that the proposed access does not meet recommended design standards for visibility for a 40mph road, however, when considered in balance with the dangerous situation at the current access, represents an improvement in overall safety terms and a reduced risk of serious accidents occurring in the future.

Appendix A Existing & Proposed Access (Planning Submission)

Appendix B Accident Data

Appendix C Updated Visibility Splays



PROPOSED VISIBILITY SPLAYS
Scale 1:200

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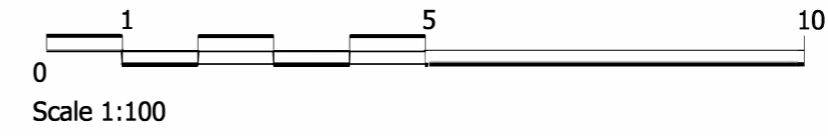
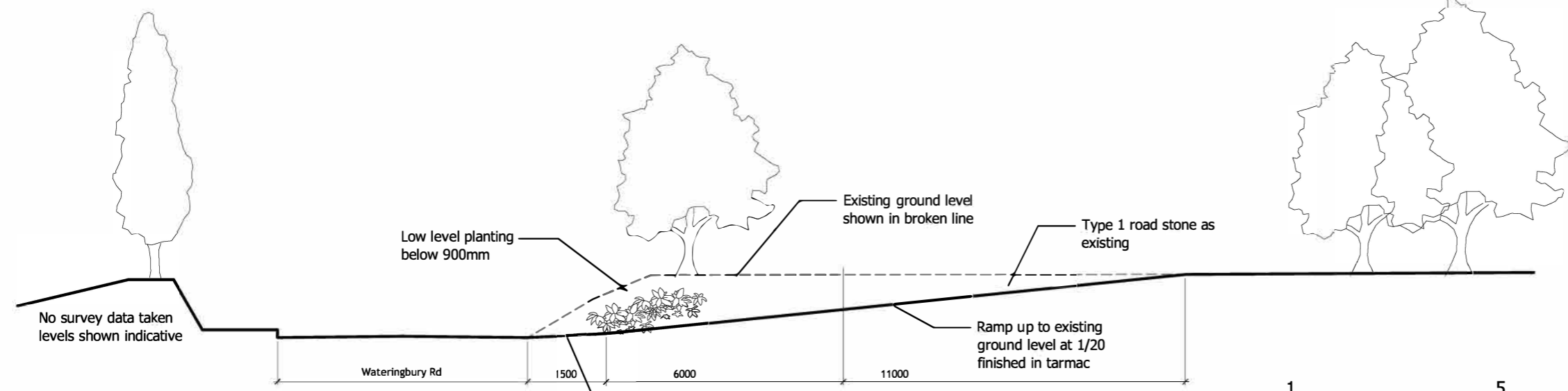
Please note:
Do not scale drawings. All dimensions to be checked on site. Drainage and services are to be checked and located prior to commencement of work

All work to be carried out in accordance with the building Regs. 2000 or any subsequent amendments and to the satisfaction of the local building control inspector

Proprietary components must be installed in strict accordance with the manufacturers instructions and details. Contractors are responsible for verifying component suitability for intended purpose.

Proposals are subject to structural engineers designs and approval.

B. 06.12.18 Revised access gradient
A. 10.05.18 Revised to clients comments



| | | |
|--|--------------------|------------------|
| client Mr & Mrs Kenward | | |
| project Alterations at 165 Wateringbury Rd East Malling, Kent | | |
| drawing title Visibility Splays PLANNING DRAWINGS | Job No. 2015_02 | |
| scale 1:100/1:200 @A3 | dwg No. PL-103B | date May 2018 |
| MRW Design Ltd 8 Wilberforce Road, Coxheath Maidstone, Kent. ME17 4HA 07763463754 matthew@mrw-design.co.uk | | |



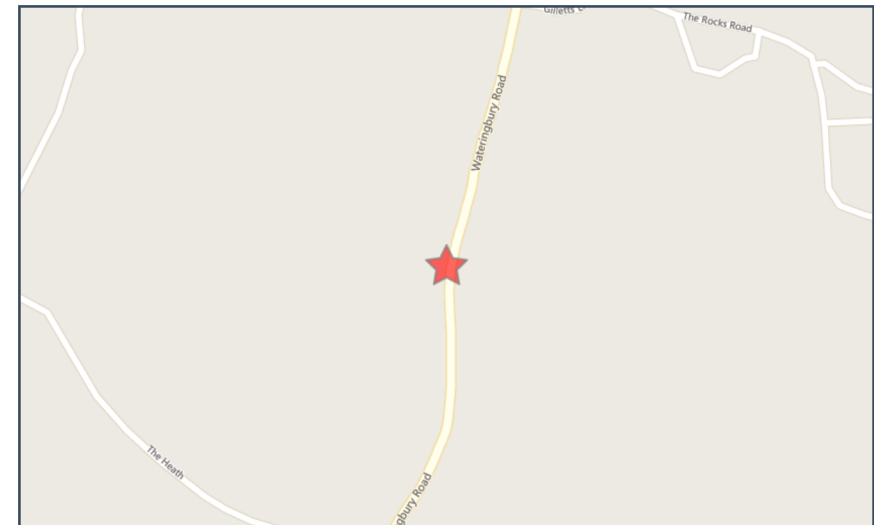
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crashmap.co.uk

Crash Date: Thursday, March 27, 2014 **Time of Crash:** 7:06:00 AM **Crash Reference:** 2014460239940

| | | | | | |
|--------------------------------------|--|----------------------------|----|------------------------------|---------------|
| Highest Injury Severity: | Slight | Road Number: | U0 | Number of Casualties: | 2 |
| Highway Authority: | Kent exc Medway Towns | Number of Vehicles: | 2 | OS Grid Reference: | 570000 156310 |
| Local Authority: | Tonbridge and Malling District (B) | | | | |
| Weather Description: | Fog or mist - if hazard | | | | |
| Road Surface Description: | Wet or Damp | | | | |
| Speed Limit: | 40 | | | | |
| Light Conditions: | Darkness: no street lighting | | | | |
| Carriageway Hazards: | None | | | | |
| Junction Detail: | Using private drive or entrance | | | | |
| Junction Pedestrian Crossing: | No physical crossing facility within 50 metres | | | | |
| Road Type: | Single carriageway | | | | |
| Junction Control: | Give way or uncontrolled | | | | |



For more information about the data please visit: www.crashmap.co.uk/home/Faq
 To subscribe to unlimited reports using CrashMap Pro visit www.crashmap.co.uk/Home/Premium_Services



Vehicles involved

| Vehicle Ref | Vehicle Type | Vehicle Age | Driver Gender | Driver Age Band | Vehicle Maneouvre | First Point of Impact | Journey Purpose | Hit Object - On Carriageway | Hit Object - Off Carriageway |
|-------------|------------------------------|-------------|---------------|-----------------|--|-----------------------|-----------------|-----------------------------|---------------------------------|
| 2 | Car (excluding private hire) | -1 | Male | 21 - 25 | Vehicle proceeding normally along the carriageway, not on a bend | Front | Other | None | Telegraph pole/Electricity pole |
| 1 | Car (excluding private hire) | 12 | Female | 21 - 25 | Vehicle is in the act of turning left | Back | Other | None | None |

Casualties

| Vehicle Ref | Casualty Ref | Injury Severity | Casualty Class | Gender | Age Band | Pedestrian Location | Pedestrian Movement |
|-------------|--------------|-----------------|-----------------|--------|----------|---------------------|---------------------|
| 88 | 1 | 1 Slight | Driver or rider | Female | 21 - 25 | Unknown or other | Unknown or other |
| | 2 | 2 Slight | Driver or rider | Male | 21 - 25 | Unknown or other | Unknown or other |

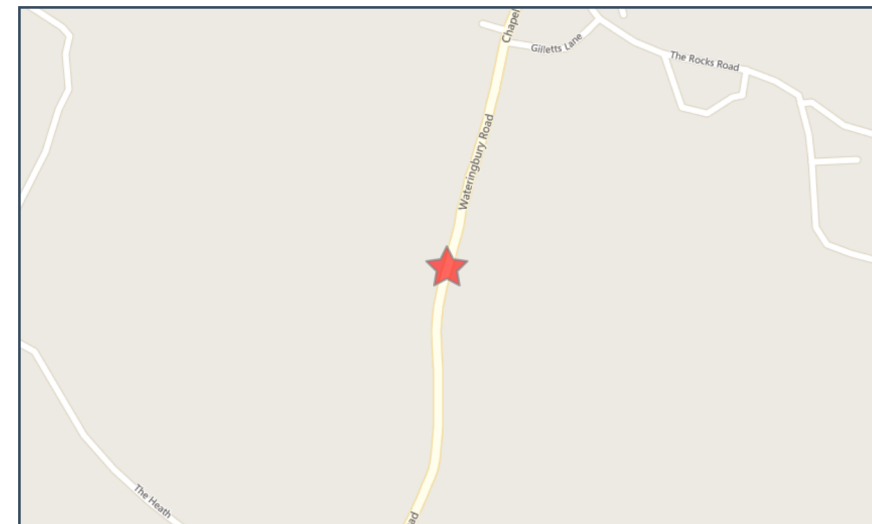
For more information about the data please visit: www.crashmap.co.uk/home/Faq

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Crash Date: Tuesday, June 30, 2015 **Time of Crash:** 9:19:00 AM **Crash Reference:** 2015460258494

| | | | | | |
|--------------------------------------|--|---------------------|----|------------------------------|---------------|
| Highest Injury Severity: | Slight | Road Number: | U0 | Number of Casualties: | 1 |
| Highway Authority: | Kent exc Medway Towns | | | Number of Vehicles: | 2 |
| Local Authority: | Tonbridge and Malling District (B) | | | OS Grid Reference: | 570020 156360 |
| Weather Description: | Fine without high winds | | | | |
| Road Surface Description: | Dry | | | | |
| Speed Limit: | 60 | | | | |
| Light Conditions: | Daylight: regardless of presence of streetlights | | | | |
| Carriageway Hazards: | None | | | | |
| Junction Detail: | Not at or within 20 metres of junction | | | | |
| Junction Pedestrian Crossing: | No physical crossing facility within 50 metres | | | | |
| Road Type: | Single carriageway | | | | |
| Junction Control: | Not Applicable | | | | |



For more information about the data please visit: www.crashmap.co.uk/home/Faq
To subscribe to unlimited reports using CrashMap Pro visit www.crashmap.co.uk/Home/Premium_Services



Vehicles involved

| Vehicle Ref | Vehicle Type | Vehicle Age | Driver Gender | Driver Age Band | Vehicle Manoeuvre | First Point of Impact | Journey Purpose | Hit Object - On Carriageway | Hit Object - Off Carriageway |
|-------------|---|-------------|---------------|-----------------|--|-----------------------|-------------------------|-----------------------------|------------------------------|
| 2 | Van or goods vehicle 3.5 tonnes mgw and under | | 5 Female | 46 - 55 | Vehicle proceeding normally along the carriageway, not on a bend | Offside | Journey as part of work | None | None |
| 1 | Van or goods vehicle 3.5 tonnes mgw and under | | -1 Unknown | Unknown | Vehicle proceeding normally along the carriageway, not on a bend | Offside | Other | None | None |

Casualties

| Vehicle Ref | Casualty Ref | Injury Severity | Casualty Class | Gender | Age Band | Pedestrian Location | Pedestrian Movement |
|-------------|--------------|-----------------|-----------------|--------|----------|---------------------|---------------------|
| 2 | 1 | Slight | Driver or rider | Female | 46 - 55 | Unknown or other | Unknown or other |

For more information about the data please visit: www.crashmap.co.uk/home/Faq

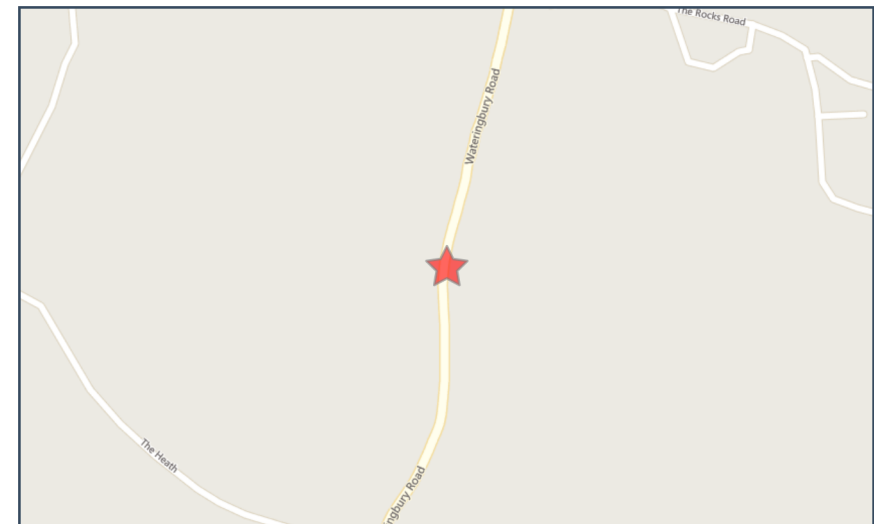
To subscribe to unlimited reports using CrashMap Pro visit www.crashmap.co.uk/Home/Premium_Services



Crash Date: Wednesday, September 20, 2017 **Time of Crash:** 12:40:00 PM **Crash Reference:** 2017460223871

Highest Injury Severity: Serious **Road Number:** U0 **Number of Casualties:** 1
Highway Authority: Kent exc Medway Towns **Number of Vehicles:** 1
Local Authority: Tonbridge and Malling Borough **OS Grid Reference:** 570011 156288

Weather Description: Fine without high winds
Road Surface Description: Dry
Speed Limit: 50
Light Conditions: Daylight: regardless of presence of streetlights
Carriageway Hazards: None
Junction Detail: Not at or within 20 metres of junction
Junction Pedestrian Crossing: No physical crossing facility within 50 metres
Road Type: Single carriageway
Junction Control: Not Applicable



For more information about the data please visit: www.crashmap.co.uk/home/Faq
To subscribe to unlimited reports using CrashMap Pro visit www.crashmap.co.uk/Home/Premium_Services



Vehicles involved

| Vehicle Ref | Vehicle Type | Vehicle Age | Driver Gender | Driver Age Band | Vehicle Maneouvre | First Point of Impact | Journey Purpose | Hit Object - On Carriageway | Hit Object - Off Carriageway |
|-------------|--------------------------------------|-------------|---------------|-----------------|--|-----------------------|-----------------|-----------------------------|------------------------------|
| 1 | Motorcycle over 50cc and up to 125cc | 3 | Male | 21 - 25 | Vehicle proceeding normally along the carriageway, not on a bend | Front | Other | None | None |

Casualties

| Vehicle Ref | Casualty Ref | Injury Severity | Casualty Class | Gender | Age Band | Pedestrian Location | Pedestrian Movement |
|-------------|--------------|-----------------|-----------------|--------|----------|---------------------|---------------------|
| 1 | 1 | Serious | Driver or rider | Male | 21 - 25 | Unknown or other | Unknown or other |

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For more information about the data please visit: www.crashmap.co.uk/home/Faq

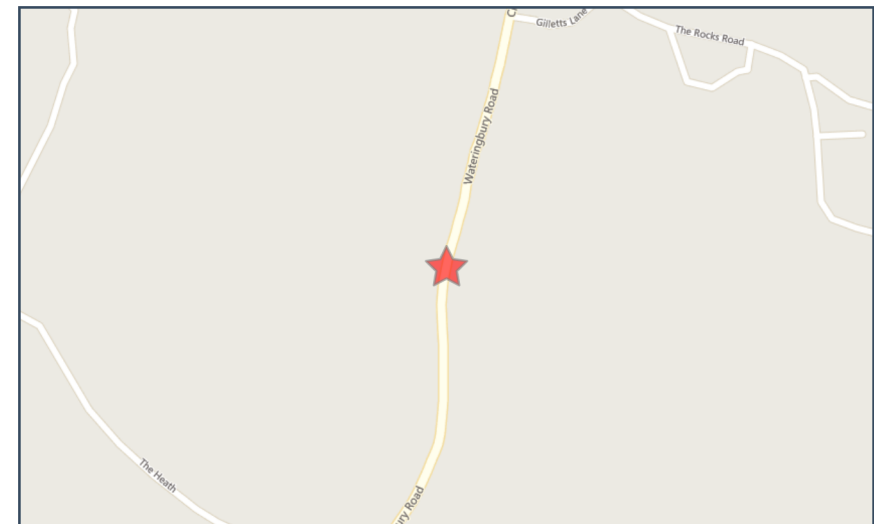
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2018 data is provisional and is subject to change

Crash Date: Wednesday, April 25, 2018 **Time of Crash:** 6:05:00 AM **Crash Reference:** 2018460288934

| | | | | | |
|--------------------------------------|--|---------------------|----|------------------------------|---------------|
| Highest Injury Severity: | Slight | Road Number: | U0 | Number of Casualties: | 1 |
| Highway Authority: | Kent exc Medway Towns | | | Number of Vehicles: | 2 |
| Local Authority: | Tonbridge and Malling Borough | | | OS Grid Reference: | 570013 156322 |
| Weather Description: | Fine without high winds | | | | |
| Road Surface Description: | Dry | | | | |
| Speed Limit: | 30 | | | | |
| Light Conditions: | Darkness: street lights present and lit | | | | |
| Carriageway Hazards: | None | | | | |
| Junction Detail: | Not at or within 20 metres of junction | | | | |
| Junction Pedestrian Crossing: | No physical crossing facility within 50 metres | | | | |
| Road Type: | Single carriageway | | | | |
| Junction Control: | Unknown | | | | |



For more information about the data please visit: www.crashmap.co.uk/home/Faq
To subscribe to unlimited reports using CrashMap Pro visit www.crashmap.co.uk/Home/Premium_Services



2018 data is provisional and is subject to change

Vehicles involved

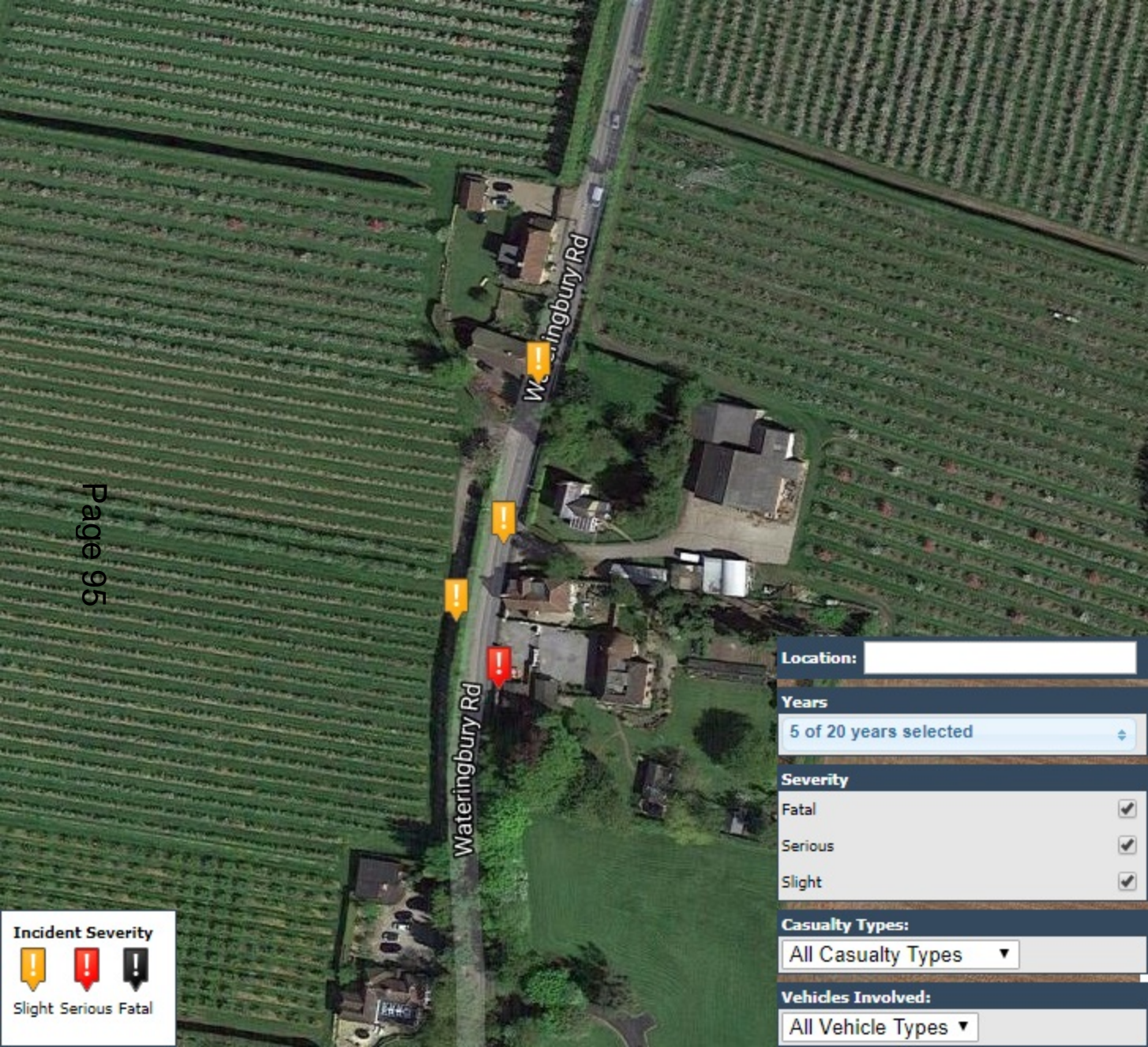
| Vehicle Ref | Vehicle Type | Vehicle Age | Driver Gender | Driver Age Band | Vehicle Maneouvre | First Point of Impact | Journey Purpose | Hit Object - On Carriageway | Hit Object - Off Carriageway |
|-------------|--------------------------------------|-------------|---------------|-----------------|--|-----------------------|------------------------|-----------------------------|------------------------------|
| 2 | Motorcycle over 50cc and up to 125cc | -1 | Male | 25-34 | Vehicle proceeding normally along the carriageway, not on a bend | Unknown | Commuting to/from work | None | None |
| 1 | Car (excluding private hire) | -1 | Male | 25-34 | Vehicle is moving off | Unknown | Commuting to/from work | None | None |

Casualties

| Vehicle Ref | Casualty Ref | Injury Severity | Casualty Class | Gender | Age Band | Pedestrian Location | Pedestrian Movement |
|-------------|--------------|-----------------|-----------------|--------|----------|---------------------|---------------------|
| 2 | 1 | Slight | Driver or rider | Male | 25-34 | Unknown or other | Unknown or other |

For more information about the data please visit: www.crashmap.co.uk/home/Faq

To subscribe to unlimited reports using CrashMap Pro visit www.crashmap.co.uk/Home/Premium_Services



Location:

Years
5 of 20 years selected

Severity

| | |
|---------|-------------------------------------|
| Fatal | <input checked="" type="checkbox"/> |
| Serious | <input checked="" type="checkbox"/> |
| Slight | <input checked="" type="checkbox"/> |

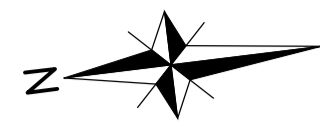
Casualty Types:
All Casualty Types

Vehicles Involved:
All Vehicle Types

Incident Severity

| | | |
|---|--|---|
|  |  |  |
| Slight | Serious | Fatal |

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PROPERTY BOUNDARY

EXISTING ACCESS TO PROPERTY NO.165

5M VISIBILITY SPLAY TO THE NORTH, MEASURED 1M OF THE KERB. EQUIVALENT TO 4MPH IN ACCORDANCE WITH MANUAL FOR STREETS TABLE 7/1

5M VISIBILITY SPLAY TO THE SOUTH, MEASURED 1M OF THE KERB. EQUIVALENT TO 4MPH IN ACCORDANCE WITH MANUAL FOR STREETS TABLE 7/1

2.40

WATERINGBURY ROAD

EXISTING ACCESS & VISIBILITY SPLAYS - 1:100



PROPOSED ACCESS TO PROPERTY NO.165

PROPERTY BOUNDARY

25M VISIBILITY SPLAY TO THE NORTH, MEASURED 1M OF THE KERB. EQUIVALENT TO 20MPH IN ACCORDANCE WITH MANUAL FOR STREETS TABLE 7/1

37M VISIBILITY SPLAY TO THE SOUTH MEASURED 1M OF THE KERB. EQUIVALENT TO 27MPH IN ACCORDANCE WITH MANUAL FOR STREETS TABLE 7/1

2.40

53.4

WATERINGBURY ROAD

PROPOSED ACCESS & VISIBILITY SPLAYS - 1:100

NOTES

TM/18/01106/FL Annex 2C

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Rev Amendments Dm Chk App Date

Charles & Associates

Landmark House Station Road Hants RG27 9JL 01256 626426
enquiries@ca.co.uk www.ca.co.uk
Park House Park Farm East Malling Trust Estate Redbourne Lane Aylesford Kent ME20 6SN 01732 448120

Job Title
165 Wateringbury Road

Drawing Title
Existing & Proposed Access to no.165 Visibility Splays

Client
Mr & Mrs Kenward

Scale 1:100 Date Aug 19 Designed DH

Drawn DH Checked SW Approved SW

Job No 19-039 Drawing No 19-039-001 Rev -

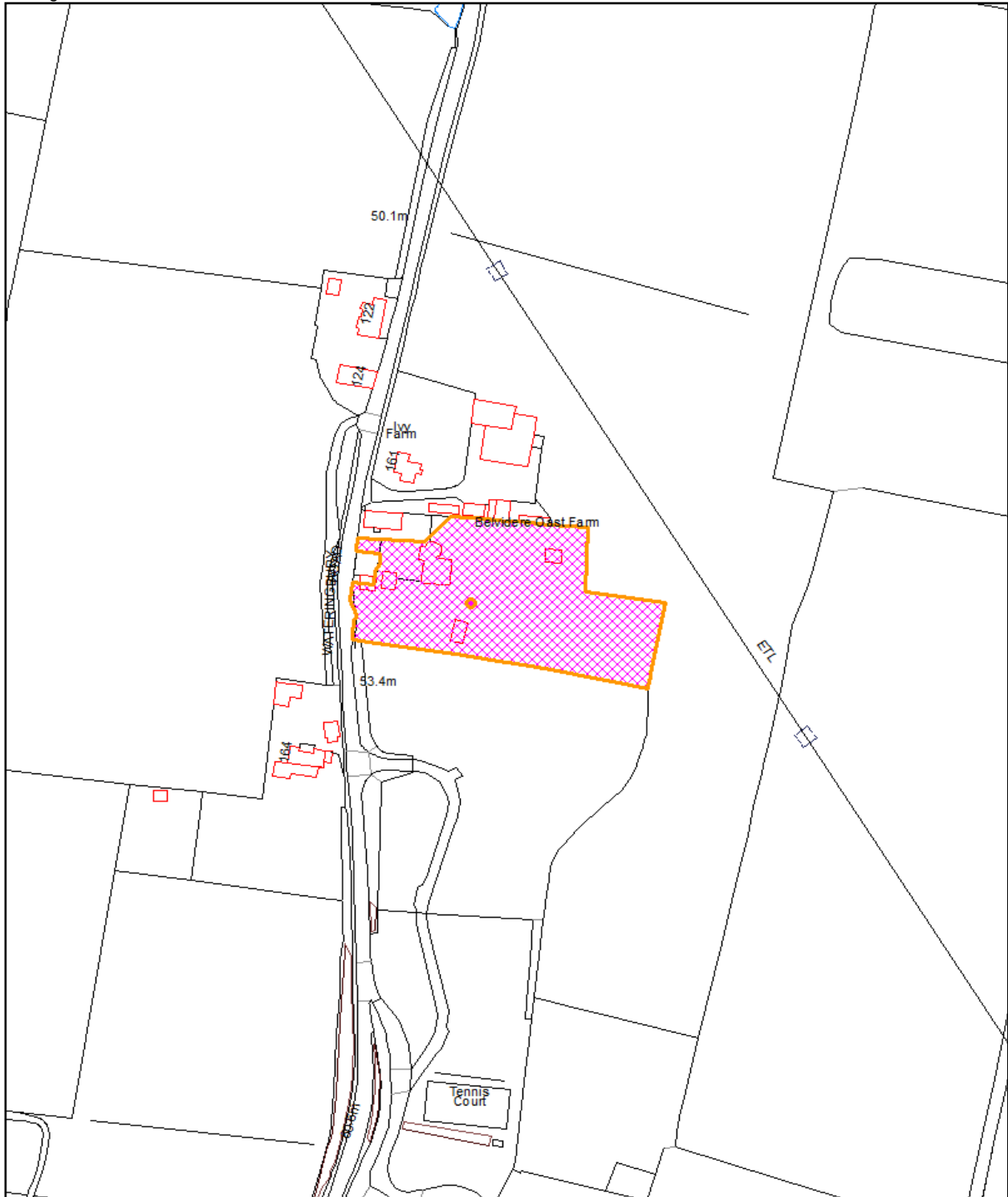
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TM/18/01106/FL

Belvidere Oast 165 Wateringbury Road East Malling West Malling Kent ME19 6JE

Proposed new entrance to No.165 Wateringbury Road

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Agenda Item 8

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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