

**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](#)

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**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](mailto: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.

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