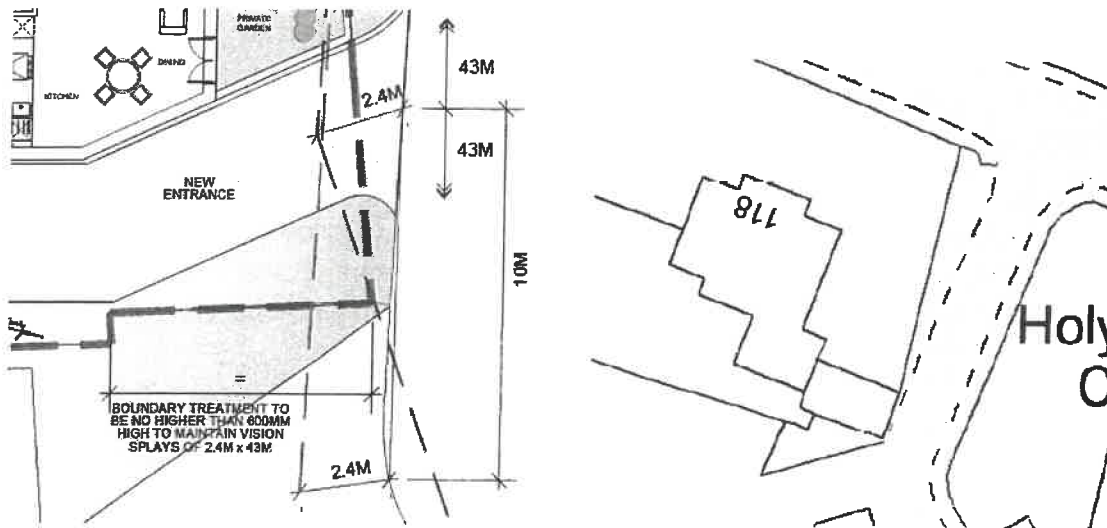


19/501775/FULL

Matter 1

A query has been raised suggesting that the application site requires access / visibility splays that involve third party land and that incorrect notices had been served. KCC have provided a plan which identifies that the site access is over highway land. The sight lines have been adjusted to show them within the application site or highway land – with no reliance upon highway land.



Matter 2

Hunton Parish Council have submitted further comments following the publication of the Committee Report:

1. HPC suggest that the proposed building fills the site frontage along Heath Road making the building overwhelmingly dominant in the village. They also suggest that by extending to the rear the building will harm the setting of the Grade 2 listed church.

Officer Response:

This issue is addressed in paragraphs 6.28 to 6.34 of the Officer Report.

In its current condition the site fails to address Heath Rd, with expanses of car parking. The proposed development intends to re-create the historic building line along Heath Road. The grain, character and scale of this frontage is sufficiently varied to accommodate the scheme's massing and design; whilst the site is sufficiently distant from the listed church to safeguard its character and setting.

It is therefore maintained the proposed development represents an appropriate and justified response to site circumstances.

2. HPC state that there is no consideration of the loss of employment within the Officer report. Suggest at least 15 people or more employed on the site,

whereas a block of flats would employ at best only one permanent person. HPC suggest that MBC policy is that other employment uses should be sought before an application such as this is considered. Reference is also made to policy SP22 relating to the retention of employment sites.

Officer response:

Policy SP22, amongst other things, states that outside the designated economic development areas, support will be given to the redevelopment or expansion of existing B Class employment premises - for employment generating uses.

A restaurant use is not a B Class use.

As such there is no Local Plan policy support for resisting redevelopment of the site on loss of employment grounds.

3. Hunton has no public house or restaurant, licensed or otherwise, and there is no other licensed restaurant or public house in Coxheath

Officer response:

There is no policy test which requires an assessment of wider provision of A3 uses. This building has an established A3 (restaurant) /A5 (take away) use and could not be used as a public house (A4) without first obtaining planning permission.

No evidence has been presented to counter the applicant's information on the viability of the business.

4. The Localism Act has nothing whatsoever to do with planning and should not be in this report. This application involves removing a valuable local facility.

Officer response:

In the absence of any support from the Local Plan to define a restaurant as a community facility, the Officer's report seeks to illustrate how, for example, other similar commercial uses can be protected.

5. HPC respond to the applicant's statement that the restaurant has been failing and that the operation became dependant on take-away trade, and suggest that this is a gross overstatement and suggest that the restaurant is very well used.

Officer response:

The applicant has provided information about the business that has to be taken at face value, particularly as no objectors substantiate their counter claim with any evidence.

6. The Officer report fails to mention relevant policies in the NPPF and MBC Local Plan, including:
 - a) NPPF paragraph 83: Planning policies and decisions should (d) "enable the retention and development of accessible local services and community facilities, such as local shops, meeting places, sports venues, open space, cultural buildings, public houses and places of worship".
 - b)NPPF paragraph 92: especially (c) "guard against the unnecessary loss of valued facilities and services, particularly where this would reduce the

communities abilities to meet its day-to-day needs, and (d) ensure that established shops, facilities and services are able to develop and modernise and are retained for the benefit of the community”.

Officer response:

The existing use does not fall into any of the above categories.

c) MBC Local Plan 2017 policy DM17: “The Council will seek to maintain and enhance the existing retail function and supporting community uses in (iii) Heath Road, Coxheath”

d) MBC Local Plan 2017 policies SP11(2) and SP13(4), both say “Loss of local shops, community facilities and green spaces will be resisted...”

Officer response:

The presenting Officer will run through MBLP policies SP11 &13, and DM 17 & 20

7. Concerned re only 1 parking space per flat with no additional spaces for visitors or people operating services. Request more car parking spaces are provided within the site.

Officer response:

Kent Highways comments (para 5.3) must be given significant weight. They advise that whilst parking provision is slightly less than (maximum) guidance (16 spaces provided v’s 17) this insufficient to justify refusal on highway grounds particularly given the additional cycle parking and provision of 2 electric vehicle charging points.

Conditions 5 and 7 cover these issues.

Recommendation remains unchanged.