

Borough Green
Borough Green And
Long Mill

25 September 2014

TM/14/02992/FL

Proposal: Demolition of the existing Geographers A-Z buildings on the site and for the erection of 41 residential units with associated car parking, access, footways, associated infrastructure works, and landscaping

Location: A To Z Geographers Ltd 173 - 199 Fairfield Road Borough Green Sevenoaks Kent TN15 8PP

Applicant: Fernham Homes

1. Description:

1.1 Members may recall that amendments to this application for redevelopment of the A to Z Geographers site to provide 41 dwellings were presented to the APC2 meeting of 2 March 2016. The amendments comprised the non-provision of the originally agreed 16 on-site affordable houses. The applicant stated that the scheme would be unviable, primarily as a result of the cost of remediating the site of contamination which has proved to be much higher than anticipated. Amended wording to some of the conditions to assist in a more expedient delivery of the scheme was also proposed. However, the Committee was concerned that a complete removal of the affordable housing provision was not acceptable and therefore resolved to refuse the amendments to the application. A copy of the previous reports to Committee are annexed.

1.2 The applicant has since re-negotiated the selling price with the Trustees of A-Z in order to provide a proportion of affordable housing, given the site specific circumstances, that aims to overcome the concerns of Members.

2. Reason for reporting to Committee:

2.1 The applicant has submitted revisions to the scheme that require endorsement from the Committee.

3. Consultees:

3.1 None.

4. Determining Issues:

4.1 Additional Determining Issues since the last resolution on 2 March 2016 as follows:

Affordable Housing Provision:

4.2 The applicant has provided written confirmation that in order to facilitate an affordable housing provision that would be acceptable in the policy context of

CP17 of the Tonbridge and Malling Borough Core Strategy, the selling price of the site has been re-negotiated with the Trustees of A-Z, with the Trustees agreeing to reduce the price. This has made £320,000 available for affordable housing provision, which includes £70,000 that would cover the likely cost of an appeal. The applicant has therefore put forward the following offer towards affordable housing, either:

- a) 4 terraced houses on-site (shared equity only) **or**
- b) an off-site contribution of £320,000.

4.3 The applicant has advised that they would be prepared to enter into an agreement that they must first seek offers for the on-site contribution, but if this is not successfully achieved within an agreed timeframe then the provision would defer to the financial contribution of £320,000 for off-site provision.

4.4 Notwithstanding the applicant's sequential offer, it is considered that only the off-site contribution would be acceptable as this would enable the Council to target specific affordable housing need in the Borough.

4.5 In light of the Council's viability consultant's estimated commercial valuation of the site the proposed off-site financial contribution towards affordable housing offered by the applicant is considered to be reasonable. The contribution could enable a modest but meaningful amount of affordable housing in the Borough that is proportionate given the specific circumstances.

4.6 It is therefore recommended that Members resolve to approve the application, which includes the rewording of the conditions to assist in the delivery of the development. This would be subject to the offered affordable housing provision being secured under a legal agreement, along with the retained contributions for open space and KCC community services facilities.

5. Recommendation:

5.1 **Grant Planning Permission** in accordance with the following submitted details: Letter received 03.09.2014, Ecological Assessment 6456.PEA.VF received 03.09.2014, Transport Statement SEH/10335 received 03.09.2014, Contaminated Land Assessment 13873/SGIR Phase 2 received 03.09.2014, Air Quality Assessment 34036R1 received 03.09.2014, Archaeological Assessment SH/DH/17680 received 03.09.2014, Design and Access Statement received 03.09.2014, Flood Risk Assessment 5194/001/R001 received 03.09.2014, Planning Statement received 03.09.2014, Sustainability Report received 03.09.2014, Letter received 25.09.2014, Other Drawing register received 25.09.2014, Location Plan 081308-FER-06B received 25.09.2014, Proposed Elevations 081308-FER-AA-E1 received 25.09.2014, Proposed Elevations 081308-FER-AA-E2 received 25.09.2014, Proposed Elevations 081308-FER-AA-E3 received 25.09.2014, Proposed Elevations 081308-FER-AA-E4 received

25.09.2014, Proposed Floor Plans 081308-FER-AA-P1 received 25.09.2014, Proposed Elevations 081308-FER-A-E1 received 25.09.2014, Proposed Floor Plans 081308-FER-A-P1 received 25.09.2014, Proposed Elevations 081314-FER-B1-E1 received 25.09.2014, Proposed Elevations 081308-FER-B1-E2 received 25.09.2014, Proposed Elevations 081308-FER-B1-E3 received 25.09.2014, Proposed Elevations 081308-FER-B1-E4 received 25.09.2014, Proposed Floor Plans 081308-FER-B1-P2 First received 25.09.2014, Proposed Floor Plans 081308-FER-B1-P3 Second received 25.09.2014, Proposed Elevations 081308-FER-B-E1 received 25.09.2014, Proposed Floor Plans 081308-FER-B-P1 received 25.09.2014, Proposed Elevations 081308-FER-C-E1 received 25.09.2014, Proposed Plans and Elevations 081308-FER-CP01 carport and bin store received 25.09.2014, Proposed Floor Plans 081308-FER-C-P1 received 25.09.2014, Proposed Plans and Elevations 081308-FER-CS01 cycle and bin store received 25.09.2014, Proposed Plans and Elevations 081308-FER-CS02 cycle store received 25.09.2014, Proposed Elevations 081308-FER-D-E1 received 25.09.2014, Proposed Floor Plans 081308-FER-D-P1 received 25.09.2014, Proposed Elevations 081308-FER-E-E1 received 25.09.2014, Proposed Floor Plans 081308-FER-E-P1 received 25.09.2014, Proposed Elevations 081308-FER-F-E1 received 25.09.2014, Proposed Floor Plans 081308-FER-F-P1 received 25.09.2014, Proposed Plans and Elevations 081308-FER-GAR01 garage received 25.09.2014, Proposed Plans and Elevations 081308-FER-GAR02 garage received 25.09.2014, Proposed Plans and Elevations 081308-FER-GAR03 garage received 25.09.2014, Proposed Elevations 081308-FER-H-E1 received 25.09.2014, Proposed Floor Plans 081308-FER-H-P1 received 25.09.2014, Proposed Floor Plans 081308-FER-H-P2 received 25.09.2014, Cross Section 081308-FER-SEC01 A received 25.09.2014, Cross Section 081308-FER-SEC02 A received 25.09.2014, Street Scenes 081308-FER-SS01 A received 25.09.2014, Street Scenes 081308-FER-SS02 A received 25.09.2014, Artist's Impression 081308-FER-PER01 received 25.09.2014, Landscaping RD1533-L-GA-0001 A received 25.09.2014, Landscaping RD1533-L-GA-0002 A received 25.09.2014, Contaminated Land Assessment 13873/DS Phase 1 received 24.10.2014, Other DRAWING REGISTER received 13.11.2014, Site Layout 081308-FER-01B received 13.11.2014, Proposed Layout 081308-FER-02C Information received 13.11.2014, Proposed Layout 081308-FER-03B Storey height received 13.11.2014, Proposed Layout 081308-FER-05B Dwelling Types received 13.11.2014, Proposed Floor Plans 081308-FER-B1-P1 A received 13.11.2014, Plan 10335-T-01 P3 received 13.11.2014, Plan 10335-T-02 P3 received 13.11.2014, Plan 10335-T-03 P2 received 13.11.2014, Plan 10335-T-04 P2 received 13.11.2014, Artist's Impression received 09.12.2014, Email DRAINAGE/WHEELCHAIR ACCESS received 09.12.2014, Contaminated Land Assessment SFP/MS/J12188 received 16.04.2015, Letter Southern Testing received 16.04.2015, Email received 28.10.2015, Letter received 28.10.2015, Drawing 1002 P3 PROPOSED LEVELS PLAN received 28.10.2015, Drainage Layout 500 P6 received 28.10.2015, Report 1621FER-RMS-A REMEDIATION STATEMENT received 28.10.2015,

Assessment 1621FER-POW-A ASBESTOS received 28.10.2015, Report J12188 SITE INVESTIGATION _ RIS received 28.10.2015, Viability Assessment received 28.10.2015, Report J12188 GAS MONITORING received 14.01.2016, Email received 16.02.2016, subject to:

5.2 The applicant entering into a legal agreement in respect of :

- Affordable Housing
- Open space provision
- Contribution to KCC Community facilities

5.3 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 The development shall be undertaken in accordance with the demolition method statement hereby approved. The following shall be implemented and available for use prior to commencement of demolition or remediation operations on site:

- a) Contractor's compound;
- b) Parking for site personnel, contractors vehicles and equipment; and
- c) Wheel washing facilities.

Reason: To protect the amenity of neighbouring properties and in the interests of public health and highway safety.

3 No dwellings shall be commenced until details and samples of materials to be used externally have been submitted to and approved by the Local Planning Authority, and the development shall be carried out in accordance with the approved details.

Reason: To ensure that the development does not harm the character of the area or visual amenity of the locality.

4 The development shall be carried out in strict accordance with the levels shown on the Proposed Levels Plan (Drawing No.1002-P3) hereby approved.

Reason: To ensure that the development does not harm the character of the area or visual amenity of the locality.

5 The Alternative Ground Floor Plan that provides wheelchair accessibility for the apartment block proposed on Drawing No.081308-FER-B1-P1A received 13.11.2014 shall be implemented as part of the approved scheme prior to first

occupation of the dwellings for which they relate, unless the Local Planning Authority gives written consent to any variation.

Reason: To provide appropriate residential facilities for wheelchair users.

- 6 No dwellings shall be commenced until a noise assessment report that includes a scheme for protecting the proposed buildings from noise from the nearby railway, classified highway and quarry has been submitted to and approved by the Local Planning Authority. The development shall be carried out in accordance with the approved scheme.

Reason: In the interests of the residential amenity of the new development.

- 7 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order amending, revoking and re-enacting that Order), no development shall be carried out within Class A, B or D of Part 1 of Schedule 2 of that Order unless planning permission has been granted on an application relating thereto.

Reason: To ensure that any future enlargement of the dwellings does not have a harmful impact on the character or visual amenity of the area.

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

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

- 9 No building shall be occupied until the area shown on the submitted layout as vehicle parking space for the dwellings 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 2015 (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.

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

- 10 The scheme of soft landscaping shown on drawing no. RD1533-L-GA-0002A hereby approved shall be carried out in the first planting season following occupation of the buildings or the completion of the development, whichever is the earlier. Any trees or plants which within 10 years of planting are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

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

- 11 No building shall be occupied until details of the proposed block paving, hard surfacing to driveway areas and boundary fencing or other such boundary treatment have been submitted to and approved by the Local Planning Authority. The development shall be carried out in accordance with the approved details and any boundary fences or walls or similar structures as may be approved shall be erected before first occupation of the building to which they relate.

Reason: To protect and enhance the appearance and character of the site and locality.

- 12 The area shown on the approved plan as LAP (Local Area for Play) shall be laid out and made available for use within three months of first occupation of the development, in accordance with details to be submitted to and approved by the Local Planning Authority.

Reason: To ensure the timely availability of play area for the recreational needs of the residents.

- 13 None of the buildings hereby permitted shall be occupied until underground ducts have been installed by the developer to enable telephone, electricity and communal telephone services to be connected to any premises within the site without recourse to the erection of distribution poles and overhead lines and 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 distribution pole or overhead line shall be erected within the area except with the express written consent of the Local Planning Authority.

Reason: In the interests of visual amenity.

- 14 The development hereby permitted shall incorporate measures to minimise the risk of crime. No development, other than demolition of any building, removal of hardstanding or works needed to remediate the site, shall be commenced until details of such measures, according to the principles and physical security requirements of Crime Prevention through Environmental Design (CPTED) have been submitted to and approved in writing by the Local Planning Authority. The approved measures shall be implemented before the development is occupied and thereafter retained.

Reason: In the interest of security, crime prevention and community safety.

- 15 No building shall be occupied until dropped kerb crossings with tactile paving are provided across the main site access, on the eastern side of the main site entrance on Fairfield Road and to the west of the access to the private drive of Plots 23-25.

Reason: In order to improve accessibility for the mobility impaired.

- 16 No dwelling shall be occupied until foul and surface water systems have been installed to the satisfaction of the Local Planning Authority as advised by the relevant adoption authority.

Reason: To prevent pollution of ground water.

- 17 No infiltration of surface water drainage into the ground at 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. The development shall be carried out in accordance with the approval details.

Reasons: To protect groundwater.

- 18 No development, other than demolition of any building and removal of hardstanding, shall be commenced until the site is remediated in accordance with the following hereby approved, unless written consent is given for any variation:

- (a) Remediation Method Statement (ref.1621FER-RMS-A) dated July 2015, prepared by Vertase FLI; and
- (b) Site Investigation and Risk Assessment Report (ref.J12188) dated 30th June 2015, prepared by Southern Testing.

Reason: In the interests of amenity and public safety.

- 19 No occupation of any part of the permitted development shall take place until a verification report demonstrating completion of works set out in the approved remediation strategy and the effectiveness of the remediation has been submitted to and approved by the local planning authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. It shall also include any plan (a "long-term monitoring and maintenance plan") for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification plan. The long-term monitoring and maintenance plan shall be implemented as approved.

Reasons: To protect groundwater and in the interests of amenity and public safety.

- 20 If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the local planning authority) shall be carried out until the developer has submitted a remediation strategy to the local planning authority detailing how this unsuspected contamination shall be dealt with and obtained written approval from the local planning authority. The remediation strategy shall be implemented as approved.

Reasons: To protect groundwater.

Informatives

- 1 The applicant is encouraged to contact Network Rail to discuss the impact of demolition/construction traffic on use of the bridge over the railway to the south of the Fairfield Road/Wrotham Road junction.
- 2 The applicant is encouraged to contact the Environmental Protection team of the Borough Council to discuss working hours and impact of piling on nearby residential properties.
- 3 The applicant/developer shall ensure that in order to minimise dust impact from the demolition and remediation works, lorry loads are covered when entering and leaving the site.
- 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. 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.

Contact: Mark Fewster