

TONBRIDGE & MALLING BOROUGH COUNCIL



EXECUTIVE SERVICES

Chief Executive

Julie Beilby BSc (Hons) MBA

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

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

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

30 June 2021

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

Dear Sir/Madam

Your attendance is requested at a meeting of the Area 3 Planning Committee to be held in the Council Chamber, Gibson Drive, Kings Hill on Thursday, 8th July, 2021 commencing at 7.30 pm.

Members of the Committee are reminded that social distancing measures will be in place for this meeting. Other Members are required to participate online via MS Teams.

Information on how to observe the meeting will be published on the Council's website. Deposited plans can be viewed online by using [Public Access](#).

Yours faithfully

JULIE BEILBY

Chief Executive

AGENDA

1. Guidance for the Conduct of Meetings - Coronavirus 5 - 6 Regulations

PART 1 - PUBLIC

2. Apologies for Absence

3. Declarations of Interest

Members in any doubt about such declarations are advised to contact Legal or Democratic Services in advance of the meeting

4. Minutes 7 - 12

To confirm as a correct record the Minutes of the meeting of Area 3 Planning Committee held on 18 March 2021.

5. Glossary and Supplementary Matters 13 - 20

Glossary of abbreviations used in reports to the Area Planning Committee (attached for information)

Any supplementary matters will be circulated via report in advance of the meeting and published to the website.

Decisions to be taken by the Committee

6. TM/21/00864/FL - 4 and 4A High Street, Snodland 21 - 44

Demolition of existing warehouse, former shop and 3 bedroom first floor flat and redevelopment of the site with a new building incorporating 14 apartments (4 no. 2 bedroom and 10 no. 1 bedroom flats), including the rebuilding of the Art-deco front section of the building, with associated cycle store, bin store, parking and turning

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 45 - 46

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

This page is intentionally left blank

Measures under which all meetings of the Council will be conducted after 7 May 2021 to comply with coronavirus regulations and/or guidance in place at the time.

As it is necessary to maintain social distancing to limit the spread of infection the way meetings are conducted will change. This page summarises the process. If you have any questions, please contact Democratic Services via the contact details provided on the agenda.

Attending Meetings

- All meetings of the Council will be held in the Council Chamber, Gibson Drive, Kings Hill until social distancing requirements are no longer necessary.
- To help contain the virus, Members of the public (including anyone exercising a right to speak e.g. at an Area Planning Committee) are encouraged to participate remotely via MS Teams if possible.
- Meetings will also be live streamed via our [YouTube channel](#) to minimise the need for the public to attend in person.
- Any members of the public wishing to attend in person at the Gibson Building can view proceedings via video link in the Committee Room (maximum capacity of 10).
- Prior notification on a “first come first served” basis for entry to the Committee Room will be adopted. Anyone wishing to ‘reserve’ a place in the Committee Room should contact committee.service@tmbc.gov.uk
- Public speakers for planning committees will be hosted in a separate area and escorted into the Council Chamber for their allocated time. There will be a limit on the number of public speakers at planning committees due to capacity issues arising from social distancing guidelines.
- Public speakers are asked to remain standing to address the Committee to avoid having to clean or change seats between speakers.
- Staff will be available to escort public speakers into the meeting room and to manage any crowd control issues.
- Doors and windows will remain open throughout all meetings to ensure circulation of fresh air. Attendees are advised to dress appropriately.
- All participants are required to wear face coverings when not speaking at meetings.
- Hand sanitiser will be available at entrances.
- All attendees must have the NHS Test and Trace app and scan the QR code at the entrance to the building/meeting room if they wish to participate. Contact details will be requested on arrival for those who do not have the app.
- The toilet facilities at Gibson Building will be open but may be used by only one person at a time.
- Car parking: Attendees are asked to leave a parking space free between vehicles.
- Refreshments will not be available, and all participants are advised to bring their own water or other refreshments.

Anyone with covid symptoms should not come to the Council offices.

Thank you for your assistance.

This page is intentionally left blank

TONBRIDGE AND MALLING BOROUGH COUNCIL

AREA 3 PLANNING COMMITTEE

Thursday, 18th March, 2021

Present: Cllr D A S Davis (Chairman), Cllr M C Base (Vice-Chairman), Cllr Mrs S Bell, Cllr T Bishop, Cllr R I B Cannon, Cllr D J Cooper, Cllr R W Dalton, Cllr Mrs T Dean, Cllr P M Hickmott, 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

Councillors V M C Branson, N J Heslop, M A J Hood, S A Hudson, P J Montague, H S Rogers and N G Stapleton were also present pursuant to Council Procedure Rule No 15.21.

An apology for absence was received from Councillor S M Hammond

PART 1 - PUBLIC

AP3 21/6 DECLARATIONS OF INTEREST

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

AP3 21/7 MINUTES

RESOLVED: That the Minutes of the meeting of the Area 3 Planning Committee held on 28 January 2021 be approved as a correct record and signed by the Chairman.

AP3 21/8 GLOSSARY AND SUPPLEMENTARY MATTERS

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 circulated in advance of the meeting and published on the website.

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.

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

AP3 21/9 TM/20/01820/OAEA - AYLESFORD NEWSPRINT, BELLINGHAM WAY, LARKFIELD

Outline Application: Hybrid planning application for the following development: Outline planning permission (all matters reserved) for the erection of flexible B1c/B2/B8 use class buildings and associated access, servicing, parking, landscaping, drainage, remediation and earthworks; and Full planning permission for erection of two warehouse buildings for flexible B1c/B2/B8 use class, realignment of Bellingham Way link road, creation of a north/south spine road, works to the embankment of Ditton Stream, demolition of existing gatehouse and associated servicing, parking, landscaping, drainage, infrastructure and earthworks at Aylesford Newsprint, Bellingham Way, Larkfield.

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

[Speakers: Verbal statements were made by Mr J Willis (member of the public) and Mr T Watkins (Applicant)]

AP3 21/10 TM/21/01218/OA - LAND ADJACENT DITTON COMMON, NORTH OF REDE WOOD ROAD AND OAKAPPLE LANE BARMING

Outline Application: All matters reserved except for access for the erection of up to 118 dwellings, together with associated works for access, open space, infrastructure, earthworks, surface water drainage systems and landscaping at Land adjacent Ditton Common, North of Rede Wood Road, Oakapple Lane, Barming.

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

(1) The amendment of conditions 6, 11 & 16 (as originally numbered) as follows:

6. The details submitted in pursuance of Condition 1 shall show land shall identify allocated parking spaces for each residential dwelling, as well as any associated visitor parking spaces. No dwelling shall be occupied until its associated allocated parking has been provided, surfaced and drained in accordance with the approved details. Thereafter no permanent development, whether or not permitted by the

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

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

11. (a) If during development work, significant deposits of made ground or indicators of potential contamination are discovered, the work shall cease until an investigation/ remediation strategy has been agreed with the Local Planning Authority and it shall thereafter be implemented by the developer.

(b) Any soils and other materials taken for disposal should be in accordance with the requirements of the Waste Management, Duty of Care Regulations. Any soil brought onsite should be clean and a soil chemical analysis shall be provided to the Local Planning Authority to verify imported soils are suitable for the proposed end use.

(c) A closure report shall be submitted by the developer to the Local Planning Authority relating to (a) and (b) above and other relevant issues and responses such as any pollution incident during the development, for its approval in writing.

Reason: In the interests of amenity and public safety.

16. None of the dwellings with on-plot parking shall be occupied until details of a scheme to install electric vehicle charging points to those plots within the development, has been submitted to and approved by the Local Planning Authority. The work shall be carried out in strict accordance with those details prior to the occupation of any of these dwellings within the site.

Reason: In order to encourage the occupation of the dwellings by people using electric vehicles to help reduce vehicle emissions in the interests of air quality and in accordance with paragraph 110 of the National Planning Policy Framework (2019).

(2) The addition of the following conditions (note numbering reflects that in main report):

24. Prior to the commencement of development the applicant, or their agents or successors in title, will secure and implement:

(i) archaeological field evaluation works in accordance with a specification and written timetable which has been submitted to and approved by the Local Planning Authority; and

(ii) further archaeological investigation, recording and reporting, determined by the results of the evaluation, in accordance with a specification and timetable which has been submitted to and approved by the Local Planning Authority.

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

25. The development shall be undertaken in accordance with the following plans: Proposed Plans 15-009-041 Rev A dated 08.09.2020, Drawing P19-1591_19C dated 08.08.2020, Drawing P19-1591_29C dated 08.09.2020, Location Plan P19-1591_24 dated 12.06.2020.

Reason: To ensure the development is undertaken in conformity with the approved drawings.

- (3) the omission of conditions 7 and 13;
- (4) the renumbering of conditions as necessary to account for the above amendments; and
- (5) the addition of Informatives 5 and 6 as follows:

5. The applicant's attention is drawn to the following advice from Kent County Council (PROW and Access Service)

- No furniture, fence, barrier or other structure may be erected on or across Public Rights of Way without the express consent of the Highway Authority.
- There must be no disturbance of the surface of the Public Rights of Way, or obstruction of its use, either during or following any approved development without the express consent of the Highway Authority.
- No hedging or shrubs should be planted within 1 metre of the edge of the Public Rights of Way.
- The granting of this planning permission confers no consent or right to close or divert any Public Rights of Way at any time without the express permission of the Highway Authority

No Traffic Regulation Orders will be granted by KCC for works that will permanently obstruct the route unless a diversion order has been made and confirmed. If the applicant needs to apply for a temporary traffic regulation order whilst works are undertaken, this would take six weeks to process.

6. The applicant is strongly encouraged to advise prospective occupants of the approved dwellings of the nearby quarrying activities and the potential for noise and vibration to be experienced as a result of these activities.

[Speakers: Verbal statements were made by Mr K Jones on behalf of 'Give Peas a Chance' and Mr T Walker (members of the public) and Ms L Wilford (Agent to the Applicant)]

In accordance with Committee Procedure Rule 8.6, Part 4 (Rules) of the Constitution, Councillor R Dalton requested that it be recorded that he had voted against approval of the planning application.

AP3 21/11 TM/20/02454/FL - LAND BETWEEN 166 AND 194 THE ROCKS ROAD, EAST MALLING

Development of 2no. detached houses with associated access, parking, and gardens at Land between 166 and 194 The Rocks Road, East Malling.

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

(1) The addition of conditions

9. The development shall be constructed at the level indicated on the drawing referenced 414/156 Rev A received on 03.11.2020

Reason: To accord with the terms of the application and to protect the visual amenity of the area.

10. Notwithstanding the arrangements shown on plan numbers 414/106 Rev. D and 0375/20/B/21, the development hereby approved shall not commence until such time as the required visibility splays of 2.4m x 32m at the access point onto the Rocks Road have been laid out and provided unobstructed, including with the necessary management of adjacent hedges on highways land, with full details submitted to and approved by the Local Planning Authority to verify.

The details shall include (but not necessarily be limited to):

- A full programme of works setting out how the visibility splays were constructed relative to the above
- Full photographic evidence of the necessary works including management of adjacent hedges
- The splay lines marked out and evidenced to the required 2.4m x 32m measurement

The formation of the required splays shall be carried out in liaison with the Highway Authority and no other development shall be undertaken until the Local Planning Authority has agreed in writing that the required splays have been formed, and shall thereafter be kept free of permanent development.

Reason: In the interests of highway safety and visual and rural amenity and to ensure that the necessary visibility splays are provided in an acceptable manner which is contiguous with the overall development.

(2) The addition of Informative

4. In satisfying the requirements of conditions 4, 6, 7 and 10, the applicant is strongly encouraged to enter into constructive and early liaison with the Highway Authority and immediate neighbours to the site.

[Speakers: Verbal statements were made by Mrs J Bellamy, Mr A Bellamy, Ms F Waight, Mr N Dave, Mr M Mansell and Mr S Lockett (members of the public). Video statements were made by Ms L Bellamy and by Mr P Smith on behalf of the resident of 166 The Rocks Road (members of the public). Written statements submitted by Ms L Sahin and Mr M Dixon were read out by the Democratic Services Officer. A joint verbal statement was made by Mrs K Price (Applicant) and Mr K Hughes (Agent)]

PART 2 - PRIVATE

AP3 21/12 EXCLUSION OF PRESS AND PUBLIC

There were no items considered in private.

The meeting ended at 9.48 pm
having commenced at 6 pm

GLOSSARY of Abbreviations used in reports to Area Planning Committees

A

AAP	Area of Archaeological Potential
AGA	Prior Approval: Agriculture (application suffix)
AGN	Prior Notification: Agriculture (application suffix)
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
AT	Advertisement consent (application suffix)

B

BALI	British Association of Landscape Industries
BPN	Building Preservation Notice
BRE	Building Research Establishment

C

CA	Conservation Area (designated area)
CCEASC	KCC Screening Opinion (application suffix)
CCEASP	KCC Scoping Opinion (application suffix)
CCG	NHS Kent and Medway Group
CNA	Consultation by Neighbouring Authority (application suffix)
CPRE	Council for the Protection of Rural England
CR3	County Regulation 3 (application suffix – determined by KCC)
CR4	County Regulation 4 (application suffix – determined by KCC)
CTRL	Channel Tunnel Rail Link (application suffix)

D

DCLG	Department for Communities and Local Government
DCMS	Department for Culture, Media and Sport
DEEM	Deemed application (application suffix)
DEFRA	Department for the Environment, Food and Rural Affairs
DEPN	Prior Notification: Demolition (application suffix)
DfT	Department for Transport
DLADPD	Development Land Allocations Development Plan Document
DMPO	Development Management Procedure Order
DPD	Development Plan Document
DPHEH	Director of Planning, Housing & Environmental Health
DR3	District Regulation 3
DR4	District Regulation 4
DSSLT	Director of Street Scene, Leisure & Technical Services

E

EA	Environment Agency
EIA	Environmental Impact Assessment
EASC	Environmental Impact Assessment Screening request (application suffix)
EASP	Environmental Impact Assessment Scoping request (application suffix)
EH	English Heritage
EL	Electricity (application suffix)
ELB	Ecclesiastical Exemption Consultation (Listed Building)
EEO	Ecclesiastical Exemption Order
ELEX	Overhead Lines (Exemptions)
EMCG	East Malling Conservation Group
ES	Environmental Statement
EP	Environmental Protection

F

FRA	Flood Risk Assessment
FC	Felling Licence
FL	Full Application (planning application suffix)
FLX	Full Application: Extension of Time
FLEA	Full Application with Environmental Impact Assessment

G

GDPO	Town & Country Planning (General Development Procedure) Order 2015
GOV	Consultation on Government Development
GPDO	Town & Country Planning (General Permitted Development) Order 2015 (as amended)

H

HE	Highways England
HSE	Health and Safety Executive
HN	Hedgerow Removal Notice (application suffix)
HWRC	Household Waste Recycling Centre

I

IDD	Internal Drainage District
IDB	Upper Medway Internal Drainage Board
IGN3	Kent Design Guide Review: Interim Guidance Note 3 Residential Parking

K

KCC	Kent County Council
KCCVPS	Kent County Council Vehicle Parking Standards: Supplementary Planning Guidance SPG 4
KDD	KCC Kent Design document

KFRS Kent Fire and Rescue Service
KGT Kent Garden Trust
KWT Kent Wildlife Trust

L

LB Listed Building Consent (application suffix)
LBX Listed Building Consent: Extension of Time
LDF Local Development Framework
LDLBP Lawful Development Proposed Listed Building (application suffix)
LEMP Landscape and Ecology Management Plan
LLFA Lead Local Flood Authority
LMIDB Lower Medway Internal Drainage Board
LPA Local Planning Authority
LWS Local Wildlife Site
LDE Lawful Development Certificate: Existing Use or Development (application suffix)
LDP Lawful Development Certificate: Proposed Use or Development (application suffix)
LP Local Plan
LRD Listed Building Consent Reserved Details (application suffix)

M

MBC Maidstone Borough Council
MC Medway Council (Medway Towns Unitary Authority)
MCA Mineral Consultation Area
MDE DPD Managing Development and the Environment Development Plan Document
MGB Metropolitan Green Belt
MHCL Ministry of Housing, Communities and Local Government
MIN Mineral Planning Application (application suffix, KCC determined)
MSI Member Site Inspection

MWLP Minerals & Waste Local Plan

N

NE Natural England

NMA Non Material Amendment (application suffix)

NPPF National Planning Policy Framework

O

OA Outline Application (application suffix)

OAEA Outline Application with Environment Impact Assessment (application suffix)

OAX Outline Application: Extension of Time

OB106D Details pursuant to S106 obligation (application suffix)

OB106M Modify S106 obligation by agreement (application suffix)

OB106V Vary S106 obligation (application suffix)

OB106X Discharge S106 obligation (application suffix)

P

PC Parish Council

PD Permitted Development

PD4D Permitted development - change of use flexible 2 year

PDL Previously Developed Land

PDRA Permitted development – change of use agricultural building to flexible use (application suffix)

PDV14J Permitted development - solar equipment on non-domestic premises (application suffix)

PDV18 Permitted development - miscellaneous development (application suffix)

PDVAF Permitted development – agricultural building to flexible use (application suffix)

PDVAR Permitted development - agricultural building to residential (application suffix)

PLVLR	Permitted development - larger residential extension (application suffix)
PDVOR	Permitted development - office to residential (application suffix)
PDVPRO	Permitted development - pub to retail and/or office (application suffix)
PDVSDR	Permitted development storage/distribution to residential (application suffix)
PDVSFR	Permitted development PD – shops and financial to restaurant (application suffix)
PDVSR	Permitted development PD – shop and sui generis to residential (application suffix)
POS	Public Open Space
PPG	Planning Practice Guidance
PWC	Prior Written Consent
PROW	Public Right Of Way

R

RD	Reserved Details (application suffix)
RM	Reserved Matters (application suffix)

S

SDC	Sevenoaks District Council
SEW	South East Water
SFRA	Strategic Flood Risk Assessment (background for the emerging Local Plan)
SNCI	Site of Nature Conservation Interest
SPAB	Society for the Protection of Ancient Buildings
SPD	Supplementary Planning Document
SSSI	Site of Special Scientific Interest
SW	Southern Water

T

TC	Town Council
TCAAP	Tonbridge Town Centre Area Action Plan

TCS Tonbridge Civic Society
TEPN56/TEN Prior Notification: Telecoms (application suffix)
TMBC Tonbridge & Malling Borough Council
TMBCS Tonbridge & Malling Borough Core Strategy 2007
TMBLP Tonbridge & Malling Borough Local Plan 1998
TNCA Notification: Trees in Conservation Areas (application suffix)
TPOC Trees subject to TPO (application suffix)
TRD Tree Consent Reserved Details (application suffix)
TRICS Trip Rate Information Computer System
TWBC Tunbridge Wells Borough Council

U

UCO Town and Country Planning Use Classes Order 1987 (as amended)
UMIDB Upper Medway Internal Drainage Board

W

WAS Waste Disposal Planning Application (KCC determined)
WTS Waste Transfer Station

(Version 2/2021)

This page is intentionally left blank

Snodland
Snodland West And
Holborough Lakes

24 March 2021

TM/21/00864/FL

Proposal: Demolition of existing warehouse, former shop and 3 bedroom first floor flat and redevelopment of the site with a new building incorporating 14 apartments (4 no. 2 bedroom and 10no. 1 bedroom flats), including the rebuilding of the Art-deco front section of the building, with associated cycle store, bin store, parking and turning

Location: 4 And 4A High Street Snodland Kent ME6 5DF

Go to: [Recommendation](#)

1. Description:

- 1.1 This is an application for full planning permission for the demolition of all existing buildings on site and the erection of a new three storey building containing 14 flats. This would be in the form of 4 no. 2 bedroom and 10 no. 1 bedroom units, along with associated parking, landscaping and private amenity areas. There is already a top floor flat in the existing building, so the net gain in residential units is 13.
- 1.2 Ten parking spaces are proposed, along with an internal cycle store for 11 bikes. Parking would be allocated for residents' use only.
- 1.3 The design includes rebuilding the art-deco style former cinema frontage; the building also features a classically art-deco glazed stairwell, and the use of glazed balcony screens and the square proportions are also reflective of this design ethos. In some places the building would be larger than the removed structures, but there are also other parts like at the rear, where it would be less bulky and tall, therefore amounting to a considerable reduction in built form in places.
- 1.4 The 10 parking spaces are laid out on the western half of the site and utilise the existing access point. A plant room, refuse and bike storage would all be located in the front part of the building at ground floor, along with 3 units which would also benefit from private courtyard areas. Each unit on the floors above would have a private balcony area, with screening deployed to minimise loss of privacy to neighbours where necessary.

2. Reason for reporting to Committee:

- 2.1 At the request of Councillor David Lettington and Councillor Paul Hickmott in order to consider the acceptability of the level of parking provision proposed.

3. The Site:

- 3.1 The site is a former cinema within the Snodland High Street area. Permission has previously been granted for the use of the building for a variety of alternative purposes over the years including a social club, snooker hall, and then most recently under reference TM/15/01416/FL for a shop with rear warehouse. It is understood that the unit is now vacant, and the shop (formerly offering china/porcelain sales) has now closed.
- 3.2 The front façade is an attractive original feature of the building and, as previously noted, is characteristic of art deco properties, albeit it is now in a somewhat dilapidated condition. To the rear is a much larger windowless warehouse type structure, and a side service yard and small area for parking. Adjacent land uses are mixed, with a large number of residential dwellings and flats, as well as commercial shops and assisted living homes. The mix of uses and high street location give rise to a busy character, commensurate with a town centre site.
- 3.3 In terms of policy context, the site lies within the Snodland urban area as defined by policy CP11 of the TMBCS, as well as the Snodland Conservation Area, and the Snodland retail centre as established by policy R1 of the DLA DPD. It is also opposite a Grade II Listed building, 1 High Street Snodland.

4. Planning History (relevant):

TM/66/10734/OLD Refuse 2 June 1966

Change of use, cinema to dance hall.

TM/68/10893/OLD grant with conditions 17 June 1968

Change of use from cinema to bingo/social.

TM/73/11208/OLD grant with conditions 17 May 1973

Advertisement signs.

TM/86/11555/OLD planning application not required 18 June 1986

Use of existing social club as a social and snooker club.

TM/87/11429/FUL grant with conditions 22 January 1987

Alterations to front elevations.

TM/15/01416/FL

Approved

23 June 2015

Change of use from D2 Leisure to A1 retail with retail warehouse. Relocation of existing first floor flat entrance

5. Consultees:

5.1 TC: Objection due to insufficient parking spaces for the number of flats being proposed.

5.2 KCC (H+T): Comments as follows:

Introduction

5.2.1 This application is for the redevelopment of The Old Cinema, High Street, Snodland, as part of application 21/00864/FL. The site will be converted into 14 residential flats comprising of 4 x 2 bedroom and 10 x 1 bedroom. All documents submitted as part of application, including Transport Statement dated January 2021 and various drawings dated November 2020.

Parking

5.2.2 Proposals are for 10 car parking spaces, of the parking bays will have Electric Vehicle Charging Points.

5.2.3 There are 11 bicycle spaces shown on the drawings for the site layout.

Swept Path Analysis

5.2.4 Appendix D of the Transport Statement provides detail of the internal site - vehicle swept paths, no issues are foreseen with private vehicles making the intended manoeuvre.

Public Transport

5.2.5 The site is within 500 metres of Snodland Train Station, by foot. With trains approximately running four times every hour.

5.2.6 Bus services operate 2-3 times an hour with regular links to Maidstone Town Centre. Bus stops are within 100 metres of the site development.

Site Access

5.2.7 The site is proposed to use the existing access arrangement, located to the right-hand side of the building.

Trip Generation

5.2.8 A site application of this size is expected to contribute 4 vehicles to the AM Peak Hour and 3 vehicles in the PM Peak Hour, with a total of 27 vehicles between 07:00 and 19:00.

Summary

5.2.9 I refer to the above planning application and confirm that provided the following requirements are secured by condition or planning obligation, then I would raise no objection on behalf of the local highway authority [DPHEH - Conditions are set out at recommendation]

5.3 KCC (LLFA): Comments as follows:

5.3.1 It is understood from the application that the existing building on site is to be demolished and replaced with a new apartment block. As noted within the FRA (5.4), no investigations have been undertaken to confirm existing drainage on site and the final discharge destination. The LLFA agree that it is likely that surface water runoff from the building discharges into either the surface water sewer or foul sewer. It is accepted that further investigations would be required to confirm connections and if not then to obtain a new connection/agreement with Southern Water. The 2 litres a second discharge rate off site is deemed appropriate and reasonable given the circumstances as any further reduction in rates poses maintenance and reliability concerns.

5.3.2 As mentioned above, further work is required that includes the investigation into on site drainage and connections to the sewer (CCTV Survey). It would therefore be our recommendation that a detailed surface water design condition is imposed on this application, should consent be granted. This is to allow for the survey to take place and confirm the final design/approach.

5.3.3 Should the Local Planning Authority grant planning permission for the proposed development, the LLFA would advise the following conditions are attached [DPHEH - Conditions are set out at recommendation]

5.4 KCC Economic Development: Request contributions towards community infrastructure.

5.5 Environment Agency: We have assessed this application as having a low environmental risk. We therefore have no comments to make.

5.6 Kent Fire & Rescue: No objections

5.6.1 On-site access is a requirement of the Building Regulations 2010 Volume 1 and 2 and must be complied with to the satisfaction of the Building Control Authority

who will consult with the Fire and Rescue Service once a building Regulations Application has been submitted.

5.7 TMBC Environmental Health

Noise:

5.7.1 The Applicant has submitted a Noise Assessment carried out by their Consultant, Lustre Consulting (their ref 3813\NL\January 2021\NA, dated January 2021).

5.7.2 The Assessment has detailed measurements carried out at the site and the interpretation of these to secure satisfactory internal and external noise levels.

5.7.3 I am content with the conclusions reached and that external noise will not be a significant factor for this proposal.

Contaminated land

5.7.4 The report presents the findings of a desk study and site walkover. It adequately reviews the history and environmental setting of the site. No significant sources of contamination have been identified and therefore no additional investigation is recommended. There is suspected asbestos containing material in the roof which will need to be removed by a specialist company. I would recommend the following condition
[DPHEH - Conditions are set out at recommendation]

5.8 Private Reps: 2 + site notice/0X/2R/0S on the following summarised grounds:

- Months of noise
- 14 new neighbours
- 20 spaces needed
- Overlooking
- Question if higher
- Overshadowing
- No parking for construction vehicles
- Parking situation awful
- Increased noise in quiet neighbourhood

5.9 One additional comment received following consultation on amended plans 03/06/2021. No new material planning considerations raised.

6. Determining Issues:

6.1 The site lies within the urban confines of Snodland in which there is no objection in principle to redevelopment. It is also brownfield (previously developed) land. The key issues are therefore the impact on the character and appearance of the area, (including the Snodland Conservation Area and the adjacent Listed building), whether there is policy conflict with R1 / the retail impact due to the

site's location within the retail centre, neighbouring amenity, and parking and highways.

Character and Appearance/Conservation Area/Listed building

- 6.2 Policy CP24 of the TMBCS requires development to be of a high quality and be well designed to respect the site and its surroundings in terms of its scale, layout, siting, character and appearance. Policy SQ1 of the MDE DPD advises that new development should protect, conserve and, where possible, enhance the character and local distinctiveness of the area including its setting in relation to the pattern of the settlement, roads and surrounding landscape.
- 6.3 These policies are broadly in conformity with those contained within the Framework which relate to quality of new developments, in particular paragraph 127 of the NPPF that requires proposals to be visually attractive as a result of good architecture, layout and appropriate and effective landscaping. Schemes should also be 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).
- 6.4 Paragraph 193 of the NPPF explains that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.
- 6.5 Furthermore paragraph 200 of the NPPF states that local planning authorities should look for opportunities for new development within Conservation Areas and within the setting of heritage assets, to enhance or better reveal their significance. Proposals that preserve those elements of the setting that make a positive contribution to the asset (or which better reveal its significance) should be treated favourably.
- 6.6 The current appearance of the site, apart from the front façade, has no architectural merit and, indeed, the rear part of the building with its windowless elevations and bulky one dimensional mass is considered to have a detrimental impact on the character of the Conservation Area. The front of the property has also been much altered, with part of the flat roof to the front being used as a balcony for the upstairs flat. When a site inspection was made some makeshift privacy screening had been erected, resulting in a poor-quality finish to the principal elevation of the building and the high street frontage. Overall, the site appears tired and unremarkable, and there are clear opportunities for improvement.
- 6.7 The proposed design follows an "art deco" vernacular, and would see the front façade rebuilt and restored, and the apartments erected behind with an eye-

catching glazed stairwell. The choice of materials, window styles and proportions would maintain the art deco design, and overall would result in an interesting and landmark building within the town. The removal of the rear part of the building with the resulting reduction in bulk and mass would have further significant benefits to the character and appearance of the area.

- 6.8 Overall, it is considered that the design is innovative, well considered and would meet the high standards expected by policies CP24 of the TMBCS and SQ1 of the MDEDPD, as well as paragraph 193 of the NPPF. Whilst the development would represent a significant change within the Conservation Area, it is considered that it would also positively enhance it, as well as helping to raise design standards locally and establishing a new template for future schemes to follow. The enhancement of the Conservation Area would draw further support from paragraph 200 of the NPPF.
- 6.9 In terms of the setting of the adjacent Grade II Listed building, 1 High Street Snodland, an early C19 house, it is not considered that the proposal would have a harmful effect on the setting and special character of this property. This is because the setting of this Listed building has already been significantly changed with more recent development all around, including the houses behind on Lee Road, the modern cul-de-sac at Stevens Close, plus the existing appearance of the cinema site.
- 6.10 All these developments represent significant interventions within the setting of the Listed building, with the effect that they no longer make any positive contribution to the way that the Listed building is experienced. As a result, the changes to the development site would not alter this position; and the scheme has an entirely neutral effect on the setting and special character of the Listed building. Accordingly, there would be no harmful impact on this designated heritage asset, and no policy conflict with paragraph 196 of the NPPF.

Retail Impact – loss of ground floor retail use

- 6.11 The site lies within the defined District Centre, Snodland High Street, as defined under policy R1 (“District Centres”) in the Development Land Allocations DPD (“the DLADPD”).
- 6.12 The Council’s development plan policy on changes to retail units within the retail centre is set out in policy CP22 of the Tonbridge and Malling Core Strategy (“the TMBCS”). It explains that proposals which might harm the vitality or viability of an existing centre either in terms of retail impact or, in the case of smaller centres, undermining the balance of uses or harming their amenity, will not be permitted.
- 6.13 Policy R1 of the DLADPD expands on policy CP22 by setting out that within the defined District and Local Retail Centres, a change of use at ground floor level to a use which does not justifiably require a shopping centre location or does not

provide an appropriate service for the day-to-day needs of the local community will not be permitted.

- 6.14 The site was previously occupied by a small retail operation at ground floor with associated warehouse to the rear. It is therefore necessary to consider whether the use as retail unit within the district centre is protected by policy R1 and CP22. Additionally, as the TMBCS and the DLADPD were adopted in 2007 and 2008 respectively, it is therefore necessary to consider the degree of consistency in these policies with retail policy set out in the National Planning Policy Framework (NPPF).
- 6.15 Policy R1 effectively sets out that uses that do not need to be located within a shopping centre area or do not provide an appropriate service for the day to day needs of the community should not be permitted at ground floor level within the District Centres.
- 6.16 However, this policy was adopted in 2008 and is not considered to be consistent with the NPPF, which advocates a much more pragmatic approach to town centre uses under chapter 85. This chapter sets out that planning policies and decisions should support the role that town centres play at the heart of local communities, by taking a positive approach to their growth, management, and adaptation. Planning policies should promote their long-term vitality and viability, by allowing them to grow and diversify in a way that can respond to rapid changes in the retail and leisure industries, allows a suitable mix of uses (*including housing*) and reflects their distinctive characters (emphasis added).
- 6.17 It further adds that planning policy should recognise that residential development often plays an important role in ensuring the vitality of centres and encourage residential development on appropriate sites. The national planning practice guidance, which aides in the interpretation of national policy, also explains that “*A wide range of complementary uses can, if suitably located, help to support the vitality of town centres, including residential*” and that “*Residential development in particular can play an important role in ensuring the vitality of town centres, giving communities easier access to a range of service*” (Paragraph 001, “Town centres and retail”, NPPG).
- 6.18 In effect, national policy advocates a much more pragmatic approach to the mix of uses within town centres, and there is no part that advocates the type of blanket ban on certain uses at ground floor in the same way that policy R1 does. This has been further emphasised by the Government’s recent relaxation of use class E (formerly A1/A2) which now encompasses a much broader range of town centre suitable uses, and the upcoming changes to permitted development rights to allow the change of use of vacant shops to dwellings. The NPPF does not place any outright restriction on residential uses at ground floor within town centres, and actively encourages planning decisions to take a positive approach

to support growth, including through residential development that helps to support their vitality through the purchases of future occupants.

- 6.19 In summary, policy R1 is too restrictive and as a result is considered to be inconsistent with the NPPF. This significantly reduces the weight that can be attached to any technical policy conflict that occurs with the introduction of a residential use at ground floor to the district centre, which would not specifically require a shopping centre location or provide an appropriate service for the day-to-day needs of the local community within the meaning of the policy, albeit that the wording of R1 is somewhat ambiguous and does not clearly define what kind of uses it envisages as falling within this category.
- 6.20 As to policy CP22, the terms of this policy are more flexible, which simply state that proposals which might harm the vitality or viability of an existing centre either in terms of retail impact or, in the case of smaller centres, undermining the balance of uses or harming their amenity, will not be permitted. This does not rule out residential development within the District Centres at ground floor level unless it was felt to harm their vitality or viability in terms of retail impact. This policy is considered to be far more consistent with the NPPF's balanced approach, but it is then necessary to consider whether there would actually be harm to the vitality or viability of the centre.
- 6.21 It is worth noting that the building has only recently been converted into a retail unit (2015 under permission TM/15/01416/FL), and prior to this time was formerly in use class D1 as a snooker hall. Before this, it would not even need to be considered under policy CP22 in terms of the retail impact of its loss on the vitality and viability of the district centre.
- 6.22 Nonetheless, it is accepted that it must be considered against the current use position. It is further noted that the site is on the very edge of the retail centre boundary, and that Snodland High Street is still well served by a range of shops and services, including the Co-op which provides comparison and convenience goods for day-to-day needs. There is no evidence before the Council to conclude that the loss of the retail space on this site would have any measurable harmful effect on the vitality of the district centre, given the range of existing services already being provided. The fact that the site is on the edge also prevents fragmenting an otherwise continuous retail frontage within the centre.
- 6.23 Additionally, it is important to consider the benefits of the development to see whether there would be a positive effect on the vitality and viability of the district centre. The additional 14 units (13 net) would be occupied by new residents who would inevitably use the shops and services within the centre. This increased spending would help maintain the remaining retail units, therefore contributing to the vitality and viability of the district centre.
- 6.24 The positive effect of residential development on town centre viability is actively recognised by the NPPF and NPPG, and it is considered that the proposed

scheme would have this effect. The construction of the building would also attract new jobs and workers who would also likely spend in nearby shops, albeit on a more short-term period until building works were finished.

- 6.25 Accordingly, it is not considered that the development would conflict with policy CP22 of the TMBCS. There is no evidence before the Council that the loss of this retail unit would have any measurable harmful effect on the district centre's vitality and viability. In fact, with the increased number of occupants spending in adjacent shops, it is considered far more likely that the development would have a positive effect on the High Street, both in the short and longer term.
- 6.26 Overall, whilst there is some limited conflict with policy R1 of the DLADPD due to the change to residential on the ground floor, only very limited weight can be attributed to this conflict due to the high degree of inconsistency with the NPPF. Furthermore, the development would comply with policy CP22 of the TMBCS, and paragraph 85 of the NPPF by contributing positively to the centre's vitality.

Neighbouring Amenity

- 6.27 The third party objections received on this matter have been carefully considered, and the close proximity of the site to neighbouring gardens and houses has directly influenced the design being proposed, in my judgement.
- 6.28 At first floor, all side facing windows would be obscure glazed to protect adjacent gardens, including number 1 Constitution Hill and number 7 Charles Close which sit closest on the western boundary. Over the course of the determination of the application, officers negotiated for the balcony of unit 7 to be relocated to the rear to further improve the position; a side facing screen now prevents any loss of privacy to these neighbours.
- 6.29 The balcony of unit 5 is partially enclosed by the glass screen and set back within the building envelope. Whilst it is accepted that it sits on the western elevation, due to the design of the building and integrated screen, it is not considered that there would be any harmful sense of overlooking into neighbour's gardens. It is also noted that this is a town centre location, and the existing position is one of a degree of compromised privacy. On balance, given the minimal outward views, it is considered that the relationship between the building and numbers 1 Constitution Hill, 7 Charles Close and other neighbours on this side is acceptable.
- 6.30 In terms of the balconies of units 9 and 10, number 9 has a similar screened arrangement to prevent any harmful overlooking; unit 10's balcony is more open but looks into an adjacent substation and the flank wall of number 6 High Street, so there is no loss of privacy here.

- 6.31 At second floor, side windows would again be obscure glazed to protect privacy, and the front and rear balconies would also be screened from the sides to prevent overlooking. This prevents any loss of privacy to number 1 Bullfields.
- 6.32 As to the gardens of the properties behind the site on Portland Place, the edge of the new building (and first floor balconies) would be almost 30m from these houses, which represents a significant degree of separation such that no real intervisibility would be possible between the habitable rooms of these properties and the new flats. The second-floor balconies are inset further into the building and so even further away. Given the significant separation distances, particularly from the first 5m of garden space of these properties (where expectations of privacy are greatest), it is not considered that there would be any harmful loss of privacy to these properties.
- 6.33 In other respects, the location of the side access provides plenty of separation from the neighbours on the western boundary to avoid any harmful overshadowing or overbearing effects. This is also the case for the properties that back onto the site. It is also relevant that the building is less bulky and high at the rear in comparison with the existing structure, and so the position would actually improve towards some properties like number 1 Bullfields on the eastern boundary.
- 6.34 Overall, whilst there would be some change in outlook, it is considered that the careful design of the building and placement of privacy screens and obscure glazed windows would prevent any harmful loss of privacy, overshadowing or overbearing effects. Whilst comments with regards to construction noise and noise from future occupants are noted, construction disruption would be short lived. Given that the use is residential, it is not considered that there would be any abnormal noise generation from the new building. The development would therefore be acceptable with regards to neighbouring amenity.

Living conditions for future occupants/noise

- 6.35 The proposed development would achieve a good standard of amenity for all future occupants. Every unit has some form of outdoor private amenity space, considered to be particularly beneficial since the outbreak of the pandemic. Ground floor properties would have private courtyard areas, with the upper floors benefiting from balconies.
- 6.36 It is accepted that the outlook for some units involves a degree of compromise due to the need to safeguard the privacy of adjacent properties, but all homes have clear glazed windows, and some are fully dual aspect (windows on more than one side of the building), such as numbers 4, 5 and 6.
- 6.37 Given the town centre location the provision of private external amenity spaces for each unit is considered to be a clear positive and makes up for the compromised outlook on some units. External noise levels have also been

considered and can be made acceptable, providing the recommendations of the noise assessment are implemented; this can be secured by condition.

- 6.38 On balance, the scheme would provide acceptable living conditions for future occupants.

Highway safety and parking provision

- 6.39 When considering matters of parking and highways safety, it is first important to note that the site has an existing lawful use, ie as a retail unit with associated warehouse. Such a use inevitably attracts a degree of car movements (trips) from customers, staff, and deliveries (including HGVs or vans associated with deliveries for stock and exports from the site). These would all cease upon commencement of the development. It should also be noted that the site already has a lawful access point onto the road. With this in mind, the policy context is set out as follows.

- 6.40 Paragraph 108 of the NPPF states that in assessing sites that may be allocated for development in plans, or specific applications for development, it should be ensured that:

a) appropriate opportunities to promote sustainable transport modes can be – or have been – taken up, given the type of development and its location;

b) safe and suitable access to the site can be achieved for all users; and

c) any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree.

- 6.41 Paragraph 109 of the NPPF states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe. Paragraph 110 goes on to state that within this context, applications for development should:

a) give priority first to pedestrian 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, with layouts that maximise the catchment area for bus or other public transport services, and appropriate facilities that encourage public transport use;

b) address the needs of people with disabilities and reduced mobility in relation to all modes of transport;

c) create places that are safe, secure and attractive – which minimise the scope for conflicts between pedestrians, cyclists and vehicles, avoid unnecessary street clutter, and respond to local character and design standards;

d) allow for the efficient delivery of goods, and access by service and emergency vehicles; and

e) be designed to enable charging of plug-in and other ultra-low emission vehicles in safe, accessible and convenient locations.

6.42 Policy CP2 of the TMBCS advises that new development that is likely to generate a significant number of trips should:

(a) be well located relative to public transport, cycle and pedestrian routes and with good access to local service centres;

(b) minimise the need to travel through the implementation of Travel Plans and the provision or retention of local services and facilities;

(c) either provide or make use of, and if necessary enhance, a choice of transport modes, including public transport, cycling and walking;

(d) be compatible with the character and capacity of the highway network in terms of the volume and nature of traffic generated;

(e) provide for any necessary enhancements to the safety of the highway network and capacity of transport infrastructure whilst avoiding road improvements that significantly harm the natural or historic environment or the character of the area; and,

(f) ensure accessibility for all, including elderly people, people with disabilities and others with restricted mobility.

6.43 Policy SQ8 of the MDE DPD sets out that development proposals will only be permitted where they would not significantly harm highway safety and where traffic generated by the development can adequately be served by the highway network. Development proposals should comply with parking standards which will be set out in a Supplementary Planning Document.

6.44 Where significant traffic effects on the highway network and/or the environment are identified, the development shall only be allowed with appropriate mitigation measures and these must be provided before the development is used or occupied. The aims of Policy SQ8 and CP2 in requiring safe and suitable access to and from the highway are consistent with the aims of the Framework in respect of these matters.

6.45 Kent County Council, as statutory authority on highways matters, have reviewed the proposal and raise no objection in terms of safety, trip generation, and proposed parking provision. Accordingly, there is no evidence before the Council that the proposal would result in any harmful effect on the safety and operation of the highways. As previously noted, it already has an existing access point onto

the road, and the current lawful use attracts a number of vehicle movements including from delivery lorries which would no longer occur.

- 6.46 Whilst it is noted that the Parish Council and third parties have expressed concern over the level of parking being provided, it is important to acknowledge the sustainable town centre location with excellent access to local shops and services, and public transport including busses and the nearby train station, with regular services into the larger towns of Rochester and Maidstone. As a result, private car ownership would not be a necessity for all future occupants of the development and must also be balanced against the need to make best use of available land in such areas for housing provision where this is deemed to be acceptable.
- 6.47 Furthermore, the Council's adopted parking standards, set out in Interim Guidance Note 3, set out that within town centres parking should be provided as a maximum of 1 space per unit, with the guidance noting that "Reduced, or even nil provision is encouraged in support of demand management and the most efficient use of land". The provision of 10 spaces for 14 units falls within the "maximum" standards advocated by the adopted IGN3. Eleven bicycle storage racks would also be provided (in a stacked arrangement), as a further alternative to the use of private cars.
- 6.48 Therefore, it is considered that the level of parking provision meets policy expectations and is appropriate for this centrally located development. The site is sustainably located, and it is considered to be preferable in the circumstances of this case to make the most efficient use of the land at the expense of over-providing parking spaces. There is no evidence of any highways safety problems and works during construction can be controlled via condition to minimise disruption to the local road network. Accordingly, the development would comply with policy SQ8 of the MDEDPD. CP2 of the TMBCS and paragraph 109 of the NPPF.

Other material considerations

- 6.49 Given the age of the building, it is considered reasonable and necessary to impose conditions requiring remediation in the event that contaminated land is found.
- 6.50 Because of the central location of the building and lack of natural habitat on site, it is considered unlikely that the building would harbour any protected species.
- 6.51 Policy CP10 of the TMBCS seeks to ensure developments are safe from flooding as well as directing proposals to areas with a low risk of flooding in the first instance. This is wholly consistent with the aims of the framework at paragraphs 155 – 165.

6.52 The site is in a Flood Zone 1 indicating low probability of flooding. A drainage strategy has also been submitted to consider how water runoff will be dealt with across the site. KCC as Lead Local Flood Risk Authority has reviewed the drainage strategy and considers it acceptable subject to conditions. As such it is considered that the scheme would provide suitable drainage and therefore no objections are raised under policies CP10 of the TMBCS or paragraph 165 of the NPPF.

Planning Obligations

6.53 Policy CP25 of the TMBCS explains that development will not be permitted unless the service, transport, and community infrastructure necessary to serve it is either available or will be made available by the time it is needed. All development proposals must therefore either incorporate the infrastructure required as a result of the scheme or make provision for financial contributions. This policy is broadly consistent with the objectives of the Framework at paragraphs 54 and 56 which explain that planning obligations can be used where justified to mitigate development impacts.

6.54 KCC has requested a number of contributions to mitigate the additional pressure on local services as a result of the development. The Planning Act 2008 and the Community Infrastructure Levy Regulations 2010 (the CIL Regulations) (Regulation 122) and paragraph 56 of the NPPF require that requests for development must comply with three specific legal tests, namely that they must be (1) necessary, (2) related to the development, and (3) reasonably related in scale and kind. It is considered that the contributions being sought meet these tests. They are set out as follows:

- Secondary Education - £5,176.00 towards the new Broadwater Farm secondary school.
- Secondary Education – land cost. £4,173.24 towards land costs of the new Broadwater Farm school.
- Community Learning - £229.88 towards additional services and equipment for new learners
- Youth Service - £917.00 towards additional resources for Youth Services.
- Library Bookstock - £2056.32 towards additional services and bookstock at Snodland Library for the new borrowers generated by this development.
- Social Care - £2,056.32 towards Specialist Care provision in Tonbridge & Malling Borough.
- Waste - £2,571.38 new HWRC to serve Tonbridge and Malling to mitigate housing growth.

6.55 On developments proposing a net increase of 5 dwelling houses, policy OS3 of the MDEDPD requires a contribution to be made for the upkeep of local open space, to mitigate increased usage from future occupiers of the development. As above, this is considered to be consistent with the objectives of the Framework and would meet the three tests.

6.56 In respect of policy OS3 the Council's Leisure Services Team has requested a financial contribution to mitigate the additional pressure on local open space. The amount requested for this is £28,051. The funds will be used for the upkeep and enhancement of the following open spaces:

- Leybourne Lakes Country Park
- Snodland cricket meadow
- Malling road play area/Leybourne lakes play area
- Holborough road/pout road pond

6.57 The applicant will be required to pay these contributions via a Section 106 agreement subject to a resolution to grant planning permission by APC3.

6.58 The development does not trigger the requirements for affordable housing under policy CP17 of the TMBCS since the threshold is for sites of 15 dwellings or above, or site size of 0.5ha or above.

Conclusions and overall planning balance

6.59 Tonbridge and Malling Borough Council cannot currently demonstrate a 5-year housing supply. In such circumstances paragraph 11 of the NPPF sets out that the presumption in favour of sustainable development applies and the provision of new housing carries significant weight. This presumption is only disengaged if the application of policies in the NPPF that protect areas or assets of particular importance provides a clear reason for refusing the development proposed.

6.60 Whilst the site does lie within a designated heritage asset (the Conservation Area) and next to another (the Grade II Listed building), no harm is identified in respect of these designation (and indeed, positive improvement to the character and setting of the CA). Accordingly, the application of policies in the NPPF that protect areas or assets of particular importance do not provide a clear reason for refusing the proposed development.

6.61 Furthermore, there are not considered to be any adverse impacts that would significantly and demonstrably outweigh the considerable benefits of the scheme, including a high-quality design providing a new landmark building within the town centre, improving the appearance of the site and design standards locally, providing a net increase of 13 new homes towards local shortfall, and increased spending and economic benefits to the adjacent high street. Applying the specific test provided for at paragraph 11 (d) (ii) of the NPPF in terms of the presumption in favour of sustainable development, these benefits are not significantly and demonstrably outweighed by any adverse impacts, which at most, simply amount to 10 parking spaces instead of 14.

6.62 In summary, the development would provide a useful contribution towards existing housing shortfall on a sustainable brownfield site. It would achieve an innovative and landmark design, helping to raise design standards locally and

improving the character and appearance of the Conservation Area. Whilst some minor technical conflict would result with policy R1, this policy is not consistent with the NPPF in this respect, and the development would still comply with policy CP22 and paragraph 85 of the NPPF by enhancing the vitality of the adjacent high street through the purchases of future occupants. No harm would result to the adjacent Listed building, neighbouring amenity, or highways and parking standards. The application is therefore recommended for approval.

7. Recommendation:

7.1 Grant planning permission in accordance with the following submitted details: Site Plan 2283-105 A dated 02.06.2021, Proposed Floor Plans 2283-111 A dated 02.06.2021, Proposed Floor Plans 2283-112 A dated 02.06.2021, Proposed Roof Plan 2283-113 A dated 02.06.2021, Proposed Elevations 2283-121 A dated 02.06.2021, Proposed Elevations 2283-122 A dated 02.06.2021, Other Drawing issue sheet dated 02.06.2021, Letter dated 02.06.2021, Topographical Survey 20238_01 dated 24.03.2021, Existing Floor Plans 20238_02 dated 24.03.2021, Existing Floor Plans 20238_03 dated 24.03.2021, Existing Elevations 20238_04 1 of 3 dated 24.03.2021, Existing Elevations 20238_04 2 of 3 dated 24.03.2021, Existing Elevations 20238_04 3 of 3 dated 24.03.2021, Proposed Floor Plans 2283/110 dated 24.03.2021, Sections 2283/120 dated 24.03.2021, Location Plan 2283/010 block dated 24.03.2021, Artist's Impression existing and proposed dated 24.03.2021, Artist's Impression Model Massing comparison dated 24.03.2021, Design and Access Statement dated 24.03.2021, Planning Statement Old Cinema dated 24.03.2021, Artist's Impression Views from Privacy screened balconies dated 24.03.2021, Artist's Impression Shadow Study existing and proposed dated 24.03.2021, Flood Risk Assessment dated 24.03.2021, Statement Community Involvement dated 24.03.2021, Statement Heritage dated 24.03.2021, Statement Final Community involvement dated 24.03.2021, Noise Assessment dated 24.03.2021, Contaminated Land Assessment phase 1 preliminary Risk Assessment dated 24.03.2021, Other Contamination Appendix B-D Part 1 dated 24.03.2021, Other Contamination Appendix B-D part 2 dated 24.03.2021, Other Contamination Appendix B-D part 3 dated 24.03.2021, Transport Statement dated 24.03.2021, subject to:

- The applicant entering into a planning obligation with the Borough Council to provide financial contributions towards public open space provision and enhancement.
- The applicant entering into a planning obligation with Kent County Council to make financial contributions towards the provision of education facilities and community services.

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 within three months, 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.

- 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. This decision refers to the red-edged site location plan, drawings numbered Report supplementary report received Site Plan 2283-105 A dated 02.06.2021, Proposed Floor Plans 2283-111 A dated 02.06.2021, Proposed Floor Plans 2283-112 A dated 02.06.2021, Proposed Roof Plan 2283-113 A dated 02.06.2021, Proposed Elevations 2283-121 A dated 02.06.2021, Proposed Elevations 2283-122 A dated 02.06.2021, Other Drawing issue sheet dated 02.06.2021, Letter dated 02.06.2021, Topographical Survey 20238_01 dated 24.03.2021, Existing Floor Plans 20238_02 dated 24.03.2021, Existing Floor Plans 20238_03 dated 24.03.2021, Existing Elevations 20238_04 1 of 3 dated 24.03.2021, Existing Elevations 20238_04 2 of 3 dated 24.03.2021, Existing Elevations 20238_04 3 of 3 dated 24.03.2021, Proposed Floor Plans 2283/110 dated 24.03.2021, Sections 2283/120 dated 24.03.2021, Location Plan 2283/010 block dated 24.03.2021, Artist's Impression existing and proposed dated 24.03.2021, Artist's Impression Model Massing comparison dated 24.03.2021, Design and Access Statement dated 24.03.2021, Planning Statement Old Cinema dated 24.03.2021, Artist's Impression Views from Privacy screened balconies dated 24.03.2021, Artist's Impression Shadow Study existing and proposed dated 24.03.2021, Flood Risk Assessment dated 24.03.2021, Statement Community Involvement dated 24.03.2021, Statement Heritage dated 24.03.2021, Statement Final Community involvement dated 24.03.2021, Noise Assessment dated 24.03.2021, Contaminated Land Assessment phase 1 preliminary Risk Assessment dated 24.03.2021, Other Contamination Appendix B-D Part 1 dated 24.03.2021, Other Contamination Appendix B-D part 2 dated 24.03.2021, Other Contamination Appendix B-D part 3 dated 24.03.2021, Transport Statement dated 24.03.2021. The development shall be carried out in accordance with these approved drawings. There shall be no variations from these approved drawings.

Reason: To ensure that the scheme proceeds as set out in the planning application and therefore remains in accordance with the Development Plan.

3. No development, other than the demolition of any buildings, removal of hardstanding, ground investigations or site survey works, shall take place until details 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: In the interests of visual amenity.

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

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

5. Before the development hereby approved is occupied a detailed scheme of landscaping and boundary treatment shall be submitted to and approved by the Local Planning Authority. 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. 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.

6. The development shall be constructed at the level indicated on the approved drawing.

Reason: In the interests of amenity and privacy.

7. Prior to the commencement of the development hereby approved, 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 measures 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 delivery of building materials to the site (including the times of the day when those deliveries will be permitted to take place and how/where materials will be offloaded into the site) and for the management of all other construction related traffic and measures to ensure these are adhered to; and
- The specific arrangements for the parking of contractor's vehicles within or around the site during construction and any external storage of materials or

plant throughout the construction phase. The development shall be undertaken in full compliance with the approved details.

Reason: In the interests of residential amenity and highway safety in accordance with policy CP24 of the Tonbridge and Malling Borough Core Strategy 2007.

8. (a) If during development work, significant deposits of made ground or indicators of potential contamination are discovered, the work shall cease until an investigation/remediation strategy has been agreed with the Local Planning Authority and it shall thereafter be implemented by the developer.

(b) Any soils and other materials taken for disposal should be in accordance with the requirements of the Waste Management, Duty of Care Regulations. Any soil brought onsite should be clean and a soil chemical analysis shall be provided to verify imported soils are suitable for the proposed end use.

(c) A closure report shall be submitted by the developer relating to (a) and (b) above and other relevant issues and responses such as any pollution incident during the development.

Reason: In the interests of amenity and public safety.

9. Before the development hereby approved is occupied, details of the installation of car charging points shall be submitted to and approved in writing by the Local Planning Authority. The charging points shall be installed in accordance with the approved and retained thereafter.

Reason: To encourage the use of electric vehicles in the interests of mitigating climate change in accordance with paragraph 110(e) of the NPPF.

10. Before the development hereby approved is occupied all first and second floor side elevation windows marked on the approved plans as being obscured glass shall be installed with obscured glass and apart from any top-hung light, shall be non-opening. This work shall be completed before the development is occupied and shall be retained thereafter.

Reason: To minimise the effect of overlooking onto adjoining properties.

11. No development except for demolition shall begin in any phase until a detailed sustainable surface water drainage scheme for the site has been submitted to (and approved in writing by) the local planning authority. The detailed drainage scheme shall be based upon the principles contained within the Flood Risk Assessment by Lustre Consulting (January 2021). The submission shall also demonstrate that the surface water generated by this development (for all rainfall durations and intensities up to and including the climate change adjusted critical 100-year storm) can be accommodated and disposed of without increase to flood risk on or off-site. The drainage scheme shall also demonstrate (with reference to published guidance):

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

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

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

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

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

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

13. The development shall be carried out in accordance with the recommendations contained within the submitted noise survey reference 3813\NL\January 2021\NA dated January 2021.

Reason: To ensure that the development is carried out in accordance with the plans and documents hereby approved and to protect future occupants from undue noise levels.

Informatives

- 1 A formal application for connection to the public sewerage system is required in order to service this development. More information is available on Southern Water's website via the following link <https://beta.southernwater.co.uk/infrastructure-charges>. The disposal of surface water from this development should be in compliance with the following hierarchy of Part H3 of Building Regulations:
- a) An adequate soakaway or some other adequate infiltration system.
 - b) A water course.

c) Where neither of the above is practicable: a sewer.

The design of the proposed basements and on-site drainage system should consider the possibility of surcharging within the public sewerage system in order to provide the protection from the risk of flooding.

- 2 The proposed development is within a road which has a formal street numbering scheme and it will be necessary for the Council to allocate postal address(es) to the new property/ies. To discuss the arrangements, you are invited to e-mail to addresses@tmhc.gov.uk. To avoid difficulties for first occupiers, you are advised to do this as soon as possible and, in any event, not less than one month before the new properties are ready for occupation.
- 3 The applicant is strongly encouraged to consider opportunities for incorporating renewable energy technologies into the approved development wherever possible and for measures to support biodiversity within the construction of the buildings.

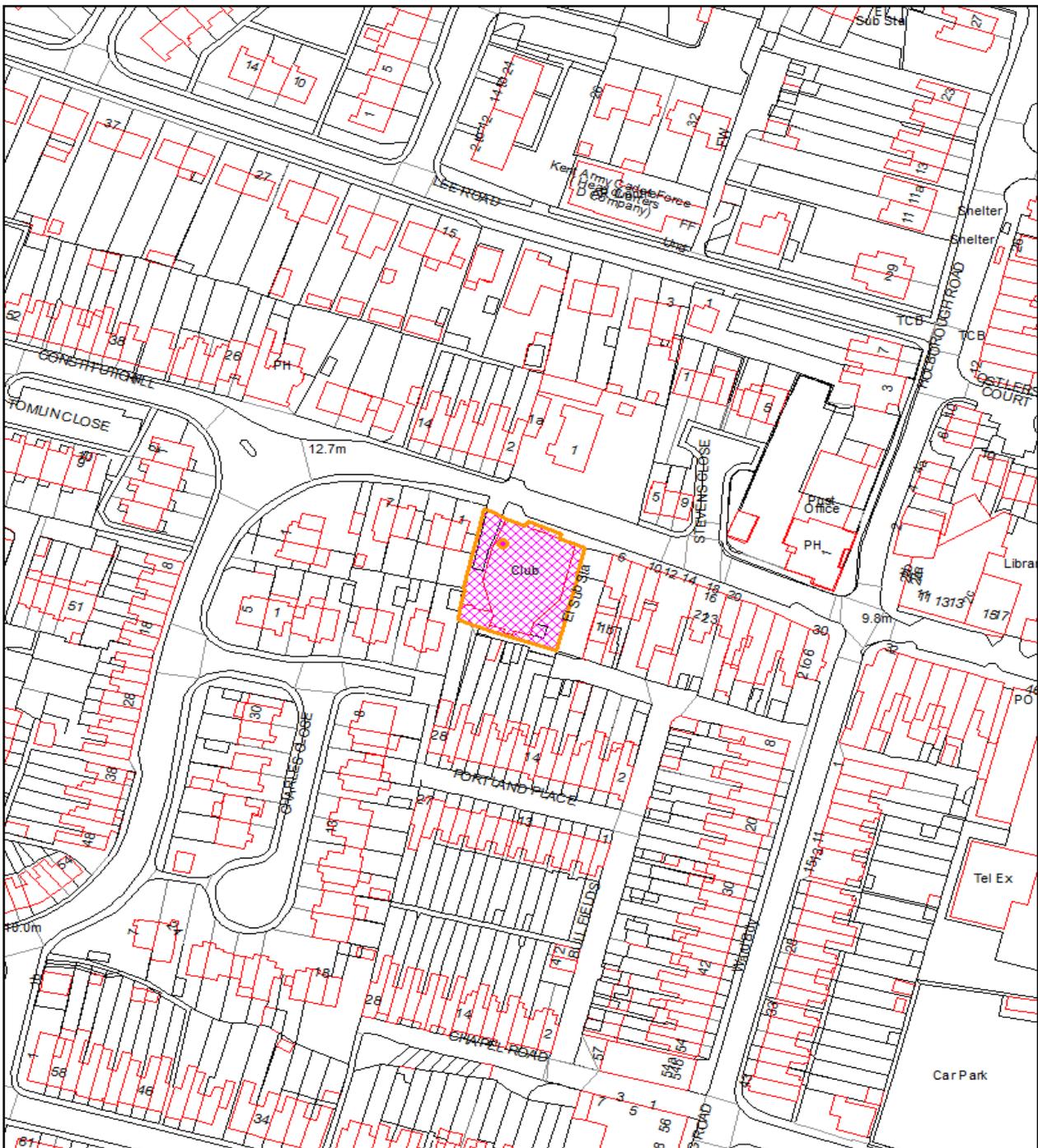
Contact: Adem Mehmet

TM/21/00864/FL

4 And 4A High Street Snodland Kent ME6 5DF

Demolition of existing warehouse, former shop and 3 bedroom first floor flat and redevelopment of the site with a new building incorporating 14 apartments (4 no. 2 bedroom and 10no. 1 bedroom flats), including the rebuilding of the Art-deco front section of the building, with associated cycle store, bin store, parking and turning

For reference purposes only. No further copies may be made. ©Crown copyright. All rights reserved. Tonbridge and Malling Borough Council Licence No. 100023300 2015.



This page is intentionally left blank

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**

This page is intentionally left blank