

**Borough Green**                      **560600 157312**    **24 October 2012**                      **(A) TM/12/02140/FL**  
Borough Green And                      **(B) TM/12/02141/LB**  
Long Mill

Proposal:                                      (A) Erection of six residential dwellings and the conversion of the listed public house into two self-contained dwellings with ancillary parking and the construction of a new access drive and roundabout junction  
(B) Listed Building Application: Conversion of listed public house into 2 self-contained dwellings

Location:                                      Former Red Lion 45 Sevenoaks Road Borough Green  
Sevenoaks Kent

Applicant:                                      Empire Works Ltd

---

**1. Description (A & B):**

- 1.1 These applications are effectively renewals of an expired planning permission and an expired listed building consent, both granted in March 2008.
- 1.2 The planning application is still for the erection of a pair of detached 3 bedroomed houses at the front of the site and, at the back of the site, a pair of 4 bedroomed semi-detached dwellings, one 4 bedroomed and one 3 bedroomed 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.
- 1.3 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.
- 1.4 Both applications still include the conversion of the Red Lion PH (which has been closed and boarded up for a number of years) into 2 x 3 bed semi-detached dwellings. A small attached “outbuilding” to the western flank would be removed. These units would each have small private gardens and the submitted plans show 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 shown to be sited in the end of the on-site turning area, some distance from the highway.
- 1.5 Vehicular access would be provided by an amended 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.

- 1.6 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 the existing KCC Puffin Crossing to the west of the proposed mini roundabout. This Puffin was introduced since the previous consents were granted.
- 1.7 A noise assessment has been submitted with the application which concludes that 4 units fall within the NEC category A which is not a concern. Some elevations of the remaining units and the Red Lion conversion would be moved from NEC 'C' to within NEC B if a 1.5m high boundary wall is erected to the front of the site to act as a noise barrier.
- 1.8 An Air Quality assessment has been submitted as the A25 through Borough Green is now within a designated Air Quality Management Area (AQMA).
- 1.9 A Stage 1 Highway Safety Audit from 2006 has been submitted which recommends 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 was called in by Cllr Evans due to public interest and traffic issues.

**3. The Site (A & B):**

- 3.1 The application site includes the building, pub garden and car park of the now closed 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. The site also lies within an Area of Archaeological Potential.
- 3.2 The application site also includes the junction and environs of Western Road and Sevenoaks Road (including a grassed crescent shaped open amenity area adjacent to 58 Sevenoaks Road) in order to embrace the mini-roundabout and associated amendments to the highway layout. Formal Notice of the development has been served on the County Council as the landowner.
- 3.3 The site lies in the settlement confines of Borough Green which is a designated Rural Service Centre. There are residential dwellings to each boundary.
- 3.4 It lies over a principal aquifer (water gathering area).
- 3.5 The area of the roundabout and the front part of the Red Lion site lie in the Air Quality Management Area (AQMA) for Borough Green.
- 3.6 A public footpath runs along the western boundary of the site.

**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 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/06/03579/LB Refuse 15 January 2007

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

TM/07/02952/LB Approved 31 March 2008

Listed Building Application: Conversion of the public house into two dwellings with ancillary parking

TM/07/02954/FL Approved 27 March 2008

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

## 5. Consultees

(A) TM/12/02140/FL:

- 5.1 PC: Pleased to see no longer a piecemeal approach - broadly support the development but concerns on traffic monitoring which was during the summer and thus not reflective of normal traffic levels, so the LPA cannot properly assess pollution and traffic noise. Safety audit from 2006 is out of date. The PC favours traffic lights and the roundabout removes the western build out which increased danger from A25 speeding traffic. In terms of pollution, the safety improvements from controlling traffic are considered to outweigh any possible minor increase in pollution. The roundabout will require the complete closure of the A25, leading to traffic chaos from inadequate diversion routes. The developer should fund noise mitigation to nearby residents who will have noise deflected to them instead of being dissipated into the pub garden area. These neighbouring dwellings are

omitted from the plans, which is misleading. Conditions are needed to ensure that any agreed traffic management scheme is fully operational before any development commences. We remind the LPA of policy SQ4 and the cumulative impact on the AQMA.

5.1.1 (Additional comments) The original application was passed after much input from the PC and Borough Councillors, and we would broadly support the development as a way of tidying a very scruffy corner of the village.

- We must insist the whole development is only allowed to commence after traffic management is in place. The use of just the two dwellings currently requested is just as dangerous as the full development in traffic terms. This development cannot be built piecemeal.
- We believe the provision of traffic lights would offer better pedestrian safety than a roundabout, although there are concerns that although safety requires some traffic management, whatever scheme is implemented, there will be a noise impact on existing residents, and on the AQMA.
- We draw the LPA's attention to the cumulative effects of development on AQMA as noted in Policy SQ4 of the LDF.
- Acoustic treatment should be offered to affected residents
- We further note concerns about the roundabout treatment: Removal of the build-out on the northern corner to allow two eastbound lanes onto the roundabout will seriously increase traffic speeds into Western Rd. It will not be possible for Western Rd residents/motorists to decide whether traffic entering the roundabout from the west is going "straight on" on the A25, or actually turning into Western Rd.
- That there is no need for provision for dustcart access to the site, because they will almost certainly just stop in the Main Rd.
- That there is no need for provision for HGVs to turn left from Western Rd because this turn is banned under the advisory lorry route signs at this junction.

5.2 KCC (Highways): (Initial response) It is understood that an alternative roundabout design with a one lane eastbound entry has been considered by the applicant and drawn up by the applicant's consultant. Owing to the period of time that has passed since the development of this site was last considered and with the advent of Borough Green AQMA being declared, an up to date Arcady assessment of roundabout designs is required to establish forecast delays, crash rates and changes to emission levels. This information is necessary for the Highway Authority to obtain a full understanding of the impacts of this proposal on the A25 which is a County strategic Primary Route. Due to the heightened sensitivity of this

area now as an AQMA, it is also considered that an assessment for signalling this junction should be undertaken to determine whether this offers any air quality, junction delay or road safety benefits over other junction solutions.

5.3 Additional comments: Kent County Council (KCC) Highways and Transportation has worked closely with the applicant and TMBC's Planning and Environmental Health Departments to assess the impact of the proposal on highway safety and capacity, as well as air quality. KCC's primary concern throughout has been the provision of adequate visibility to the east for vehicles exiting the Red Lion site, which is hampered by the position of the former Public House building. I consider that the impact of the proposed development on highway capacity would be neutral, as the Public House is likely to have generated a similar level of vehicular movements as eight private dwellings. In view of the visibility and air quality considerations, KCC and TMBC instructed the applicant to undertake junction capacity assessments for the existing junction layout, as well as for alternative layouts involving the provision of a mini roundabout and traffic signals. This exercise concluded that the provision of traffic signals would result in a significant increase in peak period queuing, which was of concern both in terms of highway capacity and of air quality. Whilst the provision of a mini roundabout would result in slightly increased delay to through traffic, it is KCC's view that this is outweighed by the significantly improved visibility at the site access that would be afforded. I can therefore confirm that provided the following requirements are secured by condition or planning obligation, then I would raise no objection on behalf of the local highway authority:

- Provision of construction vehicle loading/unloading and turning facilities prior to commencement of work on site and for the duration of construction.
- Provision of measures to prevent the discharge of surface water onto the highway.

5.4 KCC (PROW): Public Rights of Way MR593 Footpath runs along the western boundary of the site but should not affect the application.

5.5 EA: No objection subject to conditions/informative on

- Remediation of any contamination of the site
- Surface water drainage
- Soakaways
- Fuel, Oil and Chemical storage

5.6 Ramblers: Construction activity must not impact on the passage of pedestrians on MR593.

5.7 Private Reps: 36/1X/0S/1R + LB site & press notice. One neighbour objects to a roundabout and prefers traffic lights which is claimed would be safer and keep noise and carbon emissions levels to a minimum. A second resident requests an 8ft (2.4m) close boarded fence around the site for security.

(B) TM/12/02141/LB:

5.8 PC: No objection to conversion but needs consideration of traffic lights and more pedestrian crossings.

5.9 Private reps: 36/1X/0S/1R + LB site & press notice: A second resident requests an 8ft (2.4m) close boarded fence around the site for security.

5.10 English Heritage: No comments.

## **6. Determining Issues:**

(A) TM/12/02140/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. Policies CP1 and CP24 of the TMBCS and SQ1 of the MDE DPD relate to the details of the design and layout of the development. The other main issues will be highway safety and the noise environment.

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 retained pub and its regular dray lorry deliveries). The density and general layout of the units and the principle of a mini-roundabout were all effectively endorsed by the Inspector. Subsequently, in 2008, planning permission was granted for a scheme that envisaged the conversion of the public house to two residential units, as well as the construction of the six dwellings on the remainder of the site.

6.3 Like the 2008 scheme, this application no longer proposes the mixed use of the 2002 application and so the commercial/residential vehicular conflict issue falls away. In an attempt to better provide for on-site turning of large vehicles such as fire engines and domestic delivery lorries, the application retains a main turning and manoeuvring area in the centre of the site, with plots 1 and 2 closer to the site frontage, parallel to the A25. This reflects the building line and allows the units to be 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 and has not altered from that originally submitted back in 2002. Moreover, it would be difficult to refuse the design in principle, 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. However, there appears to be scope for enhanced landscaping and this can be required by condition.
- 6.5 There are no issues identified with respect to residential amenities, bearing in mind the Appeal Inspector had no issues with that aspect. As with the 2008 planning permission, there is a need to prevent additional first floor windows to plot 6 which would overlook gardens in Tilton Road unless obscure glazed. A 1.8m close boarded fence is illustrated to enclose most of the site boundary of the residential element. This is lower than the 2.4m sought by one of the neighbouring occupiers but a 1.8m boundary fence is reasonable in my view. With regard to the suggestion that noise levels for neighbours will be worsened by having buildings on the pub garden area, it is the case that the insertion of buildings between houses and the road will improve noise levels for the existing houses to the south.
- 6.6 One major change in circumstances since 2008 is the designation of an Air Quality Management Area (AQMA) for Borough Green which centres on the A25 and extends approximately 8.5 to 9.5m into the part of the site south of the road. The nearest new-build units are on plots 1 and 2 but approximately half of the listed building (which will be plots 7 and 8) is also in the designated area. Air quality is referred to in Policy SQ4 of the MDE DPD. This requires that development proposals should not result in a significant deterioration of the air quality of the area (either individually or cumulatively with other development schemes) and that the proposed use should not be harmed due to proximity to an air polluting source. This policy reflects NPPF paragraphs 109 and 124. LPAs should prevent both new and existing development from contributing to, or being adversely affected by, unacceptable levels of air pollution, and planning decisions should ensure that any new development in Air Quality Management Areas is consistent with the local air quality action plan.
- 6.7 The applicant has submitted a report which was not adequate in terms of its methodology and it did not take account of the new mini-roundabout as part of the overall development scheme. In spite of the absence of a full AQ report, the issues on Air Quality in this location have been assessed. Based on the predicted concentrations, long term occupation mitigation measures should focus on the ground floor level of plots 1, 2, 7 and 8. The applicant's initial report has been supplemented by a written commitment that plots 1, 2, 7 and 8 will have mitigation comprised of mechanical ventilation in all rooms. This will draw clean air in from the rear (and at roof level) such that those rooms immediately facing the A25 can



close their windows and still be adequately ventilated. This assumes a worst case that the predicted concentrations will approach or exceed the air quality objective at all facades of units 1, 2, 7 and 8. Further specific detail of the proposed mitigation measures will need to be provided for approval prior to any development commencing on site, and this can be required by condition.

- 6.8 The overall level of traffic generation from the former pub use and the residential uses is considered to be comparable in air quality terms. The roundabout will give more peak time queuing on the A25 than would be the case with the current situation but there would be less queuing on Western Road. Overall, both individually and cumulatively, there is considered to be a low significance in air quality terms from the proposal, considering the complexity and inter-relatedness of the issues at this site.
- 6.9 The submitted Noise report submitted indicates that the site is within NEC 'C'. However, a more refined analysis shows that plots 1 and 2 are set behind the contour line separating NEC 'C' from NEC 'B' due to being set behind a 1.5m high brick wall which protects them from the A25 which is the source of the road traffic noise. Policy SQ6 states that in NEC 'B', mitigation needs to be demonstrated and that in NEC 'C', planning permission should normally be refused. The planning permission granted in 2008 was subject to a noise mitigation condition, which was considered to be an adequate means of addressing this issue. There has been no significant change in circumstances and a similar condition can be imposed on the current application. These factors, taken together, mean that the development would meet the tests set out in paragraphs 17, 109, 123 of the National Planning Policy Framework 2012, the Noise Policy Statement for England (NPSE) and the TMBCS policies CP1 and CP24 and MDE DPD policy SQ6. These require a good standard of amenity for all existing and future occupants of land and buildings; preventing both new and existing development from contributing to or being adversely affected by unacceptable levels of noise pollution and avoiding noise from giving rise to significant adverse impacts on health and quality of life. In this case, the site specific mitigation measures and the setting back of the new build dwellings is considered, on balance, to make the scheme acceptable from an acoustic point of view.
- 6.10 The site no longer needs to accommodate on-site turning of a refuse freighter. KCC now advises that the low frequency of the collections does not warrant the creation of onsite turning for the refuse freighter lorry. Consequently, bin store location and the location of the "day of collection" bin area can be the subject of a condition.
- 6.11 The detailed design of 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 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 in principle would improve the current situation with regard to the junction of Western Road and Sevenoaks Road.

- 6.12 The views of local residents and the PC regarding a preference for traffic lights have been the subject of discussions with the PC. However, on the grounds of both safety and air quality, it is concluded that the roundabout gives greater overall benefits due to the greater queuing of idling vehicles that is judged to be likely to occur with traffic lights, during the peak period.
- 6.13 In terms of the roundabout design, further refinement is needed to meet safety audit requirements. The eastbound A25 deflection needs to be altered and the approaches all need to be single lanes to allow drivers to better be able to anticipate oncoming vehicle manoeuvres. It is 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 need 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. In addition, due to the anticipated low use of the site access by vehicular traffic, the access would not be a traditional bell-mouth but would allow a level footway for pedestrians on the A25.
- 6.14 The situation for pedestrians crossing Sevenoaks Road has improved since the last permission as there is now a Puffin Crossing and that makes the mini-roundabout access as proposed acceptable, provision of the Puffin Crossing having been a requirement under the 2008 planning permission,
- 6.15 KCC advises that the development proposal produces some highway benefits, on balance. This meets the requirements of NPPF 2012 paragraphs 67 and policies CP2 and CP24 of the TMBCS and policy SQ8 of the MDE DPD.
- 6.16 Two car parking spaces (including garages) have been allocated per new built unit with one space for each unit within the converted pub. This is a total of 14 spaces, 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. However, now that the extent of the onsite turning area can be reduced, due to there being no need for refuse freighter turning, there is scope for more onsite visitor parking spaces, especially for the converted units and a condition is recommended accordingly. IGN3 standards would require 16 spaces for the dwellings and 2 visitor spaces.

- 6.17 The site triggers an affordable housing request under Policy CP17 of the TMBCS. Affordable housing was not requested for the 2008 planning permission because it was accepted that considerations with regard to affordable housing policy changed significantly during the lifetime of that application taking into account when the site was purchased.
- 6.18 Whilst the argument about changes in affordable housing policy can no longer be applied to the current application, and ownership of the site has changed again more recently, it remains the case that the listed pub is quite expensive to convert, and there are also additional highways costs over and above those that would normally be expected for a scheme of this size (i.e. the mini-roundabout). The site was purchased at auction and the current economic situation means that there is unlikely to be a prompt resolution to the problem of a vacant boarded-up listed building if an onerous affordable housing contribution were to be sought. 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.
- 6.19 With regard to the potential for on-site contamination, the applicant has submitted a report which summarises the site's environmental and historical setting, based on a site walkover and review of environmental and historical databases. It presents a conceptual site model and preliminary risk assessment. Potential receptors identified include the future site users, occupants of surrounding buildings, the underlying principal aquifer, site workers, building fabric and plants. It identifies potential on-site sources (associated with made ground) and an off-site ground gas source. Thus it proposes that potentially complete exposure pathways need to be investigated by intrusive investigation. A Phase 2 site investigation report would be needed by condition.
- 6.20 KCC Archaeology previously 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 is recommended requiring a watching brief.
- 6.21 The conversion of the public house in the confines of a rural settlement to two dwellings remains acceptable in principle in the light of the expired planning permission from 2008. The impacts on the heritage asset are fully discussed in relation to the LB application below.
- 6.22 It is my opinion that subject to further revisions to the layout of the mini-roundabout and the internal turning/parking/bin storage areas, the scheme remains an acceptable renewal of the 2008 planning permission, subject to similar conditions but with a new condition on air quality mitigation.

(B) TM/12/02141/LB:

- 6.23 National Planning Policy Framework 2012 paragraphs 129, 131, 132 refer. These require that, when considering the impact of a proposal on a heritage asset, local planning authorities should seek to avoid or minimise conflict between the heritage asset's conservation and any aspect of the proposal. In determining planning applications, local planning authorities should take account of the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation; the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and the desirability of new development making a positive contribution to local character and distinctiveness. Also, when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation.
- 6.24 In terms of the safeguarding of the historic and architectural interest of the Listed Building, the main 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 two 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.
- 6.25 A previous concern with the proposed means of acoustic protection (by changing the glazing) has been overcome as the scheme 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 because there is some ambiguity in the glazing proposed in the plans compared to the recommendations of the supplementary noise assessment.
- 6.26 The mitigation for air quality will need to include the listed building as that is mostly within the designated zone. It is considered that the need for rearwards air intake for ventilation can be accommodated by internal ducting that will not harm the historic and architectural interest of the heritage asset.

**7. Recommendation:**

(A) TM/12/02140/FL:

- 7.1 **Grant Planning Permission** in accordance with the following submitted details: Letter dated 24.10.2012, Supporting Statement dated 24.10.2012, Letter dated 09.07.2012, Other dated 09.07.2012, Email dated 22.05.2012, Existing Plans and Elevations PD-1891-20 A dated 09.07.2012, Proposed Plans and Elevations PD-1891-21 A dated 09.07.2012, Street Scenes PD-1891-30 dated 09.07.2012, Location Plan PD-1891-100 (A) A dated 09.07.2012, Proposed Plans and Elevations PD-1891-200A A dated 09.07.2012, Proposed Plans and

Elevations PD-1891-300 dated 09.07.2012, Proposed Plans and Elevations PD-1891-400A A dated 09.07.2012, Proposed Plans and Elevations PD-1891-500A A dated 09.07.2012, Design and Access Statement dated 09.07.2012, Report dated 09.07.2012, Other dated 09.07.2012, Other dated 09.07.2012, Letter dated 24.09.2012, Proposed Plans and Elevations PD-1891-500A B dated 24.09.2012, Air Quality And Odour Survey dated 24.09.2012, Noise Assessment dated 24.09.2012, Desk Study Assessment dated 24.09.2012; Email VENTILATION (Air Quality) dated 05.08.2013 subject to the following:

**Conditions / Reasons**

- 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. Notwithstanding the layout drawing PD-1891-100(A) revision A, the mini roundabout shall be constructed in accordance with plans that shall be submitted to and approved by the Local Planning Authority and shall include any amendments that may be required by a safety audit including:

- a. single running lanes
- b. deflection of eastbound A25 vehicles
- c. deletion of the bellmouth access to the site
- d. site access to be a crossover to allow pedestrian use of the footpath at grade

Reason: In the interests of highway safety.

3. There shall be no commencement of construction on 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 plans to be submitted to and approved by the Local Planning Authority under condition 2 above.

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

4. Notwithstanding the layout drawing PD-1891-100(A) revision A, development of the residential element shall not take place until a revised plan for on-site turning and parking has been submitted to and approved by the Local Planning Authority and this shall include on-site turning for fire engines and additional visitor parking provision to meet adopted parking standards.

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

5. The use shall not be commenced, nor the premises occupied, until the parking and turning areas shown on the layout approved pursuant to condition 4 have been provided, surfaced and drained within the site. Thereafter they 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 or re-enacting that Order) shall be carried out on the land so shown or in such a position as to preclude vehicular access to the turning or the reserved parking spaces.

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

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

Reason: To prevent vehicles blocking the highway.

7. 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.

8. 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.

9. Notwithstanding the provisions of Article 3 of the Town and Country Planning (General Permitted Development) Order 1995 (or any order amending, revoking and re-enacting that Order), no windows or similar openings shall be constructed on the first floor southern elevation of the dwelling on 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 obscure 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.

10. 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. 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.

11. No development shall be commenced until full details of a scheme of acoustic protection of habitable rooms having windows that will be exposed to a level of road traffic noise in Noise Exposure Category B or C (as set out in Policy SQ6 of the Tonbridge and Malling Managing Development and the Environment Development Plan Document 2010) have been submitted to and approved by the Local Planning Authority. The scheme of acoustic protection shall be sufficient to secure internal noise levels no greater than 30 LAeq dB in bedrooms and 40 LAeq dB in living rooms with windows closed. Additionally, where the internal noise level will exceed 40 LAeq dB in bedrooms or 48 LAeq dB in living rooms with windows open, the scheme for acoustic protection should incorporate appropriate acoustically screened mechanical ventilation. Mechanical ventilation should also be provided to bedrooms having openings onto facades that will be exposed to a level of road traffic noise in excess of 78 L<sub>Amax</sub> (slow) time weighting. The scheme shall be submitted in a single concise document and where plans are included to demonstrate mitigation measures within the site, they shall show only the development, the subject of this planning permission and no other development schemes within this site. The scheme shall clearly show what mitigation measures are required for the proposed and existing buildings, as well as any acoustic landscaping features that may also be required to be located within the site. The approved scheme shall be implemented prior to the first occupation of the dwelling to which it relates.

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

12. No development of the residential element shall be commenced until full details of a scheme detailing the method by which the high levels of nitrogen dioxide will be mitigated for the dwellings on plots 1, 2, 7 and 8 (for the avoidance of doubt these are the 4 plots that are situated closest to the A25) have been submitted to and approved in writing by the Local Planning Authority. The scheme will need to cover all habitable rooms and detail the design and installation of a pressurised clean air system and sealed windows where necessary. The location of the clean air intake must be shown to be located outside the Borough Green AQMA boundary in an area of air quality that meets the UK Air Quality Objectives. The scheme will also need to detail how noise/vibration carried by the ductwork serving the pressurised air system will be adequately controlled between and within properties. The approved scheme for mitigation of NO<sub>2</sub> air pollution to the buildings shall be implemented and a Certificate shall be provided to the Local Planning Authority by a responsible person, stating that mitigation has been completed and is in accordance with the details of the approved scheme, prior to the first occupation of the dwelling to which it relates. The approved measures shall be retained thereafter.

Reason: To improve internal air quality for occupiers of the dwellings hereby approved, consistent with the UK Air Quality Objectives.

13. 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.

15. 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.

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

16. 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.

17. No development shall take place until details of existing and proposed levels, including the finished floor levels of all buildings to be erected on the site, 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.

18. No development shall commence until details of a scheme for the storage and screening of refuse (including the location of the "day of collection" area) 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.



19. No development shall be commenced until:

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

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

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

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

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

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

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

Reason: In the interests of amenity and public safety.

### **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. You are advised to contact the Director of Street Scene and Leisure with regard to the bin storage being adequate for the current recycling practices.
3. 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.
4. 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 Street Naming & Numbering, Tonbridge and Malling Borough Council, Gibson Building,

Gibson Drive, Kings Hill, West Malling, Kent, ME19 4LZ or to e-mail to [addresses@tmbc.gov.uk](mailto:addresses@tmbc.gov.uk). To avoid difficulties, for first occupiers, 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.

5. You are advised that during the demolition and construction phase, the hours of working (including deliveries) shall be restricted to Monday to Friday 08:00 hours - 18:00 hours. On Saturday 08:00 to 13:00 hours, with no work on Sundays or Public/Bank Holidays.
6. You are advised that use of bonfires could lead to justified complaints from local residents and that the disposal of demolition waste by incineration is also contrary to Waste Management Legislation.
7. The air quality mitigation measures as proposed in the air quality assessment report (Ref: AQ0290) relating to construction activities (section 6.1), must be fully implemented during the construction of the development hereby approved.
8. The site is located on the Folkestone Formation which is sandstone and designated as a Principal aquifer and no infiltration of surface water drainage into the ground within the site is permitted other than with the express written consent of the Local Planning Authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to controlled waters.
9. There should be no discharge into land impacted by contamination or land previously identified as being contaminated. There should be no discharge to made ground. There must be no direct discharge to groundwater. Only clean uncontaminated water should drain to the surface water system. Roof drainage shall drain directly to the surface water system (entering after the pollution prevention measures). Appropriate pollution control methods (such as trapped gullies and interceptors) should be used for drainage from access roads and car parking areas to prevent hydrocarbons from entering the surface water system.
10. The following points should be noted wherever soakaways are proposed at a site:
  - Appropriate pollution prevention methods (such as trapped gullies or interceptors) should be used to prevent hydrocarbons draining to ground from roads, hardstandings and car parks. Clean uncontaminated roof water should drain directly to soakaways entering after any pollution prevention methods.
  - No soakaway should be sited in or allowed to discharge into land impacted by contamination or land previously identified as being contaminated.
  - There must be no direct discharge to groundwater, a controlled water. An unsaturated zone must be maintained throughout the year between the base of soakaways and the water table.

- A series of shallow soakaways are preferable to deep bored soakaways, as deep bored soakaways can act as conduits for rapid transport of contaminants to groundwater

- 11 Any facilities for the storage of oils, fuels or chemicals shall be provided with secondary containment that is impermeable to both the oil, fuel or chemical and water, for example a bund, details of which shall be submitted to the local planning authority for approval. The minimum volume of the secondary containment should be at least equivalent to the capacity of the tank plus 10%. If there is more than one tank in the secondary containment the capacity of the containment should be at least the capacity of the largest tank plus 10% or 25% of the total tank capacity, whichever is greatest. All fill points, vents, gauges and sight gauge must be located within the secondary containment. The secondary containment shall have no opening used to drain the system. Associated above ground pipework should be protected from accidental damage. Below ground pipework should have no mechanical joints, except at inspection hatches and either leak detection equipment installed or regular leak checks. All fill points and tank vent pipe outlets should be detailed to discharge downwards into the bund.

(B) TM/12/02414/LB:

**7.2 Grant Listed Building Consent** in accordance with the following submitted details: Design and Access Statement dated 09.07.2012, Noise Assessment dated 09.07.2012, Report dated 09.07.2012, Location Plan PD-1891-100(A) rev A dated 09.07.2012, Elevations PD-1891-30 dated 09.07.2012, Proposed Plans and Elevations PD-1891-21 rev A dated 09.07.2012, Existing Plans and Elevations PD-1891-20 rev A dated 09.07.2012 subject to the following:

### **Conditions / Reasons**

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.

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

2. Prior to the commencement of the conversion/renovation works, a schedule of works also detailing all materials and any new joinery shall be submitted for the approval of the Local Planning Authority and the works shall be completed in accordance with the approval details.

Reason: In the interests of the character of the heritage asset.

3. Notwithstanding the submitted drawings, existing windows and glazing to the listed building shall be retained. Acoustic mitigation shall be limited to refurbishment of the frame to allow no gaps to the glazing and the addition of 6mm thick secondary glazing separated by 100mm from the existing glazing as detailed in the supplementary noise report hereby approved.

Reason: In the interests of the character of the heritage asset.

Contact: Marion Geary