
Report from 3 October 2019

Snodland
Snodland East And
Ham Hill

9 April 2019

TM/19/00786/FL

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

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

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1. Description:

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

2. Reason for reporting to Committee:

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

3. The Site:

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

- #### 4. Planning History (relevant):

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

5.2 KCC (H+T): No objection

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

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

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

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

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

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

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

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

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

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

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

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

5.3 KCC PRoW: Objection

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

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

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

5.3.9 This means that the Public Right of Way must not be stopped up, diverted, obstructed (this includes any building materials or waste generated during any of the construction phases) or the surface disturbed. There must be no encroachment on the current width, at any time now or in future and no furniture or fixtures may be erected on or across Public Rights of Way without consent.

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

5.4 KCC Heritage: No response

5.5 KFRS: No response

5.6 Kent Police: Recommendations (summarised below)

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

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

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

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

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

Objections summarised below:

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

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

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

5.8 Supporting comments summarised below:

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

6. Determining Issues:

Principle of development:

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

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

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

Impact on character:

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

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

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

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

Health and wellbeing:

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

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

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

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

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

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

Residential and general amenity:

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

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

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

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

Highway safety and parking provision:

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

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

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

Conclusions:

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

7. Recommendation:

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

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

Conditions

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

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

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

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

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

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

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

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

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

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

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

Reason: In the interests of general amenity.

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

Reason: In the interests of general amenity.

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

Reason: In the interests to wider residential amenity.

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

Reason: To ensure no adverse impact on highway safety.

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

Reason: To ensure no adverse impact on highway safety.

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

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

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

Reason: In the interests of visual amenity.

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

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

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

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

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

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

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

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

Reason: To prevent unacceptable risks from pollution.

Informatives

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

- 4 Artificial light can be considered under the Statutory Nuisances regime contained within the Environmental Protection Act 1990. It is thus in the applicants best interests to ensure that any lighting does not affect any nearby neighbours.
- 5 This permission does not purport to convey any legal right to undertake works or development on land outside the ownership of the applicant without the consent of the relevant landowners.
- 6 The granting of planning permission confers no other permission or consent on the applicant. It is therefore important to advise the applicant that no works can be undertaken on a Public Right of Way without the express consent of the Highways Authority. In cases of doubt the applicant should be advised to contact KCC PROW before commencing any work on site as the Public Right of Way needs to be extinguished.
- 7 The proposed development is within a road which has a formal street numbering scheme and it will be necessary for the Council to allocate postal address(es) to the new property/ies. To discuss the arrangements, you are invited to write to Street Naming & Numbering, Tonbridge and Malling Borough Council, Gibson Building, Gibson Drive, Kings Hill, West Malling, Kent, ME19 4LZ or to e-mail to addresses@tmbc.gov.uk. To avoid difficulties for first occupiers, you are advised to do this as soon as possible and, in any event, not less than one month before the new properties are ready for occupation.

Contact: Maria Brown

SUPPLEMENTARY REPORTS

AREA 3 PLANNING COMMITTEE

DATED 3 OCTOBER 2019

Snodland TM/19/00786/FL
Snodland East And Ham Hill

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 at The Oast House Hollow Lane Snodland

Private Reps: Two additional letters of objection raising no new issues with a third letter objecting regarding the proximity of the site to Leybourne Lakes Country Park and the River Medway being adversely affected by litter and pollution, plus matters of drainage.

DPHEH: The issues raised in the further representations have all been addressed in the main report.

RECOMMENDATION REMAINS UNCHANGED