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<b>Platt</b> Borough Green And Long Mill	<b>562101 157326</b>	<b>11.08.2005</b>	<b>TM/05/02383/FL</b>
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Proposal:	Demolition of former public house and construction of 14 dwellings with associated parking and access
Location:	Brickmakers Arms Maidstone Road Platt Sevenoaks Kent TN15 8JJ
Applicant:	Monro Homes Limited

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## **1. Description:**

- 1.1 This proposal is for the demolition of the existing vacant Brickmakers Arms pub/ restaurant and the redevelopment of the site with 14 residential units.
- 1.2 The proposed development features 3 detached houses, 7 terraced houses (in two terraces of 3 and 4 each), two semidetached houses and two one bedroom flats above an open carport block. The development generally displays a traditional two storey style of building, with facing brick and weatherboarding elevations under tiled and slate roofs. The height and form is varied between traditional two storey development and two storey dwellings with lowered eaves with 8m being the tallest building height. A new front wall would be required to help acoustically screen the new development from road traffic noise.
- 1.3 Access would be obtained by improving and widening an existing access onto Maidstone Road – although Plot 14 (a detached house) would be served by an individual access onto Grange Road. A second historical access onto Maidstone Road would be stopped up. Car parking has been provided at a level of two spaces per dwelling.
- 1.4 The proposed number of residential units is 14, the site area is 0.42 hectares and the density is approximately 33 dwellings per hectare.

## **2. The Site:**

- 2.1 The application site lies within the Rural Settlement Confines of Platt and on the southern side of Maidstone Road. The site contains the former Public House and restaurant, which stands in the centre of the site. There is a large car park to the west of the PH and two vehicular accesses onto Maidstone Road. The site also contains a large beer garden to the rear of the PH, a detached garage to the east of the PH and a number of protected oak trees close to the boundary with The Ferns. The site rises up from the highway by 2 to 3m towards the rear of the site. The site also contains a number of trees throughout the site, particularly close to the junction with Grange Road, and a native hedgerow along part of the frontage with Maidstone Road.

- 2.2 To the south of the site lie a number of residential properties and the Platt School playing fields.
- 2.3 To the east lies Grange Road and to the west lies the residential development of The Ferns.
- 2.4 To the north on the far side of the A25 lie open fields which are the subject of a recently submitted planning application (TM/03/03647/OA) now at appeal, for a new school, 22 affordable dwellings and a new village hall.

### **3. Planning History:**

- 3.1 MK/4/54/546            Approved 17.01.1955  
Car park.
- 3.2 MK/4/58/270            Approved 28.05.1958  
Alterations and additions.
- 3.3 MK/4/73/797            Approved 17.01.1974  
Formation of car park.
- 3.4 TM/86/1065OA          Refused 03.12.1986  
Outline application for four detached houses with garages and accesses and extension and replacement car park.
- 3.5 TM/94/0557FL          Approved 19.10.1994  
Internal alterations, side ground floor restaurant extension and single storey kitchen, toilet extension and extend car park.
- 3.6 TM/94/1442RD          Approved 09.01.1995  
Landscaping details pursuant to TM/94/0557.
- 3.7 TM/95/0316FL          Approved 23.04.1995  
Increase width of crossover.
- 3.8 TM/95/51691/RD        Approved 21.03.1996  
Details of position of fencing along western boundary pursuant to TM/94/0577.
- 3.9 TM/03/01185/FL        Refused. 10.12.2003; Appeal Dismissed 04.01.2005  
Erection of 14 houses.

### **4. Consultees:**

- 4.1 PC: The overall bulk, height and design mix of the dwellings is considered as acceptable for this site. It is seen, however, that units 1 and 13 are much closer to the A25 than either the existing building on the site or other properties in the vicinity of the site. This factor would be severely detrimental to the overall appearance of the development and to the street scene in general.

Although two car parking locations have been identified for each of the thirteen dwellings in the central part of the development, there are no visitor car spaces and the allocated spaces for units 4, 5, 6, 11 & 12 are relatively remote from the properties that they serve. Both of these deficiencies are likely to lead to parking within the limited area of the two spur roads in the centre of the site not only for loading/unloading purposes but also for long term parking. This is despite the assurances by the applicant contained in the Transport Statement para. 4.2.5.

Paragraph 2.3 of the Planning Statement states a design density of 33 dwellings per hectare has previously been accepted. The proposed 14 dwellings in the 0.39 hectare site actually gives virtually 36 d.p.h. and the 33 d.p.h. figure would still be met with one less dwelling on the site. It is felt that by such a reduction to a total of 13 dwellings there could give sufficient extra flexibility to move dwellings and parking positions in order to alleviate both of the aforementioned problems.

This application shows the site boundary to be inside the lines indicated by previous applications, both along the frontage with the A25 and on the Eastern boundary with Grange Road. The sections between these site boundaries and the road now being said to be owned by the County Highways. In the previous applications, this Council has been opposed to the building with the access to Grange Road as the sight line to the right on leaving the dwelling was obstructed by foliage in the adjacent property, Belford, that was not under the control of the applicant. Even with the section of land between the property boundary and Grange Road completely clear, there is only a 25m x 2m sight line to the right which this Council considers to be insufficient for the location. Although the previous applicants had shown traffic speeds of less than 20mph when approaching this point, it is quite possible to be travelling at around 30mph at the bend in Grange Road without needing to brake excessively hard in order to stop at the A25 junction. The applicant does not propose any means of keeping clear the section of land between the property in their application and Belford and Grange Road apart from para 4.3.6 which merely suggests that the actual visibility to the back of the highway boundary should be re-established. There is no mechanism for ensuring this state comes into being or remains in the long term. That is probably why this area has become so overgrown in the past.

It is accepted that some form of acoustic screening is likely to be needed between the A25 and the dwellings in order to satisfy current design standards. The appearance of the proposed 2.4m high brick wall with an overall length of about 100mtr will, however, form a most unattractive boundary to the development. The proposed low level planting in front of the wall will do little to mitigate the appearance. Wherever possible, higher forms of planting should be introduced along the whole length of this wall. This could easily be accomplished along the outer sections of the wall with shrubs and hedging whilst, even close to the entrance, wall-hugging plants could be used in order to maintain clear sight lines

whilst softening the appearance of the structure. It should be noted that the Acoustic and Landscape reports referred to in paras. 3.11 and 3.13 of the Planning Statement have not yet been seen by this Council.

- 4.2 KCC (Highways): Expresses some concerns regarding layout/accessibility of some of the proposed parking bays and would wish to see some revisions to the parking bays and a more detailed parking plan.
- 4.3 KCC Education & Libraries: The development would generate additional demand for secondary education places which cannot be accommodated by local schools. A contribution of £1486.05 per dwelling should be required from each 'applicable' dwelling.

Additionally, contributions towards library provision should be sought at £149.50 per dwelling and for youth and community facilities at a level of £498.00 per 'applicable' dwelling.

- 4.4 DHH: Views awaited.
- 4.5 DL: Although the proposed development area has been stated as 0.39 hectares, which falls below 0.4 stated in the Local Plan as the threshold for the provision of Open Playing Space, provision should be sought from the applicant for the following reasons.

It is merely 0.01 hectares below the threshold and is a reasonably sized development that is perceived to place some additional pressure on local play provision.

The properties proposed are predominantly aimed at the family market, again supporting the provision for Open Playing Space.

Taking the above reasons into account, the applicant should make provision for Open Playing Space as required under Policy P8/2 of the Local Plan. Provision should be at the level of 60m<sup>2</sup> per dwelling to accommodate 45m<sup>2</sup> per dwelling for Outdoor Sport and 15m<sup>2</sup> per dwelling for Children's Playing Space.

Due to the proposed design, it may not be practicable to make provision on site and therefore a contribution should be sought from the applicant for provision off-site.

#### Children's Playing Space

A contribution should be sought equivalent to the provision of 15m<sup>2</sup> per dwelling (£33,530). This figure is based on the provision and maintenance of children's play equipment.

### Outdoor Sport

The emerging TMBC Playing Pitch Strategy has identified a predicted deficiency in pitch provision in the North West area of the Borough. Any off-site contribution could go towards addressing identified deficiencies in the local area, consistent with the action plan contained within the emerging Strategy.

An indicative figure for the contribution would be £21,396. This has been based on the provision of 45m<sup>2</sup> of Outdoor Sport Provision per dwelling (Policy 8/2) in relation to the provision of a single pitch and ancillary facilities.

4.6 Private Reps: Five letters received objecting on the following grounds:

- The scheme represents overdevelopment of the site/would be too dense;
- Loss of privacy;
- Proposal will harm a previously implemented landscaping scheme;
- Loss of trees/impact upon TPO trees;
- The proposed frontage wall would be out of character with the area and harmful to local visual amenity;
- Concern over access arrangements – including access for one dwelling onto Grange Road;
- No flats should be included within the scheme – not in keeping with type of properties in locality.

### **5. Determining Issues:**

5.1 As Members will be aware, this site has previously been the subject of a planning application for redevelopment with residential properties and that proposal was ultimately refused by TMBC and tested on appeal. The appeal was subsequently dismissed on the grounds that the proposed height and form of the scheme was out of character with the locality and would appear over dominant and unduly imposing. The principle of the development, its yield/density, the erection of a frontage acoustic wall and the new access arrangements were accepted by the Inspector, although the Inspector also expressed the view that the level of car parking shown on the earlier scheme needed increasing. Accordingly, it is only matters of detail such as the appropriateness of the height, scale and design of the proposed development, its impacts upon the amenity of nearby dwellings and the wider locality and the technical highway issues of access and parking that need to be examined here.

- 5.2 This application seeks to address the objections to the previous scheme through reducing the height of the proposed structures from three storey dwellings to two storey units and by adopting alternative design and materials to be more reflective of local vernacular.
- 5.3 The proposed height and form of the dwellings are acceptable in my view and would lead to a development that would be appropriately in scale and character with nearby existing structures. Indeed, I feel that there has been a dramatic improvement in the quality and appearance of the proposals when compared to the form of development proposed by TM/03/01185/FL.
- 5.4 There has been a clear attempt to break up bulk of the new units and to introduce an interesting roof-scape. Similarly, although concern has been expressed about the new acoustic walling along the frontage of the site, this feature is necessary and the applicant has made significant attempts to landscape this feature and to make its appearance more interesting with detailing such as piers and panelling. I conclude that the proposals would not be harmful in this respect and that the applicant has successfully addressed the Inspector's and the Council's concerns regarding height and visual impact.
- 5.5 Some residents have raised concerns that the proposal will involve the loss of a landscaped area in the southwest corner of the site, where the proposed main communal parking area is positioned. This landscaping area was approved in 1995 and included the provision of a planted mound adjacent to an extended car park for the former PH. The landscaping is no longer formally protected, as the five year protection period has expired. In any event, it must be remembered that the landscaping buffer was being required when the site was in use as a public house/restaurant open to late hours. The proposals to convert the site into a residential use automatically bring a reduction in the number of traffic movements and the likelihood of undue noise and disturbance compared with that which could be associated with the public car park of a pub/restaurant. Accordingly, I do not object to the erosion of that area of deliberate landscaping.
- 5.6 The proposed access arrangements to the site are considered to be acceptable and accord with Policy T19 of the KSP. It is noted that some representations have objected quite strongly on highway grounds but the fact of the matter is that the number of movements generated by 14 houses in comparison to the likely traffic generation of the lawful planning use represents an improvement in highway safety. Similarly, the provision of one single central access to modern standards in place of the two separate historical accesses serving the Brickmakers Arms can only be regarded as an improvement in highway safety, in my view.
- 5.7 The proposed development will be served by two parking spaces per property. This level of parking is the same standard sought by the Council previously in connection with application TM/03/01185/FL – a standard endorsed by the Inspector who refused that application. This general level of provision is therefore

found to be acceptable, although KCC Highways has indicated that there are some accessibility/layout issues with the submitted plan that need attention. I consider that this matter can be addressed through a suitably worded condition requiring a detailed scaled parking plan showing a layout in precise accordance with the standards of Kent Design.

- 5.8 Policy P8/2 of the TMBLP 1998 requires the provision of open playing space where the site exceeds 0.4 hectares. The applicant has listed the site as being 0.39ha and, therefore, falling outside the site size 'threshold' that triggers P8/2. However, my calculations are that the application site is actually 0.42 hectares and, therefore, there is in fact a requirement to meet this policy. The DL indicates that off-site provision should be made and this can be met by requiring funding. This matter can be covered by a S106 agreement.
- 5.9 Affordable housing could not be sought since the proposals feature less than 25 dwellings - i.e. the currently applicable trigger for a contribution towards affordable housing.
- 5.10 Some concerns have been expressed regarding the proposed removal of a sycamore tree located towards the western boundary of the site. This tree was proposed to be retained on the previous planning application TM/03/01185/FL. However, whilst I have sympathy with the neighbours who would wish to see this tree retained to help screen the new development/provide additional privacy protection, the Council did not protect this tree when it considered placing a TPO on the important specimens on the site as it was not considered worthy of retention at that time. I do not believe that there are any significant changes in circumstances since that decision that mean that the Council should reverse that decision.
- 5.11 Moreover, the proposed layout does not fail the normally applicable privacy standards. In all of these circumstances, I do not feel that the Council could reasonably insist on the retention of this particular specimen. Notwithstanding that fact, I can understand neighbours' views on this matter and would be happy to add an appropriate informative to any permission to ask the developers to consider retaining this specimen.
- 5.12 In light of the above considerations, I consider that these revised proposals for the site can be considered acceptable and, therefore, I would support this proposal.

**6. Recommendation:**

**6.1 Grant Planning Permission** subject to:

- The completion of an appropriate S106 agreement to secure the requisite funding for education and playing space provision.
- The following 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 No development shall take place until details and samples of materials to be used externally have been submitted to and approved by the Local Planning Authority, and the development shall be carried out in accordance with the approved details.

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

- 3 No development shall take place until details of a fully detailed car parking plan showing parking facilities in accordance with the size and layout standards recommended by Kent Design and at a scale no less than 1:100 has been submitted to and approved by the Local Planning Authority. The approved scheme of parking shall then be provided, surfaced and drained prior to the occupation of the first dwelling and at all times thereafter shall be kept available for parking. No permanent development, whether or not permitted by the Town and Country Planning (General Permitted Development) Order 1995 (or any order amending, revoking or re-enacting that Order) shall be carried out on the land shown to be reserved for car parking or in such a position as to preclude vehicular access to this reserved parking space.

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

- 4 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.



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.

- 5 No development shall take place until details of the proposed slab levels and finished ground levels have been submitted to and approved by the Local Planning Authority, and the work shall be carried out in strict accordance with those details. Such details shall be submitted in the form of a contoured site plan with spot levels indicating the precise level of the ground floor of any building proposed to be constructed.

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

- 6 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 the roof of any building 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 the amenity and privacy of adjoining property.

- 7 The access to Maidstone Road shall not be used until the area of land within the vision splays shown on the approved plans has been reduced in level as necessary and cleared of any obstruction exceeding a height of 1.05 metres above the level of the nearest part of the carriageway. The vision splay so created shall be retained at all times thereafter.

Reason: To ensure the safe and free flow of traffic.

- 8 No building shall be occupied until that part of the service road which provides access to it has been constructed in accordance with the approved plans.

Reason: To ensure the safe and free flow of traffic.

- 9 Any gateway to any vehicular access shall be set back 5.0 metres from the edge of the highway.

Reason: To enable vehicles to stand off the highway whilst any gates are being operated.

- 10 No access shall be used until vision splays of 2m x 2m x 45° between the driveway and the back of the footway have been provided. The area of land within these vision splays shall be reduced in level as necessary and cleared of any obstruction exceeding a height of 0.6m above the level of the nearest part of the carriageway. The vision splays so created shall be retained at all times thereafter.

Reason: In the interests of highway safety.

- 11 The development hereby approved shall be carried out in such a manner as to avoid damage to the existing trees, including their root system, or other planting to be retained as part of the landscaping scheme by observing the following:
- a. All trees to be preserved shall be marked on site and protected during any operation on site by a fence erected at 0.5 metres beyond the canopy spread (or as otherwise agreed in writing by the Local Planning Authority).
  - b. No fires shall be lit within the spread of the branches of the trees.
  - c. No materials or equipment shall be stored within the spread of the branches of the trees.
  - d. Any damage to trees shall be made good with a coating of fungicidal sealant.
  - e. No roots over 50mm diameter shall be cut and unless expressly authorised by this permission no buildings, roads or other engineering operations shall be constructed or carried out within the spread of the branches of the trees.
  - f. Ground levels within the spread of the branches of the trees shall not be raised or lowered in relation to the existing ground level, except as may be otherwise agreed in writing by the Local Planning Authority.

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

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

Reason: Development without the provision of adequate vehicle parking space is likely to lead to hazardous on-street parking.

- 13 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.

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

Informative:

- 1 The applicant is asked to explore whether the sycamore tree to the rear of plot 11 could be retained as part of this development.

Contact: Kevin Wise