

Borough Green	560600	(A) 18 September 2006	(A) TM/05/00264/FL
Borough Green And Long Mill	157312	(B) 13 November 2006	(B) TM/06/03579/LB

Proposal: (A) Construction of 6 no. three and four bedroom houses, conversion of public house to 2 no. three bedroom dwellings, new access and mini-roundabout junction and associated works
(B) Listed Building Application: Conversion of public house into 2 no. dwellings with associated internal and external alterations and ancillary parking

Location: Land Adjacent To Red Lion PH Sevenoaks Road Borough Green Sevenoaks Kent TN15 8AT

Applicant: Insignacorp Limited

1. Description (A & B):

- 1.1 The proposal comprises a pair of linked detached 3 bed roomed houses, a pair of 4 bed roomed semi-detached dwellings, one 4 bed roomed and one 3 bed roomed detached dwelling. The houses would be of a traditional design, 3 of which would be two-storey the remaining dwellings would be 2½ storeys, the 4th bedroom being accommodated in the roof void.
- 1.2 Four of the dwellings would have a garage with parking space on the driveways. The other 2 dwellings would have 2 parking spaces each.
- 1.3 The proposal originally included the retention of the Public House as such and the provision of a small car park to serve the pub. This has been revised and the proposal now includes the conversion of the Red Lion PH (recently closed and boarded up) into 2 no. 3 bed semi detached dwellings. These would each have small private gardens and 2 allocated parking spaces. The windows would be altered to have acoustic glass of either 6mm or 12mm in thickness in order to provide an improved acoustic environment internally. A refuse store is to be sited close to the garden boundary of one of the converted dwellings.
- 1.4 Access would be provided by a new access from Sevenoaks Road. This would involve the construction of a mini roundabout at the junction of Western Road and Sevenoaks Road with the access to the proposed new development and the pub from a fourth arm.
- 1.5 The final roundabout design submitted does not have any pedestrian crossing points on its islands. This is because safe pedestrian refuges could not be provided due to overruns by large vehicles. The site layout plan includes the location of a KCC proposed Puffin Crossing to the west of the proposed mini roundabout.

- 1.6 A noise assessment has been submitted with the application which concludes that 4 units fall within the NEC category A. Elevations of the remaining units and the Red Lion conversion would be within NEC B or NEC C.
- 1.7 A Stage 1 Highway Safety Audit has been submitted which concludes the following:
- Accident records need to be reviewed to ensure risks are mitigated.
 - Use high friction surfaces and increase visual impact of the junction.
 - Consider measures to induce deflection and reduce speeds.
 - Consider use of raised islands to generate vertical deflection.
 - Design must ensure avoidance of ponding in the new access.
 - New lighting will need to adequately illuminate the new roundabout and the puffin crossing.
 - Pedestrian guardrails should be considered.
 - New access has standards of visibility below desirable for a 30mph road and may be inappropriate for the actual speeds; suggest advance enhanced signings, road marking and high friction surface.
- 1.8 The density of the residential part of the site is 38 dwellings per hectare.

2. The Site (A & B):

- 2.1 The site currently comprises the building, pub garden and car park of the Red Lion Public House. It lies on the south side of Sevenoaks Road immediately opposite its junction with Western Road. The Red Lion PH is a Grade II Listed Building.
- 2.2 The application site includes the junction and environs of Western Road and Sevenoaks Road and notice of the development has been served on the County Council.

3. Planning History (most relevant)(A& B):

TM/02/00454/FL	Refuse	13 August 2002
	Appeal Dismissed	24 January 2003
10 x 3 bed two storey cottage style development		

TM/02/02244/FL	Refuse	19 June 2003
	Appeal dismissed	28 November 2003

Erection of 6 no. 3/4 bedroom houses together with 6 no. parking spaces for The Red Lion public house, new access drive and roundabout junction.

4. Consultees

(A) TM/05/00264/FL:

- 4.1 PC: (on original scheme): internal traffic movements difficult, garage spaces will not be used; garages and parking spaces inadequate; mini-roundabout will be ignored by westbound A25 traffic.
- 4.1.1 (On revised scheme) Object to totally unacceptable and very dangerous proposals for access/egress onto 2 major roads. The Safety Audit has been carried out without the benefit of any traffic analysis and we can only assume that the design of the roundabout was carried out on a similar basis. The roundabout is too small; it is noted with horror that some vehicles leaving the site could be travelling the wrong way around the roundabout whilst others would be forced to mount the footway; noise assessment does not take account of the full extent of traffic on very busy roads- PC has submitted its own traffic survey; is the puffin crossing in an agreed position and is it included within the development of the site? The effects of the erection of 2 dwellings west of and including 80 Western Road do not appear to have been taken into account; access of new dwellings and nos. 80 and 78 is actually onto and will move further towards the roundabout.
- 4.2 KCC (Highways): The principle of residential development on this site has been established through an earlier appeal decision. This included the principle of the formation of the access to serve the development by the inclusion of a mini-roundabout at the junction of the A227 (Western Road) and the A25 (Sevenoaks Road). The delay in implementation of the scheme has resulted in the applicant being required to resubmit an updated independent Stage 1 Safety Audit and the submitted design has addressed concerns raised. This submission has included the conversion of the existing public house to two residential units which has reduced traffic generation of the existing use substantially. With respect to other approvals given in the nearby vicinity, whilst it is unlikely that there will be a significant impact on the proposals and there will be the opportunity to assess the full impact under the submission of details for the Stage 2 Safety Audit. The design has made provision of parking to KVPS and has shown that refuse freighters and delivery vehicles can enter and leave the site in a forward gear addressing previous concerns. With respect to local amenities and pedestrian access, there are existing proposals to provide a puffin crossing to the west of the access in a location preferred by the Parish Council from various options put

forward by the Highway Authority and it would be appropriate for the developer to contribute to the installation costs. In summary, this development proposal is likely to reduce traffic generation from the site and in line with the Inspector's opinion '*the proposed development would not increase the risk of accidents, nor give rise to unacceptable delay*'. Furthermore, the previously approved mini-roundabout has the benefit of an up to date Stage 1 Safety Audit. Therefore, subject to the following conditions and informatives, no objections are raised. Parking (including garage spaces) to be provided as shown on the approved layout plan, and the turning area to be kept clear at all times. (P004, P009, P011). The applicant is to be required to liaise with the Highway Manager to enter into a Section 278 Agreement for the works required to construct the access and mini-roundabout, which shall include a Stage 2 Safety Audit and make a contribution towards the provision of the puffin crossing. These works are to be completed prior to commencement of the house building in line with the Inspector's conclusion. The applicant is further advised that surface water from the development shall not be permitted to discharge onto the public highway.

- 4.3 DHH: Acoustic appraisal indicates units 1 and 2 fall in NEC C and my advice is to refuse the application in accordance with PPG24 and Policy P3/17 or alternatively ask the applicant to remove units 1 and 2.
- 4.3.1 The new design will accommodate Council refuse collection vehicles although I have a concern with vehicles parking in the turning head.
- 4.3.2 The number of dwellings (8) triggers the Council's affordable housing policy within the LDF core strategy. We would seek 2 units of affordable rented and 1 unit of shared ownership.
- 4.3.3 In terms of possible contamination, the applicant should submit a desk study and site reconnaissance survey report before determination.
- 4.4 MKW: No response
- 4.5 KCC Archaeology: The site lies c.80m south-east of the discovery of some Roman pottery and possible building remains. The report does not provide much more detail other than to state that no further remains have been noted here. This may be the site of a Roman building and remains may extend towards the application site. As such I recommend a condition requiring a watching brief.
- 4.6 Kent Fire Brigade: Adequate means of access for Fire Brigade ladders and appliances has been provided. Advises that a domestic sprinkler system should be installed into each property to reduce the severity of domestic property fires and number of injuries resulting.

- 4.7 Borough Green Traffic Action Group: Wholehearted support for this application. The gain to the community in traffic terms far outweighs concerns with more village development and loss of a popular public house. The roundabout will improve safety and slow through traffic. The traffic light controlled crossing has been the subject of a campaign for several years and this development will provide it in a location where it provides most benefit in terms of shortest pedestrian routes.
- 4.8 Private Reps: 186/0X/0S/12R + site & press notice. Objections on the following grounds
- Obvious conflict of brand new buildings next to a 500 year old Listed Building.
 - Roundabout to serve a few residents is arrogant and selfish.
 - Roundabout dangerous, especially for use by large lorries.
 - Contrary to policies that prevent new accesses onto A25.
 - Better traffic speed reduction needed.
 - Danger to pedestrians particularly crossing the road.
 - Intensification of traffic movements at peak hours.
 - Loss of privacy including as a result of cutting down of Leylandii hedge.
 - Filling in behind the building line on green space is detrimental.
 - Greedy development crammed in and not beneficial to the village.
 - Inadequate gardens for families who want a decent quality of life.
 - Highway improvements should be left to Highways departments not private developers as an inducement.
 - Inadequate parking.
 - Site too small for 6 houses.
 - Inspector's decision was wrong as traffic will not be slowed down and he was not made aware on the submitted drawings of the existence of existing crossovers directly onto the roundabout so he made no assessment of the danger likely to be caused by what will be a 5 way mini roundabout.

- Loss of attractive view.
- Loss of access for maintenance of boundary hedge.
- Red Lion history can be traced through 4 centuries – it was not a failing or fading pub and regulars surprised at its sudden closure, developers had a strategy to force out the landlords.
- Red Lion's prospects were looking good.
- Too many pubs being lost to development in Borough Green, harming social and market needs of a growing village.
- Planners should be empowered and willing to take account of the social needs of a community which includes pubs like the Red Lion.

(B) TM/06/03579/LB:

4.9 PC: The PC has submitted comments, but these are not pertinent to the consideration of an application for Listed Building Consent.

5. Determining Issues:

(A) TM/05/00264/FL:

- 5.1 The site lies within the built confines as defined by the TMBLP therefore the development is acceptable in broad principle and it is the matter of detail which needs to be determined at this stage.
- 5.2 The previous application on this site, TM/02/02244/FL, was for 6 dwellings and retention of the public house albeit with a much reduced parking area. It was refused on 2 grounds:
- 1 *The increase in traffic generated to and from the site, and the layout and design of the proposed mini-roundabout, are likely to give rise to an unacceptable risk of accidents and significant delays to traffic on the A25 (Sevenoaks Road). These factors are exacerbated by the lack of adequate facilities for larger vehicles to service the site, including servicing vehicles for the public house. There will also be increased hazards for pedestrians wishing to cross the A25 (Sevenoaks Road). For all these reasons, the proposal is contrary to policy T19 of the Kent Structure Plan 1996 and policy P4/11 of the Tonbridge and Malling Borough Local Plan 1998.*
 - 2 *The Local Planning Authority considers that there will be conflict between the parking provision for the public house and the residential development particularly as the public house car park is separated from the public house itself by the residential access.*

- 5.3 The application went to appeal. The appeal was dismissed, solely on the grounds that the application failed to demonstrate convincingly how it would avoid confusion and conflict between various users of the parking and turning space and consequent obstruction to through traffic.
- 5.4 The appeal refusal was for a scheme in which the residential units were at the rear part of the site with the turning and parking at the site frontage. In an attempt to better provide for on-site turning of large vehicles such as refuse freighters and other delivery lorries, the applicants have chosen in this current application to locate the turning and manoeuvring area in the centre of the site, thus relocating plots 1 and 2 to the site frontage.
- 5.5 The principle of this density of development on this site has been established by previous decisions. As before, the design of the houses is quite imposing but largely acceptable given the different ages and styles of the surrounding residential development. The gardens remain minimal (6 – 8m in length) but sufficient to give some amenity areas for future occupiers. The parking and turning areas are large and as a consequence inherently intrusive but they are now less prominent in the street scene and in the setting of the listed building than the appeal scheme.
- 5.6 However, in an attempt to deal with the Inspector's concerns over on-site turning of large vehicles, the siting of unit 1 at the front of the site is now intrusive and incongruous in the street scene as it presents a blank flank wall to the road – which is not appropriate in this setting. The absence of fenestration and aspect is intended to deal with the associated noise issues described below. This absence of frontage development in circumstances where this is a well established feature of the character of this part of the village is also detrimental to the character of the area and to the setting of the Listed Building.
- 5.7 The applicant has submitted an acoustic appraisal with this proposal. As a result of having relocated plots 1 and 2 towards the A25, which is the source of noise, the DHH considers that the development no longer meets the tests set out in PPG24 (Planning and Noise) nor the TMBLP policy P3/17 and thus should be refused.
- 5.8 The bin store location is adjacent to the front garden boundary of one of the proposed converted units within the Listed Building (unit 8). It is my opinion that this is harmful to the setting of the Listed Building and detrimental to the outlook and amenities of unit 8.
- 5.9 The proposed access for this current proposal has evolved from that in the dismissed appeal as a result of discussion, and safety analysis, between the applicant and KCC Highways in order to try to find a satisfactory solution to accessing the site. As can be seen from the comments of KCC Highways outlined above, in the light of the Inspector's endorsement of a roundabout of broadly similar design, it is accepted that the introduction of a roundabout would improve the current situation with regard to the junction of Western Road and Sevenoaks

Road. This view is now taken, notwithstanding previously stated concerns that the pub itself forms a pinchpoint in Sevenoaks Road making visibility difficult. It is also the case that large vehicles entering the application site from the A25 eastbound would have to significantly overrun the centre of the roundabout as would large vehicles exiting the application site and going eastbound along the A25. Large vehicles travelling westbound on the A25 turning right into Western Road would also overrun the roundabout. The roundabout will have to have low vertical deflection so that the manoeuvres of large vehicles can be accommodated and low vertical deflection will allow roundabout overruns by all vehicles.

- 5.10 The situation for pedestrians crossing Sevenoaks Road to Western Road (the pavement on the southern side of Sevenoaks Road being very limited in width) would be improved as a result of this scheme provided that it leads to the introduction of the Puffin Crossing that is shown in conjunction with this scheme. The Puffin Crossing can be introduced independently of this roundabout and so improvements for the pedestrian environment are not solely dependent upon the redevelopment of the Red Lion site as is implied by BGTAG. However, the access as proposed would only be acceptable with the provision of the Puffin Crossing.
- 5.11 KCC advises that the development proposal produces some highway benefits, on balance, notably those endorsed by the BGTAG as detailed above.
- 5.12 Two car parking spaces have been allocated per unit which is a level of provision endorsed by the Inspector, bearing in mind the relatively good public transport links in the village.
- 5.13 The concern of a number of objectors at the loss of the Red Lion pub as a social community facility is appreciated. I can advise that this can be a material consideration but in the light of the continued existence of alternative public houses locally, I would not consider this loss to warrant refusal of this development in principle.
- 5.14 The affordable housing requested of DHH is noted. Given the length of time since this application was initially submitted (primarily because of the negotiations over highways issues), the material considerations with regard to affordable housing issues have changed significantly during the lifetime of the application. For example, the LDF Core Strategy has been adopted as a material consideration for Development Control, and more recently PPS3: Housing has been issued. Overall, the situation relating to affordable housing in rural settlements is not yet fully resolved. This is an issue that is likely to have needed further detailed consideration, were this scheme to have proved acceptable in all other aspects.
- 5.15 Similarly, because of the period of time the application has been under consideration, the recent request of DHH for contamination issues to be clarified before planning permission is granted is not an issue highlighted when the application was first submitted. The appeal decision on TM/02/02244/FL established the principle of family housing with gardens on this site. Therefore, in

this particular case, I suggest that it would be appropriate for this to be a subject of a standard land contamination condition, were the proposal to be acceptable in all other aspects.

- 5.16 The switch to a single use (residential) within the site by the loss of the traffic associated with the pub helps somewhat in reducing vehicular confusion and conflict that could result from a mixed use where commercial and residential is in close juxtaposition. However, it is my opinion that the revisions to the layout to meet highway constraints without any reduction in the intensity of development, has resulted in an unacceptable layout in terms of acoustic environment and harm to the street scene, especially given the setting of a listed building and in a visually prominent part of the village.

(B) TM/06/03579/LB:

- 5.17 In terms of the historic and architectural interest of the Listed Building, the only concern with the internal work is the need to break into one internal wall to provide a staircase within unit 8. However, on balance, if the principle of the conversion to 2 units were to be found acceptable, then this is the "least worst" option available to give access to the first floor in unit 8. Nevertheless, in the absence of a planning permission for the conversion of the building (and that could probably only be considered in the context of a scheme for the site as a whole), it would not be possible to weigh all the issues such as to enable Listed Building Consent to be granted at this stage.
- 5.18 Also of concern is the proposed means of acoustic protection by changing the glazing. It is considered that a more appropriate method of resolving this issue would be to add internal secondary glazing. It is considered this could in principle be achieved by a condition.

6. Recommendation:

(A) TM/05/00264/FL:

- 6.1 **Refuse Planning Permission** as detailed by Letter received 18.09.2006, Letter received 07.08.2006, Letter received 26.01.2005, Letter WSP received 26.01.2005, Email received 04.10.2006, Certificate B received 26.01.2005, Historic Decision Notice APPEAL TM/02/02244/FL received 26.01.2006, Supporting Statement STAGE 1 SAFETY AUDIT received 18.09.2006, Acoustic Assessment received 18.09.2006, Floor Plan 1891-10 received 07.09.2006, Floor Plan 1891-11 received 07.09.2006, Floor Plan 1891-12 received 07.09.2006, Floor Plan 1891-13 received 07.09.2006, Floor Plan 1891-14 received 07.09.2006, Block Plan 29 received 26.01.2005, Block Plan 30 received 26.01.2005, Site Layout 1891/PD/001 L received 18.09.2006, Floor Plan 1891/PD/002 B received 26.01.2005, Elevations 1891/PD/003 D received 07.09.2006, Elevations 1891/PD/004 D received 07.09.2006, Floor Plans And

Elevations 1891-PD-100 A received 07.09.2006, Drawing 1891/PD/006 A received 07.09.2006 for the following reasons:

1. The proposed dwellings on Plots 1 and 2 would be unacceptably affected by noise from road traffic as the site lies within NEC C. The proposal would therefore be contrary to the provisions of PPG24 (Planning and Noise) and to Policy P3/17 of the Tonbridge and Malling Borough Local Plan 1998.
2. The proposed siting and external appearance of Plot 1 is harmful to the street scene in a visually prominent part of the village and is also detrimental to the setting of a listed building. The proposal is therefore contrary to Policies P4/1 and P4/11 of the Tonbridge and Malling Local Plan 1998.
3. The bin store location is harmful to the setting of the listed building and detrimental to the outlook and amenities of Plot 8 and therefore contrary to Policies P4/1 and P4/11 of the Tonbridge and Malling Local Plan 1998.

(B) TM/06/03579/LB:

6.2 Refuse Listed Building Consent for the following reason:

- 1 The proposal involves alterations that would potentially be harmful to the character of this listed building. In the absence of the acceptance of the principle of the conversion and change of use of the building through a grant of planning permission, the Local Planning Authority is unable to reach a balanced conclusion as to the acceptability of these alterations, taking into account all other material considerations, and in these circumstances it is not appropriate to grant consent.

Contact: Marion Geary