



Appeal Decision

Site visit made on 7 July 2022

by Lynne Evans BA MA MRTPI MRICS

an Inspector appointed by the Secretary of State

Decision date: 17 August 2022

Appeal Ref: APP/H2265/W/21/3282371

4 and 4A High Street, Snodland ME6 5DF

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr M Perry against the decision of Tonbridge & Malling Borough Council.
 - The application Ref: TM/21/00864/FL dated 19 March 2021, was refused by notice dated 14 July 2021.
 - The development proposed is 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 10 no. 1 bedroom flats), including the rebuilding of the Art-deco front section of the building, with associated cycle store, bin store, parking and turning.
-

Decision

1. The appeal is allowed and planning permission is granted for 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 10 no. 1 bedroom flats), including the rebuilding of the Art-deco front section of the building, with associated cycle store, bin store, parking and turning at 4 and 4A High Street, Snodland ME6 5DF in accordance with the terms of the application, Ref TM/21/00864/FL dated 19 March 2021 subject to the conditions set out in the Schedule at the end of the decision letter.

Application for costs

2. An application for costs was made by Mr M Perry against Tonbridge & Malling Borough Council. This application is the subject of a separate Decision.

Preliminary Matters

3. I note that the application site address referenced 4 High Street whereas the decision notice and subsequent submissions have referred to 4 and 4A High Street. I have referred to the site address as 4 and 4A High Street.
4. It would appear that some minor revisions were made at the application stage and I have referred to the plans with Revision A, where amended.

Main Issue

5. The main issue in this appeal relates to whether the proposal would be appropriate for the site with particular regard to the number of units proposed, its layout and parking arrangements.

Reasons

6. The appeal site is the former cinema site on the south side of the High Street at its western end. I am advised that the building has had a mix of uses, including one residential flat, since the cinema closed, but is now largely vacant. The surrounding uses reflect the edge of the retail and commercial centre location, with predominantly ground floor retail and service uses further to the east on the south side of the road, with residential uses predominating to the west.
7. The proposal would seek to demolish the existing building and replace with a three storey building with a mix of 4 no 2 bedroom flats and 10 no 1 bedroom flats. A total of 10 parking spaces and 11 cycle spaces are proposed along the western side of the new building and utilising the existing access point. The principle of redeveloping previously developed land for housing purposes in an accessible location is supported in both national and local planning policy terms.
8. I do not consider that a consideration of density, on its own, would inform the acceptability of the proposed number of units. My main considerations relate to how the various elements would work together and whether they would create an appropriate replacement development for the site. The individual flats would be well planned with good fenestration and outlook, together with some outdoor space.
9. The proposed building would not be an exact replica of the existing building, but in terms of both its overall footprint, site coverage and building envelope would not be dissimilar to the existing building, which occupies the majority of the site. It would be no higher than the existing at its tallest point, and in fact the submitted sections show that it would be slightly lower, at least in part. Although there would be more massing towards the High Street end of the development, the massing would be reduced at the southern end, where there are residential uses adjoining. At the High Street frontage, the taller elements would be stepped back from the frontage. The existing large building would be replaced with a large building; however, the solid mass of the existing development, particularly along the side and rear elevations, would be replaced with fully articulated elevations on all sides.
10. In design terms, the proposed scheme would incorporate the art deco vernacular of the existing building and would create an attractive frontage to the High Street with its mix of largely brick and glazed elements. The rest of the building would have a wider range of materials with contrasting tiling introduced, which would appear more lightweight behind and above the brick frontage. There is a wide variety of scales and ages of buildings on both sides of the High Street and as a result of its detailed design, I do not consider that the proposed development would appear out of scale or visually obtrusive.
11. I therefore consider that the proposed scheme would introduce a high quality development onto the site. It would be a substantial scheme, but I consider

that it has been articulated in terms of the levels and design to ensure that the massing and scale would not be visually intrusive in the street scene or from the surrounding residential areas. I therefore consider that the proposed built form would be appropriate in layout and massing as well as design, to accommodate the number of units proposed. It would be a high quality and efficient use of previously developed land.

12. There would be a total of 10 parking spaces to serve the development and 11 cycle spaces. I acknowledge that this would be less than 1 space per property. A number of residents and the Town Council have indicated that the number of parking spaces would be inadequate and lead to pressures elsewhere, but there is no technical evidence before me to suggest that this would lead to an issue either in terms of highway or pedestrian safety or pressures on parking elsewhere. Furthermore, the development is sustainably located within the centre of Snodland, with easy and direct access to a range of facilities as well as local buses and the train station.
13. I have noted the date of the Council's parking standards, but I understand that these remain the standards that are used by the Council. For the location of the appeal site, these are set out as maxima and reduced provision is encouraged in sustainable locations. Given the good accessibility of the site to public transport and a range of facilities within the town centre, and the policy requirements, as well as the lack of evidence to substantiate the concerns raised, there is no reason to withhold permission in respect of parking issues. There is also no indication that there would be any highway or pedestrian safety concerns.
14. I am therefore satisfied that the proposed development including in terms of its scale and size, layout and form, design and parking arrangements would be appropriate for and an enhancement of the existing site and would not be a cramped overdevelopment of the site. There would be no conflict with Policies CP1 and CP24 of the Tonbridge and Malling Core Strategy 2007 and Section 12 of the National Planning Policy Framework (Framework), all of which, amongst other things, seek a high quality of design which respects the local context.

Other Considerations

15. The Council's decision notice refers to the quality of the development, but there is no specific reference or policy reference to the effect on the character and appearance of the Snodland Conservation Area or the setting of the listed building at No 1 High Street, opposite the site.
16. Section 72 (1) of The Planning (Listed Buildings and Conservation Areas) Act 1990 requires me to pay special attention to the desirability of preserving or enhancing the character or appearance of such areas. The significance of the Conservation Area is focussed on the commercial core of the centre of Snodland, and therefore comprises a wide range of buildings which together contribute to its attractive appearance and reflect its historical development. The existing building is already a large building within the Conservation Area, but unfortunately now in a relatively poor state of repair. I consider that the high quality redevelopment proposal would be a positive contribution to the street scene and would preserve and enhance the wider character and appearance of the Conservation Area.

17. Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, (the Act) also requires me, in considering whether to grant planning permission for development which affects a listed building or its setting, to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest. No listed building is directly affected by the proposed development, but the appeal site lies opposite No 1 High Street, an attractive grade II house dating from the nineteenth century. The building stands alone and is set back from the street frontage but is surrounded by a wide mix of development in terms of scale and style including the existing building. I do not consider that its setting and in particular the relationship with the surrounding buildings, including the new development on the appeal site would materially change. I am therefore satisfied that the proposal would not materially affect but would preserve the setting of this listed building.
18. The Council has also not raised any specific concern relating to the effect of the development on surrounding residents. Many of the surrounding residents have an outlook over part of the bulk and mass of the existing building form, albeit there are no windows as existing to lead to concerns of overlooking and loss of privacy. I appreciate that there are a number of residents to the side and rear of the appeal site who would be able to see the replacement building. However, I consider that it has been designed to ensure that it would not be overbearing in scale and massing and the submitted shadow study has demonstrated to my satisfaction that the new proposal would not be unacceptable in that regard.
19. Detailed consideration has been given to the provision of external courtyards and balconies but with privacy screens or boundary screening to ensure that there would not be unacceptable overlooking and loss of privacy for neighbouring residents. In addition, conditions would be imposed to ensure that the details of such privacy screens and boundary details were submitted and approved to protect the amenities of both existing residents in the local area as well as future residents of the scheme.
20. Local residents have raised a concern about increased noise and disturbance from the introduction of flats in this location but this is a central location with a wide mix of residential uses surrounding and I see no reason why the provision of additional residential units would lead to an unacceptable impact in terms of noise and disturbance. With regard to noise and disturbance during construction, I consider that this can be controlled via a condition to require a construction management plan to be in place.
21. I am advised by the Appellant that the Council cannot meet its five year housing land supply requirement, although I have limited further information in this regard. I agree that the scheme, with the net addition of some 13 flats, over the existing, would provide a beneficial uplift in the housing provision and would be supported by national and local planning policy. However, as I have already found no harm from the development, there is no need for me to address this matter further and to undertake a planning balance exercise. I also consider that given the location and nature of the site, the provision of a mix of 1 and 2 bedroom units would be acceptable and there is no suggestion that this mix would not be appropriate.
22. There are various references to the provision of a legal agreement for financial contributions to mitigate the additional pressure on local services and the

Appellant has indicated his willingness to provide such contributions, albeit only a draft Agreement has been submitted and the Appellant has requested that the matters be dealt with by condition. However, the absence of such contributions is not a reason for refusal of the development and it would not therefore appear that the Council considered that such contributions were necessary or required to be made. On the basis of the information before me I cannot be satisfied that the tests at paragraph 57 of the Framework would be satisfied. It has not therefore been demonstrated that these financial contributions are necessary or that there would be material planning harm without such contributions.

Conditions

23. In terms of conditions, further details of the proposed materials and the photovoltaic panels are required to protect the character and appearance of the local area and the Conservation Area. Details of boundary treatments and privacy screens are required to protect the amenities of adjoining residents as well as future residents of the scheme. The flat roof area indicated to be for maintenance access only at second floor level requires to be controlled for maintenance use only to protect the amenities of adjoining residents as well as future residents of the scheme. Where windows are shown to be in obscure glass, I have imposed a condition to require further details to be submitted prior to their installation and thereafter to be retained as shown, to protect the amenities of local residents.
24. The car parking, cycle parking and refuse store require to be provided prior to first occupation to protect the amenities of future residents of the scheme and surrounding residents, and to ensure vehicle and cycle parking is provided on site and in accordance with the proposals. The layout plan indicates the provision of car charging points and further details are required in this regard to encourage the use of electric vehicles to secure sustainability objectives.
25. Following a precautionary principle, a condition should be imposed to set out procedures should any contamination be found, to protect public safety and amenities. Conditions are required regarding the details of the surface water drainage system to ensure a satisfactory scheme and to avoid any issues of on/off site flooding. A noise report was submitted with the application including recommendations which should be followed to protect the amenities of surrounding residents.
26. Given the size of the site, the size of the existing building to be demolished and removed and the scale of the new development as well as its central location, a condition is required for a construction management plan to be in place prior to the development commencing in the interests of highway safety and protecting the amenities of surrounding occupiers.
27. In order to be effective, it is my view that the conditions relating to the construction management plan and the drainage scheme require to be pre-commencement conditions. In accordance with Section 100ZA (5) of the Town and Country Planning Act 1990 and The Town and Country Planning (Pre-Commencement Conditions) Regulations 2018, I have therefore requested and received the Appellant's written agreement to the imposition of these conditions.

28. I shall also impose a condition to list the approved plans for the avoidance of doubt and in the interests of good planning.

Conclusion

29. For the reasons given above and having regard to all other matters raised, including in representations, I conclude that the appeal should be allowed.

L J Evans

INSPECTOR

Schedule of Conditions (Nos 1 – 17 inclusive):

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 20238 -01 01 of 01; 20238 -02 01 of 01; 20238 -03 01 of 01; 20238 -04 01 of 03; 20238 -04 02 of 03; 20238 -04 03 of 03; 2283/010; 2283/110; 2283/120; 2283/105/A; 2283/111/A; 2283/112/A; 2283/113/A; 2283/121/A; 2283/122/A.
- 3) No construction above damp proof course of the development hereby permitted shall take place until details of the materials to be used externally have been submitted to and approved in writing by the Local Planning Authority. The development shall be undertaken in strict accordance with the approved materials.
- 4) Prior to their installation, details of the proposed privacy screens and balcony/ terrace boundary treatments shall be submitted and approved in writing by the Local Planning Authority. The proposed privacy screens and balcony/ terrace boundary treatments shall be implemented in accordance with the approved details prior to the first occupation of the development hereby permitted and thereafter be retained.
- 5) The flat roof area shown on Plan 2283/112/A and marked as 'Maintenance access only to flat roofs' shall be retained solely for maintenance purposes and shall not be used as a terrace or sitting out area.
- 6) Prior to their installation, details of the proposed photovoltaic panels shall be submitted and approved in writing by the Local Planning Authority. The proposed photovoltaic panels shall be implemented in accordance with the approved details prior to the first occupation of the development hereby permitted and thereafter be retained.
- 7) Before the development hereby approved is first 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 and shall thereafter be retained.

- 8) Before the development hereby permitted is first occupied, the area shown on the submitted layout plan, 2283/110 for vehicle parking shall have been provided, surfaced and drained. Thereafter it shall be retained and kept available for such use.
- 9) Before the development hereby permitted is first occupied, details of the installation of the 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 details and retained thereafter.
- 10) Before the development hereby permitted is first occupied the area shown on the submitted layout plan, 2283/110 for cycle parking shall have been provided. Thereafter it shall be kept available for such use.
- 11) Before the development hereby permitted is first occupied the area shown on the submitted layout plan, 2283/110 for refuse storage shall have been provided. Thereafter it shall be kept available for such use.
- 12) Before the development hereby permitted is first occupied details of the first and second floor side elevation windows marked on the approved plans as being in obscured glass shall be submitted to and approved in writing by the Local Planning Authority. The windows shall be installed in accordance with the approved details and shall be retained thereafter.
- 13) (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 submitted to and approved in writing 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.
- 14) No development (except for demolition) shall begin 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.

- 15) Before the development hereby permitted is first occupied, a Verification Report, pertaining to the surface water drainage system and prepared by a suitably competent person, shall have 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.
- 16) 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 unless alternative details are first submitted to and approved in writing with the Local Planning Authority.
- 17) No development shall take place, including any works of demolition and site clearance, until a Construction Method Statement has been submitted to, and approved in writing by the Local Planning Authority. The Statement to be submitted shall include the following:
 - the parking of vehicles of site operatives and visitors;
 - Procedures for managing all traffic movements associated with the demolition and construction works including (but not limited to) the delivery of plant and 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;
 - storage of plant and materials used in constructing the development;

- wheel washing facilities;
- measures to control the emission of dust and dirt during construction;
- a scheme for recycling/disposing of waste resulting from demolition and construction works;
- delivery, demolition and construction working hours.

The approved Construction Method Statement shall be adhered to throughout the construction period for the development.