

Borough Green **560600 157312** **5 March 2008** **(A) TM/07/02954/FL**
Borough Green And **(B) TM/07/02952/LB**
Long Mill

Proposal: (A) Erection of 6 no. detached houses and the conversion of the public house into 2 dwellings with ancillary parking and the construction of a new access drive and roundabout junction
(B) Listed Building Application: Conversion of the public house into two dwellings with ancillary parking

Location: Red Lion Public House 45 Sevenoaks Road Borough Green
Sevenoaks Kent TN15 8AT

Applicant: Insigniacorp Ltd

1. Description (A & B):

1.1 These applications are revised proposals following the refusal of two earlier applications at the Area 2 Committee meeting of 10 January 2008. These earlier applications were refused for the following reasons:

TM/05/00264/FL:

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.*

TM/06/03579/LB:

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.*
- 1.2 Both refusals were appealed and are due to be heard at a Public Inquiry scheduled for 13 May 2008.

- 1.3 The revised proposal comprises a pair of 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, 4 of which would be two-storey, the 2 remaining dwellings would be 2½ storeys with bedrooms being accommodated in the roof voids.
- 1.4 Four of the dwellings would have a garage with parking space on the driveways. The other 2 dwellings would have 2 parking spaces each on a shared frontage.
- 1.5 The proposal still 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 1 allocated parking space each. The windows would have 6mm thick secondary glazing added in order to provide an improved acoustic environment internally. The refuse store is to be sited next to the garage of plot 3.
- 1.6 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 converted pub from a fourth arm.
- 1.7 The roundabout design 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.
- 1.8 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 if a 1.5m high boundary wall is erected to the front of the site to act as a noise barrier.
- 1.9 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.

1.10 The density of the residential part of the site is 20 dwellings per hectare.

2. Reason for reporting to Committee:

2.1 This is a resubmission of 2 schemes refused at Committee last year which are shortly to be heard at a Public Inquiry. There remain strong objections from the PC.

3. The Site (A & B):

3.1 The application site includes the building, pub garden and car park of the Red Lion Public House. It lies on the south side of Sevenoaks Road (A25) immediately opposite its junction with Western Road. The Red Lion PH is a Grade II Listed Building.

3.2 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.

3.3 The site lies within an Area of Archaeological Potential.

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

TM/84/10387/LBC grant with conditions 12 December 1984

Demolition of wall to rear of existing car park.

TM/84/10587/LBC grant with conditions 10 December 1984

Alterations and extensions to public house incorporating change of use of ground floor.

TM/84/10600/FUL grant with conditions 18 October 1984

Alterations and extension to public house incorporating change of use of ground floor of 43 and 43A Sevenoaks Road to bar and toilets with extended flat over, and alterations and extension to car park.

TM/90/11624/FUL Refuse 22 March 1990

6 No. new motel bedrooms with parking.

TM/02/00454/FL Refuse 13 August 2002

10 x 3 bed two storey cottage style development.

TM/02/02244/FL Refused and
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.

TM/05/00264/FL Refuse
Appeal pending 15 January 2007

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.

TM/06/02594/FL Application Not
Proceeded With 8 August 2006

Construction of 6 no. three and four bedroom houses and conversion of the public house into 2 no. three bedroom units, new access drive and roundabout junction.

TM/06/03579/LB Refuse
Appeal pending 15 January 2007

Listed Building Application: Conversion of public house into 2 no. dwellings with associated internal and external alterations and ancillary parking.

5. Consultees

(A) TM/07/02954/FL:

- 5.1 PC: Object : the site plan needs to include the driveways of 78, 80 and 82 which will impinge on the junction as the mini-roundabout will effectively become 5-arm not 4-arm; no visitor spaces for the units from the conversion; inadequate refuse facilities; the safety audit refers to design amendments, the PC needs to see these in order to comment; reference to removal of tactile pavement needs to be included in the drawings to avoid confusion; lighting, signing, road markings and high friction surfaces are required but not detailed; the Design and Access Statement only refers to the Listed Building conversion; tree planting needs to be of suitable native species; bin store location different on different plans; it is not true that the Inspector was concerned *merely* with highways issues; in terms of noise, this site is not comparable with other development near the A25 due to levels differences; the puffin crossing should be provided by the applicant; the Red Lion PH was not closed due to being economically unsustainable but due to developers seeking a faster return; walls and fences will impact on the street scene; conflict between "open aspect " and crime prevention; the noise report is full of basic mistakes giving concern as to the veracity of the report; the timing of the noise surveys do not coincide with the peak times which are noisiest; the puffin and roundabout will change the traffic noise from what has been measured as

more stopping and starting giving low level vibration and other low frequency noise levels; the street scene drawing is flawed through lack of perspective; incomplete street scene views from the east and west; the baseline noise survey is flawed; the set back of houses from the road will not work in practice and a brick wall will not filter out low frequency rumble and acceleration; noise in gardens will exceed WHO recommendations; they have not factored in the extra noise to the converted units due to the set back of plots 1 and 2; secondary glazing is impossible to maintain as “well sealed”; the applicants should incorporate the suggested revisions before a decision is made; surveys of traffic by BGPC prove that the times chosen to measure traffic at this location were totally inappropriate; they should have used before 0700 and 1600-1800 hrs.

- 5.2 KCC (Highways): generally comments as per TM/05/00264/FL: 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. 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.

5.3 DHH: Acoustic appraisal indicates that an adequate level of internal noise can be achieved in the proposed dwellings subject to the implementation of the scheme of acoustic protection outlined. The noise monitoring accords with PPG24 short form noise monitoring. Whilst we would always seek to get a full 24-hours worth of monitoring data, this is not always feasible and this is why the short-form was added in. There are a few corrections that can be applied to short-form monitoring so that it's representative of the daily average. The main determining factor for NEC is based on a daily 16hr average and a nightly 8hr average. So although it may be noisier at other times in the day, it will be averaged out over the 16hrs of the monitoring period.

5.3.1 The new design will accommodate Council refuse collection vehicles although there are concerns with vehicles ad hoc parking which may hinder turning on site as it is noted that the roadway will not be adopted.

5.3.2 The number of dwellings (8) triggers the Council's affordable housing policy within the LDF core strategy DPD. We would seek 2 units of affordable rented and 1 unit of shared ownership.

5.3.3 In terms of possible contamination, the applicant should submit a desk study and site reconnaissance survey report as part of a preliminary risk assessment.

5.4 Kent Fire and Rescue: No objections.

5.5 Private Reps: 37/0X/0S/3R + site & press notice. Objections on the following grounds:

- Loss of attractive view.
- Loss of access for maintenance of boundary hedge.
- There should not be infill of every space available.
- The junction will be unsafe, there are enough junctions and there is a blind corner because of the pub.
- The premises should revert to a public house again.
- New layout has less space for service vehicles.
- Concerned that barrier will hinder access to and from the site.
- The submitted drawings do not show the existence of existing crossovers directly onto the roundabout so danger likely to be caused by what will be a 5 way mini roundabout. This point has been made numerous times before but has not been resolved.

- The lack of indication of crossovers means that there will be additional dangers to traffic and pedestrians accessing 78 Western Road. The inspector was misled on this point.

(B) TM/07/02952/LB:

5.6 PC: The PC has submitted comments on the original submissions as follows:

- If this is an LB application, why has the developer submitted a full set of drawings pertaining to all the other units?
- There is inconsistency between the noise report and the acoustic glazing proposed for the Listed Building.
- The PC relies on the Local Planning Authority with regard to the special requirements for alterations to Listed Buildings.
- The bins store is still shown in front of unit 8.

5.7 Private reps (LB press and site notice and (33/0R/0S/0X): No response.

5.8 The PC was correct to point out errors in the submission which appears to have been a result of not fully updating reports or drawings submitted for previous schemes. The errors were pointed out to the applicants who have submitted corrected revised documents. Re-notification to the PC and objectors has taken place and any comments will be included in a supplementary report.

6. Determining Issues:

(A) TM/07/02954/FL:

6.1 The site lies within the built confines of the rural service centre of Borough Green as defined by the TMBCS therefore the development is acceptable in broad principle by virtue of Policy CP12 of the TMBCS. Policies CP1 and CP24 of the TMBCS relate to the details of the design and layout of the development. The other main issues will be highway safety and the noise environment (saved Policy P3/17 of the TMBLP and PPG 24 (Planning and Noise)). The request by DHH for affordable housing derives from TMBCS Policy CP17.

6.2 As is shown by the planning history, one application on this site, TM/02/02244/FL, was for 6 dwellings and retention of the public house. It was refused on 2 grounds and 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 (i.e. residential plus the pub and its regular dray lorry deliveries). The density and general layout of the units and the principle of a mini-roundabout were endorsed by the Inspector.

- 6.3 The appeal refusal referred to above 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. As with application TM/05/00264/FL, 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 main turning and manoeuvring area in the centre of the site, thus relocating plots 1 and 2 closer to the site frontage. The difference is that in TM/05/00264/FL, plots 1 and 2 were perpendicular to the A25 and very close to it. In this revised scheme, plots 1 and 2 are parallel to the A25, better reflecting the building line, and are set further from the A25 and behind a 1.5m high boundary wall for acoustic mitigation reasons.
- 6.4 The principle of this density of development on this site has been established by previous decisions and is in keeping with the locality and policies requiring the best use of previously developed land. As before, the design of the houses is quite imposing but would be difficult to refuse 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 less prominent in the street scene and in terms of impact on the setting of the Listed Building than the previously refused schemes.
- 6.5 Accordingly, the revised siting of plots 1 and 2 at the front of the site is now less intrusive and no longer incongruous in the street scene as it eliminates the previous blank flank wall close to the A25 – which was refused last year as not appropriate in this setting. The absence of fenestration and aspect was intended to deal with the associated noise issues but was contrary to a well established feature of the character of this part of the village. The revised layout overcomes these problems and so is no longer considered to be detrimental to the character of the area and to the setting of the Listed Building such as to warrant refusal.
- 6.6 There are no issues identified with respect to residential amenities, bearing in mind the appeal Inspector has not issues with that aspect. In terms of the latest layout, there is a need to prevent additional first floor windows to plot 6 which would overlook gardens in Tilton Road unless obscure glazed.
- 6.7 The applicant has submitted an acoustic appraisal with this proposal. As a result of having relocated plots 1 and 2 away from the A25, which is the source of noise, the DHH considers that the development now meets the tests set out in PPG24 (Planning and Noise) and the TMBLP policy P3/17 and refusal on noise grounds is no longer recommended by DHH.
- 6.8 In response to the PC, DHH is satisfied that the noise study accords with PPG24 notwithstanding it was not carried out at peak times as suggested by the PC. DHH advises that the NEC is by definition an averaged value and would be distorted if readings were only taken at the peak traffic times. I have no reason to question the advice of DHH that he does not wish to uphold his objection on noise grounds.

- 6.9 In TM/05/00264/FL , the bin store location was adjacent to the front garden boundary of one of the proposed converted units within the Listed Building (unit 8). It has been relocated and in my opinion is no longer harmful to the setting of the Listed Building nor detrimental to the outlook and amenities of plot 8.
- 6.10 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.
- 6.11 The situation for pedestrians crossing Sevenoaks Road (especially those crossing the road from south to north, going towards 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. However, the mini-roundabout access as proposed would only be acceptable with the provision of the Puffin Crossing.
- 6.12 KCC advises that the development proposal produces some highway benefits, on balance. This meets the requirements of policies TP12 of the KMSP and CP2 of the TMBCS.
- 6.13 Two car parking spaces have been allocated per new built unit with one space for each unit from the converted pub. This is a ratio of 1.75 spaces per unit. A relatively low level of parking provision was endorsed by the Inspector, bearing in mind the relatively good public transport links in the village.
- 6.14 The switch to a single use (residential) within the site brings about the loss of the traffic associated with the public house and this helps somewhat in reducing vehicular confusion and conflict that could result from a mixed development where commercial and residential uses are in close juxtaposition.

- 6.15 The concern of objectors and the PC 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.
- 6.16 Plans of the mini-roundabout have been submitted which show the shared access for 78-80 Western Road and the access of 82 Western Road. Due to the overrun design of the roundabout, it is not considered that the relationship of these accesses to the mini roundabout is materially worse in highway safety terms than their current proximity to a busy T junction. Members are advised that the Inspector visited the site before he made his decision of the appeal in 2003 and would have noted the relationship of the mini-roundabout to existing crossovers in forming his view that the mini-roundabout was acceptable in principle.
- 6.17 The affordable housing request by 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. Confidential financial information relating to the development has been appraised by independent consultants, commissioned by the Borough Council, who report that the listed pub is quite expensive to convert, and there are also additional highways costs over what you would normally expect for a scheme of this size (mini roundabout and puffin crossing). The site was purchased some years ago, before there was any hint of the change of policy towards a much lower threshold trigger for provision of affordable housing in rural settlements. The price paid for the site in the then prevailing conditions and policy environment does not appear unrealistic. In these circumstances I consider that there are legitimate factors that weigh against insisting on the provision of affordable housing in connection with this proposal.
- 6.18 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 members to agree that the proposal is acceptable in all other aspects.
- 6.19 On the refused applications KCC Archaeology advised that the site lies c.80m south-east of the discovery of some Roman pottery and possible building remains. This may be the site of a Roman building and remains may extend towards the application site. A condition was recommended requiring a watching brief.

6.20 It is my opinion that the revisions to the layout now meet highway constraints and deal with the reasons for refusal of TM/05/00264/FL.

(B) TM/07/02952/LB:

6.21 Policy QL8 of the KMSP and PPG15 (Planning and the Historic Environment) refer.

6.22 In terms of the safeguarding 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. In the light of the positive recommendation that planning permission be granted for the conversion of the building, I am now of the view that Listed Building Consent should also be granted.

6.23 A previous concern with the proposed means of acoustic protection (by changing the glazing) has been overcome as the revised scheme now proposes a more appropriate method of resolving this issue being the addition of internal secondary glazing. It is considered this could in principle be achieved by a condition.

7. Recommendation:

(A) TM/07/02954/FL:

7.1 **Grant Planning Permission** as detailed by: Certificate B dated 27.07.2007, Letter JLH/RO/1891/1 dated 27.07.2007, Report SUPPLEMENTARY REPORT dated 27.07.2007, Design and Access Statement dated 27.07.2007, Report 17868/001/WM/SPH/AB STAGE 1 SAFETY AUDIT dated 27.07.2007, Floor Plans And Elevations 1891-100-002 dated 27.07.2007, Elevations 1891/PD/006 B dated 27.07.2007, Floor Plans And Elevations PD-1891-200 dated 27.07.2007, Floor Plans And Elevations PD-1891-300 dated 27.07.2007, Floor Plans And Elevations PD-1891-400 dated 27.07.2007, Floor Plans And Elevations PD-1891-500 dated 27.07.2007, Letter dated 05.03.2008, Report Supplementary Noise dated 05.03.2008, Acoustic Assessment revised dated 05.03.2008, Design and Access Statement revised dated 05.03.2008, Site Plan PD-1891-100 (1) dated 05.03.2008, Proposed Plans and Elevations 1891-PD-1 B dated 05.03.2008, 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.

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

2. There shall be no commencement of the residential element of the development hereby approved until the mini roundabout and on-site turning area sufficient for the use of construction vehicles have been completed in accordance with the plans hereby approved.

Reason: In order to provide at the earliest opportunity adequate access and on-site turning for construction vehicles in the interests of highway safety.

3. There shall be no occupation of the dwellings hereby permitted until the approved turning facilities have been provided within the curtilage of the site and these facilities shall be retained thereafter free from any obstruction.

Reason: In order that a vehicle may enter and leave the site in a forward direction to ensure the safe and free flow of traffic.

4. There shall be no occupation of the dwellings hereby permitted until the area shown on the submitted layout as vehicle parking space has been provided, surfaced and drained. Thereafter it shall be kept available for such use and no permanent development, whether or not permitted by the Town and Country Planning (General Permitted Development) Order 1995 (or any order amending, revoking and re-enacting that Order) shall be carried out on the land so shown or in such a position as to preclude vehicular access to this reserved parking space. (P004)

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

5. Any gateway to the access shall be open at all times.

Reason: To prevent vehicles blocking the highway.

6. No development of the residential element 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.

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

7. No development of the residential element shall take place until details of all external lighting have been submitted to and approved by the Local Planning Authority, and the work shall be carried out in strict accordance with those details.

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

8. 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 on the

first floor southern elevation of the plot 6 other than as hereby approved, without the prior written consent of the Local Planning Authority. The first floor en-suite window to plot 6 shall be obscured glazed and openable at fanlight level only.

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.

9. No development of the residential element shall take place until there has been submitted to and approved by the Local Planning Authority a scheme of landscaping and boundary treatment, to include the conifer trees on the western boundary. 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. The boundary treatment shall be implemented as approved prior to the first occupation of the dwellings and retained thereafter.

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.

10. Noise mitigation measures as set out in the approved acoustic report and the supplementary acoustic report shall be fully implemented and retained thereafter prior to the occupation of the dwellings to which they relate.

Reason: To safeguard the aural amenity of the occupiers of the dwelling(s) hereby approved.

11. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order amending, revoking and re-enacting that Order) no development shall be carried out within Classes A, B, C, D and E of Part 1 of Schedule 2 of that Order unless planning permission has been granted on an application relating thereto.

Reason: In order that the Local Planning Authority can control and regulate any further development in the interests of the amenity of surrounding residential properties.

12. No surface water shall drain onto the public highway.

Reason: In the interests of highway safety.

13. No development shall begin until an arrangement has been submitted to and approved in writing by the Local Planning Authority relating to the provision of a Puffin Crossing as detailed on drawing PD-1891-100 (1) hereby approved. The Puffin Crossing shall be completed and in operation before first occupation of any of the dwellings hereby permitted.

Reason: To ensure that there are adequate facilities for pedestrians in the interests of highway safety.

14. No development shall take place until the applicant, or their agents or successors in title, has secured the implementation of a watching brief to be undertaken by an archaeologist approved by the Local Planning Authority so that the excavation is observed and items of interest and finds are recorded. The watching brief shall be in accordance with a written programme and specification which has been submitted to and approved by the Local Planning Authority. (C005)

Reason: To ensure that features of archaeological interest are properly examined and recorded.

15. No development of the residential element shall commence until details of a scheme for the disposal of foul and surface water drainage has been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be fully implemented prior to the occupation of the dwellings.

Reason: In the interests of pollution prevention.

16. No development of the residential element 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)

17. No development of the residential element 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.

18. No development of the residential element shall take place until details of existing and proposed 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. (D008)

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

Informatives:

- 1 The Local Planning Authority supports the Kent Fire Brigade's wish to reduce the severity of property fires and the number of resulting injuries by the use of sprinkler systems in all new buildings and extensions.
- 2 The Borough Council will need to create new street name(s) for this development together with a new street numbering scheme. To discuss the arrangements for the allocation of new street names and 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. (Q051)
- 3 You are advised to contact the Director of Health and Housing with regard to the bin storage being adequate for the current recycling practices.
- 4 You are advised to liaise with Kent Highways Manager with regard to the work within the extent of the Public Highway (especially road closures necessary) and to coordinate the timing of the work with construction of the Puffin Crossing.
- 5 This permission does not purport to convey any legal right to undertake works or development on land outside the ownership of the applicant without the consent of the relevant landowners. (Q040)

(B) TM/07/02952/LB:

7.2 **Grant Listed Building Consent** as detailed by Letter dated 08.08.2007, Design and Access Statement dated 27.07.2007, Location Plan PD-1891-100 dated 27.07.2007, Floor Plans And Elevations 1891-100-002 dated 27.07.2007, Elevations 1891/PD/006 B dated 27.07.2007, Floor Plans And Elevations PD-1891-200 dated 27.07.2007, Floor Plans And Elevations PD-1891-300 dated 27.07.2007, Floor Plans And Elevations PD-1891-400 dated 27.07.2007, Floor Plans And Elevations PD-1891-500 dated 27.07.2007, Design and Access Statement dated 05.03.2008, Proposed Plans and Elevations 1891-PD-100 B dated 05.03.2008 subject to the following conditions:

- 1 The development and works to which this consent relates shall be begun before the expiration of three years from the date of this consent. (Z023)

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

- 2 All materials used externally shall match those of the existing building. (D002)

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

Contact: Marion Geary