

**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

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## **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 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.
- 1.3 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”.
- 1.4 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.
- 1.5 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): Representations received are appended to this report at Annex 3 in full for completeness of information.

## **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								
Junction Arm/ Movement	Weekday Interpeak			Weekday PM Peak			Weekend Interpeak		
	Queue (PCU)	Delay (s)	RFC	Queue (PCU)	Delay (s)	RFC	Queue (PCU)	Delay (s)	RFC
Hollow Lane to Mallong Road E – left turn	0.1	7.34	0.06	0.1	7.87	0.06	0	7.70	0.03
Hollow Lane to Mallong Road W - right turn	0.3	10.95	0.23	0.3	12.67	0.23	0.4	12.70	0.31
Mallong 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 Mallong Road E – left turn	0.1	7.78	0.06	0.1	8.19	0.06	0	8.09	0.03
Hollow Lane to Mallong Road W - right turn	0.4	12.21	0.31	0.4	13.72	0.29	0.6	14.09	0.37
Mallong 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 be 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.

Conclusions:

- 3.20 To reiterate, 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.
- 3.21 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)).*

- 3.22 The local highway authority concurs with the methodologies used in the original TA and subsequent TNs, and therefore the findings of these reports are considered to be sound. The TA and subsequent TNs have 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.
- 3.23 The TA and subsequent TNs have 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.
- 3.24 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](mailto: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