
Snodland	570311 161949	(A) 21 August 2008	(A) TM/08/02502/CA
Snodland East		(B) 28 August 2008	(B) TM/08/02457/FL

Proposal:	(A) Conservation Area Consent: Demolition of existing church building (B) Demolition of existing building and erection of three houses and one maisonette with parking under four dwellings
Location:	Church Of St Thomas Of Canterbury 28 Holborough Road Snodland Kent ME6 5PB
Applicant:	Father Peter Soper

1. Description:

(A) TM/08/02502/CA:

- 1.1 This proposal is for the demolition of the existing Roman Catholic Church building within the Snodland Conservation Area. The applicant has submitted a justification for the demolition of the building which is available for Members Inspection.

(B) TM/08/02457/FL:

- 1.2 This application involves the demolition of the existing church building followed by the residential redevelopment of the site. The redevelopment scheme proposes a terrace of 2no. four bed dwellinghouses and 1no. 3 bedroom dwellinghouse fronting onto Holborough Road, incorporating a double aspect unit on the corner of Holborough Road and Queens Avenue. These dwellings will be three storey high, with the second floor provided principally in the roof space. These dwellings range in height from 10m to 11.6m to the ridge, with unit 4 adjacent to No. 26 Holborough Road being slightly lower than units 2 and 3. These dwellings will be served by rear gardens.
- 1.3 It is also proposed to erect a two bed maisonette unit (unit 1) above a parking area to serve the proposed development as a whole. The proposed parking and maisonette block will front onto Queens Avenue and will be a 2 storey building, 8.5m at its highest point. The proposed windows in the front elevation are to be obscure glazed. The proposal will provide four parking spaces underneath the maisonette, ie, one parking space per residential unit.
- 1.4 The proposed design of the building fronting onto Holborough Road is a relatively modern and contemporary form, with dormers, projecting bay windows and balconies. The buildings are to be finished externally in a mixture of yellow stock brick, white render and red feature bricks. The proposed roofs are to be plain terracotta roof tiles. The proposed maisonette/parking building is a more traditional Victorian style of building.

- 1.5 The applicant has submitted a justification for the scheme on the basis that the sale of the site for residential redevelopment will assist in the provision of new and enhanced nursery facility within the Grade II stable building at St Thomas More Church in West Malling to serve the wider Roman Catholic congregation within the Parish. The existing nursery is provided within the Priest's House and has been identified by Ofsted as being substandard. The stable building is currently derelict and the Snodland building requires further maintenance. The applicant indicates that it would not be possible to continue to run both the nursery school and Snodland site, particularly given that the Snodland site is only used once or twice a week.
- 1.6 The application site is approximately 0.05 hectares and therefore the proposed four residential units result in a density of 80 dwellings per hectare.

2. Reason for reporting to Committee:

- 2.1 These applications are being reported to Committee as the Council has received a petition opposed to the proposals and also a request for the applications to be reported to Committee from Cllr Miss Maloney.

3. The Site:

- 3.1 The application site lies within the urban confines and Conservation Area of Snodland. The site is located at the corner of Holborough Road and Queens Avenue. The building is a traditional red brick structure with slate roof. The front elevation facing onto Holborough Road has a rendered frontage and oval gabled front wall with cross on top. The property has steps up to its entrance in Holborough Road and includes a basement. The building occupies about half of the application site, whilst the rear section of the site in Queens Avenue is an overgrown grassed area, as is as the land between the church and No.26 Holborough Road.
- 3.2 The existing building is 6.5m tall at its highest (taking account of slight changes in ground level) and 21.5m deep by 7.8m wide. There is no vehicular access to the site from either Holborough Road or Queens Avenue.
- 3.3 To the south of the site lies a 1950s two storey dwelling and beyond this a parade of three storey Victorian shops along Holborough Road. To the north, west and east lie Victorian two storey terraced properties.
- 3.4 The building is identified within the Snodland Conservation Area Appraisal as a building which makes a positive contribution. Whilst the land to the site of the side of the church building, between No.26 Holborough lacks enclosure.
- 3.5 The following key policies apply to this site: PSS3: Housing; PPG15: Historic Environment; CP11 & CP24 of the Tonbridge and Malling Borough Core Strategy 2007; QL1, QL6 and QL11 of the Kent & Medway Structure Plan 2006.

4. Planning History:

TM/40/10022/OLD grant with conditions 3 January 1940

Conversion of Cinema to R.C. Church.

TM/49/10455/OLD grant with conditions 27 January 1949

Use of part of basement as snack bar.

TM/07/02852/FL Refuse 13 November 2007

Appeal Dismissed 3 June 2008

Demolition of existing building and erection of three houses and two maisonettes with parking

TM/07/02859/CA Refuse 13 November 2007

Appeal Dismissed 3 June 2008

Conservation Area Consent: Demolition of existing building

5. Consultees:

(A) TM/08/02502/CA:

5.1 TC: Views awaited.

5.2 Private Reps: 21/0X/2S/7R and a petition with 448 signatures opposing the development on the following grounds:

- Former cinema building;
- Distinctive building with character in a Conservation Area;
- Conservation Area Appraisal considers that the buildings makes a positive contribution;
- Preserve what little of old Snodland village there is left;
- Loss of one of few remaining historic buildings in Snodland;
- Should be used as another community facility;
- Loss of building will harm the streetscene;
- Building should be listed;
- Local group set up to save and protect the history of the building – Browick Community Interest Company.

Two letters received supporting the demolition of the church building as the site suffers from anti-social behaviour.

5.3 Press Notice: No response.

5.4 A8 Site Notice: No response.

(B) TM/08/02457/FL:

5.5 TC: Views awaited.

5.6 KCC Highways: This site has been subject to a previous application that was refused and dismissed at appeal. As part of that appeal the Inspector made comment on the parking. He was of the opinion that for this site a parking provision of one space a unit is appropriate. The applicants' revised parking layout shows the provision of four spaces and is therefore acceptable. No objections.

5.7 DHH: Views awaited.

5.8 Private Reps: 23/0X/1S/11R. Eleven letters received and a petition with 253 signatures objecting on the following grounds:

- Proposal largely unchanged from refused scheme;
- Degrade the historic character of the immediate vicinity;
- Construction of ugly, out of context, modern buildings;
- No need for any more housing, given Holborough Valley development and large number of houses currently for sale;
- Buildings are too tall for the site;
- The roof line should be same as No. 26 Holborough Road;
- There is a parking problem in area;
- Development should be inkeeping with Conservation Area;
- The church building should be kept, as historic building of character within the Conservation Area;
- Restrictive covenants relate to the site;
- Church building could be used for other community uses;
- Noise disturbance from extra traffic;

- One parking space per unit is not sufficient;
- Development out of character with the area;
- Proposed dormers, balconies and small windows are not in keeping with the area;
- Overdevelopment of the site;
- Loss of light;
- Loss of an old part of the village;
- Dwellings too close to the pavement;
- The development should include railings on the front boundary;
- Forward of the building line;
- Loss of on street parking spaces in Queens Avenue.

One letter received raising no objection and supporting the proposal, as major concerns over the safety of the existing building.

5.9 A8 Site Notice: No response.

5.10 Press Notice: No response.

6. Determining Issues:

6.1 Members will recall that they considered a similar set of proposals for the demolition of the St Thomas of Canterbury Church and for a residential redevelopment scheme at the Area Planning Committee No.3 on the 8 November 2007.

6.2 The applicant appealed against the refusals and the two appeals were dismissed. However, the Inspector in dismissing the appeals made a number of comments which are highly relevant to the current proposal. The key points were that the Inspector considered:

- the parking arrangement acceptable;
- the three storey residential block at the junction of Holborough Road and Queens Avenue was acceptable;
- the flats above the garaging in Queens Avenue would be visually intrusive in terms of scale and appearance, resulting in harm to the streetscene.

- 6.3 The Conservation Area Consent appeal was also dismissed, but solely on the basis of an absence of planning permission for the redevelopment of the church site.
- 6.4 The revised planning application retains the three storey houses on the corner of Holborough Road and Queens Avenue as per the last submission, which the Inspector found to be acceptable. He stated: *“In my judgement the building accommodating units 3-5 would positively increase the sense of enclosure of the spaces at the road junction, bring about a better relationship with the scale and massing of the terrace of shops in Holborough Road and provide a more attractive corner feature”*. In light of this assessment of the original scheme, I am satisfied that this element of the scheme is visually acceptable and enhances the character of the Conservation Area.
- 6.5 The Inspector did not raise any concerns on these matters of privacy, sunlight, background daylight or noise disturbance. I am satisfied that this element of the current proposal will not harm the residential amenity of nearby dwellings.
- 6.6 In terms of the rear building, the applicant has sought to address the Planning Inspectorate objections to the scale and appearance being out of character with the restrained domestic scale and layout of Queens Avenue. The revised scheme has been amended by reducing the number of flats from 2 to 1; removing the garage doors; creating a single access point; changing the design and appearance to Victorian style; and significantly reducing the size and scale of the proposed building to two storey. In particular, the height of the structure has been reduced by 0.6m to 8.5m high, whilst the building has been reduced in length along Queens Avenue by 5.4m to just 11.4m wide. The revised rear building has been significantly improved in its appearance and now far better reflects the style, form and scale of the other Victorian terraced properties in the streetscene, especially as it now more clearly detached from the corner building, other than by a 1.8m high garden wall. The new rear building is far simpler, more domestic in appearance and less prominent in the streetscene than the refused and dismissed scheme. The inclusion of a drive through access to the parking court, rather than five sets of garage doors is a significant visual improvement to the appearance of the building and enhances the character of the Conservation Area. The design of the rear building also includes brick arches over the front door and ground floor recessed blocked windows. The proposed revised building is considered to be visually acceptable, will enhance the character of the Conservation Area through enclosing the rear section of the site as well as overcoming the concerns previously raised by the Inspector.
- 6.7 The rear building proposes that the first floor windows in the north elevation facing towards No.1 Queens Avenue will be fitted with obscure glazing. There are no windows proposed in the side elevations, whilst three first floor windows are proposed in the rear elevation. These windows do not directly face onto any other and meet the requirements of Kent Design.

- 6.8 In highway terms, the proposal has been significantly altered by removing the separate garages and replacing them with a single access point and a parking court. The number of residential units has been reduced from 5 to 4 and the effect on existing street parking has been reduced as the length of the dropped kerb to serve the development has been reduced from 13.5m to just 7m wide. The house types have also changed from 3no. three bed dwellings and 2no. two bed flats to 2no. four bed dwellings, 1no. three bed dwelling and 1no two bed flat. The proposed parking provision is four parking spaces, which equates to a single parking space per residential unit. This is same level of provision as the previous application, which the Inspector found to be acceptable. In particular, he stated "*in view of national advice on maximum standards, I consider it acceptable to provide one space per dwelling, bearing in mind the site's proximity to the village centre and station*". Whilst I acknowledge that the house types have changed and now include four bed units, I would draw Members attention to the fact that the historical parking requirement for this church building is significantly greater than that sought by this residential proposal. Therefore, the parking shortfall actually declines in this case. The proposal has a lower parking requirement under KVPS and provides a practical net gain in parking spaces in the locality, as none currently exist. Members will also note that KCC Highways also consider the parking provision acceptable in this location. Therefore, I am satisfied that the parking provision is adequate.
- 6.9 Members will note that the previous Conservation Area Consent application was solely refused on the basis that a planning permission did not exist for the site's redevelopment. In terms of the case for demolishing the church, the Inspector only raised concerns over the loss of church building on the basis of the lack of a planning permission for the redevelopment of the church site. The applicant has reiterated their case in their submission, apart from now omitting an offer a unilateral undertaking to link the funds to the new church nursery. This partly appears to be basis the Inspector's comments "*although the proceeds of the sale of the site would enable improvements to the parish nursery at West Malling, this does not outweigh my conclusions*".
- 6.10 I fully acknowledge that there has been a significant ground swell in public opinion to retain the church building and reuse it for a community use, since the last application, as well as local action group being set up to preserve the building. However, Members have to consider the planning merits of the proposal before them, rather than any possible alternative uses. Whilst the building does make a positive contribution to the character of the Conservation Area, it is not a Listed Building and certainly not of sufficient character or quality to be Listed. It should also be noted the Conservation Appraisal also considers that the site lacks enclosure on the frontage, which was highlighted by the Inspector, in his assessment that the proposed scheme would be a more attractive corner feature than the church building. Therefore, I do not believe that there is any justification to not to allow for the demolition of the church building in light of the circumstances of the case.

6.11 I note local residents concerns that the site has restrictive covenants, however, this is not a material planning consideration.

6.12 In light of the above, I am satisfied that the proposal will make a positive contribution to the character of the Conservation Area and will not result in hazardous highway conditions, and therefore the proposed demolition of the church building is justified. I am also satisfied that the Inspectors concerns have also been adequately addressed. Therefore, I recommend approval on both applications.

7. Recommendation:

(B) TM/08/02457/FL:

7.1 **Grant Planning Permission** subject to the following conditions:

1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission. (Z013)

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

2 No development shall take place until details and samples of all 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. (D001)

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

3 The garage(s) shown on the submitted plan shall be kept available at all times for the parking of private motor vehicles. (P009)

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

4 No development shall be commenced until:

(a) a site investigation has been undertaken to determine the nature and extent of any contamination, and

(b) the results of the investigation, together with an assessment by a competent person and details of a scheme to contain, treat or remove any contamination, as appropriate, have been submitted to and approved by the Local Planning Authority. The assessment and scheme shall have regard to the need to ensure that contaminants do not escape from the site to cause air and water pollution or pollution of adjoining land.

The scheme submitted pursuant to (b) shall include details of arrangements for responding to any discovery of unforeseen contamination during the undertaking of the development hereby permitted. Such arrangements shall include a requirement to notify the Local Planning Authority of the presence of any such unforeseen contamination.

Prior to the first occupation of the development or any part of the development hereby permitted

(c) the approved remediation scheme shall be fully implemented insofar as it relates to that part of the development which is to be occupied, and

(d) a Certificate shall be provided to the Local Planning Authority by a responsible person stating that remediation has been completed and the site is suitable for the permitted end use.

Thereafter, no works shall take place within the site such as to prejudice the effectiveness of the approved scheme of remediation.

Reason: In the interests of amenity and public safety. (N015)

- 5 No development shall commence until details of a scheme for the storage and screening of refuse has been submitted to and approved by the Local Planning Authority. The approved scheme shall be implemented before the development is occupied and shall be retained at all times thereafter. (R004)

Reason: To facilitate the collection of refuse and preserve visual amenity.

- 6 No development shall take place until details of the proposed roller shutter garage doors have been submitted to and approved by the Local Planning Authority, and the work shall be carried out in strict accordance with those details. (D008)

Reason: To ensure that the development does not harm the character and appearance or visual amenity of the locality and in the interests of highway safety.

- 7 The first and second floor windows on the north elevation of plot 2 shall be fitted with obscured glass and, apart from any top-hung light shall be non-opening. This work shall be effected before the room is occupied and shall be retained thereafter.

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

- 8 The first floor windows on the north elevation of plot 1 shall be fitted with obscured glass and, apart from any top-hung light shall be non-opening. This work shall be effected before the room is occupied and shall be retained thereafter.

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

- 9 Notwithstanding the provisions of Article 3 of the Town and Country Planning (General Permitted Development) Order 1995 (or any order amending, revoking and re-enacting that Order), no windows or similar openings shall be constructed in any elevation of any of the plots other than as hereby approved, without the prior written consent of the Local Planning Authority.

Reason: To enable the Local Planning Authority to regulate and control any such further development in the interests of amenity and privacy of adjoining property.

- 10 No development shall take place until there has been submitted to and approved by the Local Planning Authority a scheme of landscaping and boundary treatment. 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. (L003)

Reason: Pursuant to Section 197 of the Town and Country Planning Act 1990 and to protect and enhance the appearance and character of the site and locality.

Informatives:

1. The proposed development is within a road which has a formal street numbering scheme and it will be necessary for the Council to allocate number(s) to the new property/ies. To discuss the allocation of numbers you are asked to write to the Chief Solicitor, Tonbridge and Malling Borough Council, Gibson Building, Gibson Drive, Kings Hill, West Malling, Kent, ME19 4LZ or telephone Trevor Bowen, Principal Legal Officer, on 01732 876039. To avoid difficulties, 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. (Q050)
2. You are recommended to take full account of the advice given by the Department of the Environment, Transport and the Regions in PPG 23 Planning and Pollution Control. This advice (in Paragraph 14 of Annex 10) indicates that "the responsibility for safe development and secure occupancy of the site rests with the developer". You should note that this Council, acting as Local Planning Authority, has determined the application on the basis of the information available to it – this does not mean that the land is free from contamination. (Q047)

3. To reduce the severity of domestic property fires and the number of injuries resulting the Fire Officer recommends that consideration should be given to the installation of a sprinkler system in all new properties.
4. With regard to the construction of the pavement crossing, the applicant is asked to consult The Community Delivery Manager, Kent County Council, Kent Highway Services, Double Day House, St Michaels Close, Aylesford Tel: 08458 247 800.

(A) TM/08/02502/CA:

7.2 **Grant Conservation Area Consent** in accordance with the following submitted details: Planning Statement dated 11.08.2008, Report dated 11.08.2008, Design Statement dated 11.08.2008, Letter dated 21.08.2008, Site Plan dated 21.08.2008, Photographs dated 21.08.2008, Drawing 1566-A-1002-A dated 21.08.2008 subject to the following conditions:

1. The works to which this consent relates shall be begun before the expiration of three years from the date of this consent.

Reason: In pursuance of Sections 18 and 74 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

2. The demolition hereby permitted shall not be undertaken before a contract for the carrying out of the works of redevelopment of the site has been made and planning permission has been granted for the redevelopment for which the contract provides.

Reason: To ensure that the demolition is carried out as a continuous operation with the redevelopment of the site, in the interests of visual amenity.

Contact: Aaron Hill