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**Report from 10 December 2014**

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**Borough Green**                      **560851 157593**    **25 September 2014**    **TM/14/02992/FL**  
Borough Green And  
Long Mill

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

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**1. Description:**

- 1.1 The proposed development consists of the demolition of the printing works with ancillary offices/storage (Class B2) and redevelopment of the land for residential purposes. The new development is to provide 41 dwellings in total comprising 3 x 2-bedroom, 19 x 3-bedroom, 8 x 4-bedroom and 2 x 5-bedroom houses, and an apartment block of 9 x 2-bedroom flats.
- 1.2 The dwellings are arranged in a mix of detached, semi-detached and terraced houses and an apartment block. The houses are to be 2 storeys in scale, with some units having second floors accommodated in the roof space. The apartment block is to be 3 storeys high.
- 1.3 The proposed affordable housing provision totals 16 dwellings comprising 9 x 2-bedroom flats for Affordable Rent (but not maximised to 80 per cent of local private rents) (the apartment block) and 7 x 3 bedroom houses for Shared Ownership (there is potential for some units to be available for wheelchair users).
- 1.4 The layout of the development provides 2 small groups of terraces, a pair of semi-detached dwellings, a detached dwelling and the standalone apartment block across the front of the site with one of the terrace buildings facing side on to Fairfield Road. A new internal road will extend to the northwest from Fairfield Road, bending around to the south where it forms a cul-de-sac. All of the dwellings within the rear 2/3 of the site front the new access road providing relatively linear residential plots that back onto the perimeter boundary of the site. A children's Local Area for Play (LAP) is to be provided within the front southwest corner of the site adjacent to Fairfield Road itself. A private secondary access will run down the east side of the play area to a parking area for 7 terraced dwellings.
- 1.5 The buildings are to be relatively traditional in form and design. The two storey dwellings would have an eaves height of between 5 - 5.4m and ridge heights of between 8.1 - 9.7m. The 3 storey apartment block would have an eaves height of about 7.4m and a ridge height of 11.4m. External materials are to consist of a

mixture of red face brick, clay hanging tiles and white weather boarding to walls, artificial slate and clay tiles to roofs, UPVC double glazed windows and timber doors.

- 1.6 Parking for the affordable units (houses and apartment block flats) is to be in the form of open spaces within two communal parking areas. A mix of detached and integral garages and carports and associated open parking totalling 87 spaces are proposed.
- 1.7 Details of soft and hard landscaping have been submitted as well as plans showing the swept paths for refuse freighters and fire service vehicles.
- 1.8 A Transport Statement, Ecological Appraisal Report, Phase I Desk Study Report and Phase II Ground Investigation Report, Air Quality Assessment, Archaeological Desk Based Assessment, Level 1 Flood Risk Assessment, and a Sustainability Statement have also been submitted, along with a Design and Access Statement and Planning Statement.

## **2. Reason for reporting to Committee:**

- 2.1 The application has been called in to Committee by Councillor Taylor due to the development being contrary to Development Plan policy

## **3. The Site:**

- 3.1 The application site is located on the north side of Fairfield Road about 60m to the west of Wrotham Road (A227), in Borough Green. It comprises an area of approximately 1 hectare and contains a 2-storey rectangular office building situated relatively centrally on the site with a large printing works/warehouse to its west side. Large parking areas cover the southern and eastern sections of the site with the area to the rear of the buildings and access road down the western side of the works consisting mainly of concrete hardstanding. The premises were occupied by Geographers A-Z Map Company Limited from the early 1990s until quite recently when they relocated to Dunton Green in Sevenoaks.
- 3.2 The level of the land slopes down from east to west and the ground level of the application site has been altered in the past to provide a relatively flat site. The site is enclosed by a palisade steel security fencing across the front boundary with a mix of close-boarded fencing, hedges and mature and semi-mature trees along the side and rear boundaries.
- 3.3 Residential properties consisting of small groups of terraced dwellings back on to the western boundary of the site. Areas of woodland lie to the north and an area of countryside land separates the site from a small number of detached dwellings to the east that front Wrotham Road. Commercial premises lie to the south across Fairfield Road.

3.4 The site is within the settlement confines of Borough Green and relatively close to the centre of the settlement. An Area of Archaeological Potential (AAP) extends across the southern half of the site. The Metropolitan Green Belt (MGB) lies immediately to the north and east. The site is also within a Water Gathering Area. The site is designated in the Council's 2008 DLADPD as Safeguarded Employment Land - E1(o).

#### 4. Planning History (selected):

TM/64/10897/OLD grant with conditions 23 March 1964

Factory, office and access road, for Messrs. Novello & co. (as amended by plan forwarded with letter dated 10th March 1964).

TM/69/10877/OLD grant with conditions 9 June 1969

Extension to form additional productions, canteen and office area, for Novello & Co. Ltd.

TM/89/10063/FUL grant with conditions 6 December 1989

Demolition of existing premises and erection of Class B1 'High Tech'/Light Industrial Development with associated parking facilities.

TM/90/10615/FUL grant with conditions 4 December 1990

Refurbishment of existing factory/storage building. Demolition of existing office buildings and construction of two storey office/ancillary building.

#### 5. Consultees:

5.1 PC: The Parish Council objects to the proposed development for the following reasons:

- The development would result in the loss of employment land that would be a departure from the Local Development Framework.
- The speculative development would represent a departure from all recent Parish Plans and the Borough Green Character Area Appraisal.
- The need for more market and affordable houses has not been justified as they are already met by Isles Quarry and elsewhere.
- The development would result in a significant increase in traffic at a dangerous junction during peak times where driver visibility is poor impacting on highway safety.

- The cumulative effect of the development on air quality from traffic generation should be considered in conjunction with the Isles Quarry West development.
- Although the property has been marketed for some time without success it is considered that the £3.5m asking price was too high.

5.2 Environment Agency (EA)(Original): Objection as there is insufficient information to demonstrate that the risk of pollution to controlled waters is acceptable. The previous commercial use of this site may have left contamination which could impact on the proposed development. An assessment into the past uses of buildings/land and any potential risks arising from the buildings/grounds for the proposed end use should be carried out prior to the change of use and/or development works proposed. In particular investigations should take account of any oil/fuel storage tanks, septic tanks, drainage systems, and materials storage. Any identified risks should be fully evaluated, if necessary by intrusive investigations, and appropriately addressed prior to the commencement of the development.

5.2.1 EA (Re-consultation on submission of Phase 1 Desk Study Report): The preliminary site report or phase 1 investigation has been carried out in line with relevant guidance. The recommendations for further investigations at the site to determine any required appropriate remediation works should be carried out and relevant proposals agreed with the Local Planning Authority before any site clean-up works are commenced. We accept the recommendations in section 6.4 of the Phase 2 report which indicates that further analysis is required for groundwater. The report also recommends that remediation is required. Sufficient information has been provided to satisfy the required preliminary risk assessment.

5.2.2 The site is located in a highly sensitive location with regards to groundwater in that it is underlain by a principal aquifer and within a Source Protection for a potable water supply. Conditions relating to contaminated land and surface water have been suggested.

5.3 KCC (Highways & Transportation): The existing access is designed for commercial use, measuring approximately 18m in width at its junction and this could be reduced to improve pedestrian safety across the access, subject to tracking. Additionally dropped kerb crossings with tactile paving should be provided to improve accessibility for the mobility impaired.

5.3.1 The main access is 4.8m in width with footways from Fairfield Road leading into the site and to a shared surface. Turning areas are provided and tracking diagrams have been submitted indicating that there is sufficient space to manoeuvre within the site. A pedestrian link is provided between the main site access and the new private drive.

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- 5.3.2 Fairfield Road is marked out with on street parking spaces opposite the proposed access which may lead to difficulties in turning in and out of the access. I would recommend that tracking diagrams are provided to illustrate that sufficient space is available for turning movements to take place when parking occurs. Any alterations to the parking bays would be subject to discussion with Parking Services.
- 5.3.3 Advice on residential parking is given in the Kent Design Guide Interim Guidance Note 3. The layout provides adequate parking in line with this guidance however please note that spaces between boundary walls should be a minimum width of 2.7m. I would also recommend that the entrance drives are increased to 4.8m where needed for ease of access. Additionally the 2nd space for plot 10 (2-bedroom property) could be either allocated to plot 12 (3 bedroom property) as a second space or unallocated. Cycle parking arrangements are found to be satisfactory. Bus stops and train services are available within walking distance of the site.
- 5.3.4 The crash database has been interrogated and there have been no reported injury crashes on Fairfield Road or at its junction with the A227 Wrotham Road within the 3 year period to 31 March 2014.
- 5.3.5 The traffic generation from the existing use of the site has been compared to that generated by the residential development of the site using the TRICs database. The traffic generated by the previous use on site is estimated to be 61 two way movements during the AM peak hour and 64 during the PM peak. This compares with an estimated traffic generation for the residential use of 28 two way movements during the AM peak and 28 during the PM peak. The proposed residential development would therefore generate fewer traffic movements than the B1/B2/B8 use and fewer good vehicle movements.
- 5.4 KCC (Heritage): No comment to make.
- 5.5 KCC (Economic Development): The County Council has assessed the implications of this proposal in terms of the delivery of its community services and is of the opinion that it will have an additional impact on the delivery of its services, which will require mitigation either through the direct provision of infrastructure or the payment of an appropriate financial contribution. Justification has been set out for the infrastructure provision/development contributions requested.
- 5.5.1 Community Learning – The current adult participation in the District in both Centres and Outreach facilities is in excess of current service capacity.
- 5.5.2 Youth Services – There is a proportionate cost of providing additional youth services locally to mitigate the impact of this proposed development.

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- 5.5.3 Libraries and Archives – There is an assessed shortfall in provision for this service with both overall borrower numbers exceeding local area service capacity, and the bookstock is below the County average and both the England and total UK figures respectively.
- 5.5.4 Social Services – Facilities for Kent Social Care (SC) (older people, and adults with Learning or Physical Disabilities) are fully allocated. The proposed development will result in a demand upon social services which are a statutory obligation to meet but no additional funding to do so.
- 5.5.5 Superfast Fibre Optic Broadband – To provide: ‘*fibre to the premise*’ (Superfast fibre optic broadband) to all buildings (residential, commercial, community etc) of adequate capacity (internal min speed of 100mb to each building) for current and future use of the buildings.
- 5.6 Kent Police: The applicant/agent has considered crime prevention and has mentioned and given consideration to Secure By Design (SBD) they have also incorporated some but not all the seven attributes of CPTED in their Design and Access Statement (D&AS).
- 5.6.1 Conditions and informatives have been suggested if planning permission was to be granted relating to the incorporation of measures to minimise the risk of crime. (The applicant has since consulted Kent Police on the scheme)
- 5.7 NHS (Property Services): The proposed development is expected to result in a need to invest in local surgery premises: Borough Green Medical Practice. This surgery is within a 1 mile radius of the development and would be considered the most appropriate in terms of investment due to the limited choice within the vicinity. This contribution will be directly related to supporting the improvements within primary care by way of extension, refurbishment and/or upgrade in order to provide the required capacity. A specified financial contribution has been sought.
- 5.8 Kent Fire & Rescue Services: It should be ensured that fire appliances can get to within 45m of the furthest point of the dwellinghouses. A copy of Guidance Note 07 is provided.
- 5.9 Private Reps: 4/0X/1S/5R + site notice and departure press notice. The 5 objections submitted raise the following concerns:
- Further pressure on social services and infrastructure.
  - Loss of local modern employment facility.
  - Noise and pollution from the additional traffic generated.
  - Land contamination may contaminate underground water.

- Loss of amenity to local residents from potential building works and site remediation.
- The apartment block would be high and bulky and out of character with the local housing stock.
- Possible archaeological artefacts on the site.

5.9.2 One letter of support states that if the site remains employment land large vehicles would impact on the junction especially if occupied by multiple industries whereas there would be no such large vehicles with a development for houses.

## **6. Determining Issues:**

- 6.1 The settlement of Borough Green is defined as a rural service centre where housing and employment development is permitted, as stated in policy CP12 of the Tonbridge and Malling Borough Core Strategy (TMBCS).
- 6.2 The application site is listed under policy E1 of the DLADPD 2008 as land to be safeguarded for employment purposes, in this case for business use (B1) only. The proposed redevelopment of the site for residential would therefore be contrary to this policy.
- 6.3 Paragraph 22 of the NPPF advises that planning policies should avoid the long term protection of sites allocated for employment use where there is no reasonable prospect of a site being used for that purpose. Applications for alternative developments should be treated on their merits, having regard to market signals and the relative need for different land uses to support sustainable local communities.
- 6.4 Paragraph 51 of the NPPF also advises that planning applications should normally be approved for change to residential use from commercial buildings (currently in Use Class B) where there is an identified need for additional housing in that area, provided that there are not strong economic reasons why such development would be inappropriate.
- 6.5 The applicant has provided copies of advertisements and marketing of the site for B1 business use on several websites and a summary of email hits. These are attached to the planning statement as an appendix. It appears from the information submitted that the site has been on the market for over a year with no interest for B1 business use being expressed and that the main interest came from haulage operators.
- 6.6 The Parish Council has expressed concern that the asking price of the premises during the marketing period was too high. The Borough Council's economic consultants have reviewed the asking price for the site and concluded that it is

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likely to have been marginally in excess of the current market value but, although the asking price appears overstated, it would not have deterred serious interest in the form of offers being expressed.

- 6.7 Members will be aware that the Council is currently undertaking an Employment Land Review, as the last review was conducted in 2005. A draft study has been completed by Council's preferred consultants which has identified that there is surplus office space and a relatively small shortfall in industrial space in the Borough as a whole.
- 6.8 Whilst ordinarily valuable as an employment site and designated as such (for B1 use), the site is effectively a non-conforming use in an otherwise residential area and its last use generated HGV traffic into the centre of the village. As the premises has a lawful B2 use (as a map printing premises), its use as a going concern for general industry (or with use of permitted development rights up to 500sqm of warehousing) or redevelopment into smaller units for general industry would not be desirable in terms of the character and amenities of the locality. This would principally be due to the issues over the nature and volume of traffic that could be generated with an intense use of the site. Members will note that the interest in the site for employment seemed to be centred on haulage which certainly would be unacceptable at this location in amenity and traffic terms in my view.
- 6.9 There has been no serious interest in the site for B1 use for a reasonable period of time. The NPPF postdates the DLADPD Employment allocation by 4 years and it now places a renewed and significant emphasis on boosting the supply of housing and there is a continued under provision of affordable housing throughout the entire Borough, bearing in mind the findings of the Strategic Housing Market Assessment. The location of the site also provides an ideally sustainable location for additional residential development close to public transport and local facilities.
- 6.10 Whilst TMBC **currently** has an adequate supply of housing sites, Members will be aware that officers have indicated that to maintain a 5 years +5% pipeline supply it is necessary to continue to grant permissions This factory in a residential area is the type of brownfield site that would ordinarily be highly suitable for enhancing housing supply in an environmentally sustainable location and would be consistent with the general principle of "brownfield" first (TMBC achieves some 95% of permissions on such sites)..
- 6.11 Accordingly, I am of the view that the loss of allocated employment land and redevelopment of this site for residential together with 39% affordable units and associated contributions towards commensurate community facilities justifies the principle of its redevelopment for new homes.
- 6.12 The development utilises the existing access to the site. This site entrance provides a width of about 18m which provided access for HGVs for the previous commercial use of the site. The new access road provides a width of about 4.8m.



A pedestrian path links the end of the access road to the private secondary drive and LAP. The Highway Authority (KCC Highways & Transportation) has reviewed the scheme and, after requesting additional tracking diagrams has advised that the turning and manoeuvring on the site, (including that for refuse and fire service vehicles) is acceptable.

- 6.13 A total of 87 parking spaces are to be provided consisting of a mix of garage/carport and open spaces for the dwellings and allocated and visitor parking spaces for the affordable houses and flats. The Highway Authority has advised that the layout provides adequate parking in line with the Kent Design Guide Interim Guidance Note 3 being an average of 2.12 spaces per dwelling. Cycle parking provisions have also been provided by way of a cycle store for the apartment block and timber garden/storage sheds for the dwelling. These arrangements are considered to be acceptable. In addition, the development is in a sustainable location within easy walking distance of the town centre and bus and mainline train services to London/Maidstone/Ashford.
- 6.14 In respect to traffic generation, it has been advised in the submitted Traffic Statement that the new residential use would provide an estimated 28 two-way movements during the morning and evening peak periods. This would be substantially less than the 61 two-way movements estimated for the previous B1/B2/B8 use of the site. The previous use also involved movements of HGVs and other goods vehicles. It has therefore been shown that the development would generate much less traffic than the previous use and the vehicles using the redeveloped site would be predominantly cars.
- 6.15 The Highway Authority has advised that dropped kerb crossings with tactile paving should be provided in order to improve accessibility for the mobility impaired. This can be secured by imposition of a condition on any permission granted. I am therefore of the view that the development would not result in any significant harm to highway safety and that any residual cumulative impacts on the transport network would not be severe. The proposal therefore accords with policy SQ8 of the MDEDPD and paragraph 32 of the NPPF.
- 6.16 The layout of the site would reflect the general pattern of the established residential area of Fairfield Road to the west. The proposal will provide a varied mix of dwellings, with private garden areas of a suitable size, other than the Plot 8 dwelling and the flats. A small Local Area for Playing (LAP) is provided within the southwest corner of the site and recreation ground and sport fields are located within 500m of the site. These provisions are considered adequate for those dwellings without private gardens. A mix of open and covered parking spaces is proposed. The apartment block is well located within the front southeast corner of the site which is well linked to the development overall but also provides an appropriate level of functional separation.

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- 6.17 The designs of the houses are varied but at the same time relatively traditional in their size, scale and form, and use of materials. I am of the view it would be a visually interesting development. The use of red facebrick, hanging tiles, weatherboarding, artificial slate and clay roof tiles reflect traditional materials used in the local area and within the Borough more generally. I also consider the dwellings proposed would be complementary to the established residential area to the west, resulting in a substantial improvement to the visual amenity and character of the area.
- 6.18 The apartment building is a larger building form than the remainder of the units on the scheme. However, this building is well separated from the dwellings within the development and effectively relocates an existing large building further east in the streetscape. The building has been designed to provide an appropriate level of articulation and use of materials to assist in breaking up its visual size and mass. I am therefore of the view that the apartment building would be visually complementary to the development and would not dominate the street-scene.
- 6.19 The existing commercial development, although providing some link to other office development opposite on the south side of Fairfield Road, is sandwiched between residential development either side and provides little in the way of visual continuity within the street-scene. I am of the opinion that the new residential development will provide a more visually logical connection between the dwellings to the east fronting Wrotham Road and the existing residential area further to the west.
- 6.20 Soft landscaping is proposed providing a good level of tree planting in front of the apartment block, on the west side of the entrance, around the LAP, and either side of the access road and within rear gardens. Existing boundary landscaping is to be removed and will be replaced by new hedges. A large number of semi-mature trees are to be planted along the western boundary to provide screening to the west. Three existing birch trees are to be retained adjacent to the LAP which is welcomed. Hornbeam hedging will surround these trees. Generous areas of grass are also proposed. I consider these soft landscaping proposals to be comprehensive and would add to the overall aesthetics of the scheme.
- 6.21 Hard landscaping proposals have also been submitted which are generally acceptable. However, the paving and driveway surfacing will be a prominently visible part of the scheme and therefore a schedule of hard surfacing materials should be submitted for approval. A condition can be added to this effect.
- 6.22 Accordingly, subject to conditions requiring details of external materials and hard surfacing, I am satisfied that the proposed development would not harm the street-scene or character of the area would enhance the visual amenity of locality. The proposal would therefore satisfy policies CP24 of the TMBCS and SQ1 of the MDEDPD. I am also satisfied that the development would accord with Part 7 of the NPPF relating to good design.

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- 6.23 Measures to contribute to a sustainable environment have been outlined in the submitted Sustainability Statement. These include modern construction techniques, improved levels of insulation and possible installation of roof mounted solar thermal or photovoltaic panels. I consider these measures show sufficient intent to positively contribute to a sustainable environment and therefore the development would satisfy policy CC1 of the MDEDPD.
- 6.24 The application site is relatively close to a number of noise sources, including the main railway line, Wrotham Road (A227) and the local quarry. I am of the view though that with the provision of appropriate noise insulation/attenuation for the dwellings/buildings noise from these sources could be effectively mitigated such that noise impact would not be harmful to the living conditions of the new residential occupiers. A condition requiring a noise assessment and proposed scheme of noise attenuation to protect future residents can be required by condition on any permission granted.
- 6.25 The layout of the development provides a traditional linear relationship with neighbouring residential development to the west providing a mutual rear to rear outlook where levels of overlooking are generally considered accepted. In this case, the dwellings for Plots 9 - 17 are situated about 10m from the rear boundary with the neighbouring dwellings being 10-20m back from the rear boundary. Semi-mature trees are to be planted along the rear boundary within many of the rear gardens to provide additional screening. The flank of the Plot 7 dwelling is sited more or less opposite the side flank of No.171 Fairfield Road. I do not consider there to be any adverse relationships between the dwellings within the development site. I am therefore satisfied that the proposed development has been designed to ensure that the amenities of occupiers of existing neighbouring residential properties would not be demonstrably harmed, satisfying policy CP24 of the TMBCS.
- 6.26 The development will provide 16 affordable houses which represents a level of 39% of the number of dwellings in the scheme. The affordable housing is to be provided in the form of 9 x 2-bedroom affordable rented flats within the apartment block and 7 x 3-bedroom shared ownership terraced houses within the front section of the site. This level of provision is very close to the 40% level prescribed by policy CP17 of the TMBCS and is therefore acceptable. In consultation with the Council the applicant has also amended the ground floor plan of the apartment block to provide wheelchair accessible dwellings, which is much to be welcomed and will assist potential occupation for persons on the Housing Register or those with mobility issues.
- 6.27 The rent costs for the Affordable Rent dwellings have been formulated in partnership with the Council in relation to Council's affordability concerns for this tenure. In order to help enable sustainable tenancies it has been agreed that the rents are **not** maximised to the 80% of local private market rent. The shared ownership homes have also been modelled in terms of initial share and rent on the

unpurchased equity to reflect the affordability pressures locally, and the eligibility requirements of the national Help To Buy scheme for this tenure. The applicant will be required to enter into a legal agreement with the Council so this provision can be secured.

- 6.28 Policy OS3 of the MDEDPD requires an open space provision in accordance with the quantitative standards set out in the annex to this policy on all residential development of 5 units or more. The sequential approach and methodology set out in Annex D of the MDEDPD has been applied to determine the level of provision required. The development does incorporate a small LAP within the front southwest corner of the site. After taking into account this on-site provision, it has been determined that a financial contribution towards off-site open space provision for Amenity Green Spaces and Natural Green Space to the sum of £13,870 is sought in this case. The applicant will be required to enter into a legal obligation to secure this provision. KCC Economic Development has requested financial contributions towards the delivery of County Council Community Services to mitigate impact on services from the future additional population that the scheme will generate. This provision would contribute towards community learning, youth services, libraries and archives, social services and superfast optic broadband. They have asked for a total of £12,736.49. I am generally satisfied that I can recommend that these payments of this scale are justified and accord with the necessary regulations although more information has been sought on the specific projects, which will be included in a supplementary report.
- 6.29 The applicant's agent has submitted amended plans that show how, without any changes to the external appearance of the units, wheelchair adapted units could be provided on the ground floor of the affordable rented apartment block. One of the KCC requested contributions relates to possible future adaptations to units for wheelchair bound occupiers as part of the social infrastructure.
- 6.30 NHS Property Services has also requested financial contributions to meet the extra demands placed on the local primary and community health service from the development. It has been stated that the development is expected to result in a need to invest in local surgery premises – Borough Green Medical Practice – and that the contribution would be directly related to supporting the improvements within primary care by way of extension, refurbishment and/or upgrade in order to address the required capacity. It is known that the Borough Green Medical Practice has recently been extended to provide additional capacity but no mention has been made of this extension to the existing facility. It has been advised that the practice with refurbishments could accommodate the additional capacity generated by the proposed development but this will be investigated further. Further information on this matter will be included in a Supplementary Report
- 6.31 Kent Police has reviewed the proposed scheme and advised that the applicant has considered crime prevention, giving consideration to Secure By Design (SBD) and incorporating some attributes of Crime Prevention Through Environmental Design

(CPTED). The applicant has since liaised with Kent Police and is amenable to providing further measures to prevent crime and increase safety by including features such as an audio entry system for the flats, trellis fencing, picket fencing around the flat garden, security planting, wiring for CCTV, suitable lighting, security features for the bicycle storage and steel mesh doors for the communal bin area. A condition can be added to secure some of these features.

- 6.32 An Air Quality Assessment report has been submitted. The potential for impact on air quality from fugitive dust emissions from demolition, earthworks construction and track-out activities were assessed. It was concluded that the use of good practice control measures would provide suitable mitigation for the size and nature of the development proposed. While construction impacts are not strictly a consideration, in this case this is a welcome clarification. A detailed assessment was undertaken to quantify pollution levels from the development. It was concluded that vehicle exhaust emissions would not be significant at any sensitive location in the vicinity of the site and that the pollution levels at the site would be below the relevant air quality criteria. I do not consider that the new residential receptors will be exposed to levels of air pollution above the air quality objectives or that the development would not have a negative impact upon the existing AQMA in Borough Green. It is important to note that the site lies a substantial distance from the AQMA, some 170m to the north. Also, the development incorporates positive air quality designs such as inclusion of tree species with high urban tree air quality scores (UTAQS) like Acer Campestra and Crataegus Monogyna. Therefore, I am satisfied that the development would not result in a significant deterioration in air quality in the area and would thus satisfy policy SQ4 of the MDEDPD.
- 6.33 A Preliminary Ecological Appraisal report has been submitted. A survey was conducted in July 2014 in respect to the likely presence of protected species, including badgers, bats, dormouse, other mammals, birds, reptiles and invertebrates. It was concluded that the application site held negligible ecological value due to the lack of diverse natural habitat and that it is unlikely to accommodate protected species. I am satisfied that the development would not harm protected species or impact on the biodiversity of the area and therefore would accord with policy NE2 of the MDEDPD.
- 6.34 The front section of the application site falls within an Area of Archaeological Protection. The applicant has submitted an Archaeological Desk Based Assessment, which concluded that there are no designated or undesignated archaeological assets recorded on the application site and that the site has low potential for the presence of unknown buried heritage assets dating to all periods. The County Archaeologist (KCC Heritage) has reviewed the details submitted and has advised that no further action is needed in respect to archaeology on the site is required.

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- 6.35 The applicant has submitted a Level 1 Flood Risk Assessment. It advises that the site lies within Flood Zone 1 where the risk of flooding is low and where the proposed development, classified as 'more vulnerable', would be appropriate. There has not been any record of flooding on the site. I do not consider that the site is at risk of flooding.
- 6.36 An existing sewer line runs adjacent to the southwest corner of the site and it has been indicated on the application form that foul sewage would be disposed of to the main sewer. The site proposes large areas of hard surfacing and part of the internal access road is to be laid with permeable block pavers. However, the site is underlain by groundwater that is a principal aquifer that is protected for a potable water supply. Due to the scale of the development, I therefore consider it necessary in this case to secure the provision of appropriate foul and surface water disposal, which can be imposed by a condition on any permission granted.
- 6.37 In respect to land contamination, a Phase I Desk Study Report and Phase II Scoping Ground Investigation Report have been submitted, prepared by Soils Limited. The Phase I report identifies various potential sources of contamination, including various compounds within the made ground as a result of previous site uses and ground gases from onsite and adjacent landfilling activities. The Phase II investigation was only undertaken to assist developers in preparing an overall foundation scheme and did not characterise the contamination on-site. Despite on-site and adjacent landfilling, and the installation of ground gas monitoring boreholes, the monitoring was not sanctioned by the client and as such was not undertaken. It is considered necessary for this sampling to be undertaken. Soil samples revealed elevated levels of arsenic, lead, nickel and zinc which could pose a risk to human health if not dealt with appropriately. They do not constitute an embargo on development for residential purposes. Therefore the site will require remediation to make it suitable for residential use.
- 6.38 Groundwater could not be sampled as it was not encountered during trial pitting, but as it is considered a sensitive receptor it is recommended that samples be retrieved for testing or soil samples for leachate testing should be submitted for consideration by EA who enforce the protection of ground water.
- 6.39 The report concludes that further sampling is required to fully characterise the contamination on-site and develop an appropriate remediation strategy. A full site investigation is therefore needed, where necessary once demolition has taken place, and which should include ground gas monitoring and a more robust sampling strategy.
- 6.40 The EA has also reviewed the reports submitted and is of the view that planning permission could be granted if a suggested condition is imposed requiring remediation of the land. Therefore, a suitable condition requiring a full site investigation and remediation of the land will be imposed on any permission granted. The development would therefore accord with paragraphs 120-121 of the NPPF.

- 6.41 I note the comments made by the Parish Council and several local neighbours. The issues raised relate to the loss of employment land, impact on highway safety, traffic, air quality, pollution, land contamination, affordable housing, character of the area and concern that the marketing price for the site was inflated. These issues have all been addressed in detail above. The Parish has also commented that the development would be inconsistent with the character area appraisal and developing local plan. I am of the view that the development would satisfy the relevant sections of the NPPF which must be read as the context for now interpreting Development Plan policy. I do not consider that the development would be at variance to the Borough Green Character Area Appraisal. It is indeed correct that the planning permission at Isles Quarry West has provided a source of affordable housing locally but the level of need is such that the units at this site will be a valuable contribution to the range of the supply including the units suited to wheelchair users.
- 6.42 In light of the above, I consider that the proposed redevelopment of the site accords with the relevant provisions of the Development Plan and NPPF, and therefore approval is recommended.

## **7. Recommendation:**

- 7.1 **Grant Planning Permission** in accordance with the following submitted details: Other DRAWING REGISTER dated 13.11.2014, Site Layout 081308-FER-01B dated 13.11.2014, Proposed Layout 081308-FER-02C Information dated 13.11.2014, Proposed Layout 081308-FER-03B Storey height dated 13.11.2014, Proposed Layout 081308-FER-04B Tenure dated 13.11.2014, Proposed Layout 081308-FER-05B Dwelling Types dated 13.11.2014, Proposed Floor Plans 081308-FER-B1-P1 A dated 13.11.2014, Plan 10335-T-01 P3 dated 13.11.2014, Plan 10335-T-02 P3 dated 13.11.2014, Plan 10335-T-03 P2 dated 13.11.2014, Plan 10335-T-04 P2 dated 13.11.2014, Documents SECTION 106 AGREEMENT dated 25.09.2014, Contaminated Land Assessment 13873/DS Phase 1 dated 24.10.2014, Letter dated 03.09.2014, Letter dated 25.09.2014, Ecological Assessment 6456.PEA.VF dated 03.09.2014, Transport Statement SEH/10335 dated 03.09.2014, Contaminated Land Assessment 13873/SGIR Phase 2 dated 03.09.2014, Air Quality Assessment 34036R1 dated 03.09.2014, Archaeological Assessment SH/DH/17680 dated 03.09.2014, Design and Access Statement dated 03.09.2014, Flood Risk Assessment 5194/001/R001 dated 03.09.2014, Planning Statement dated 03.09.2014, Sustainability Report dated 03.09.2014, Other Drawing register dated 25.09.2014, Location Plan 081308-FER-06B dated 25.09.2014, Proposed Elevations 081308-FER-AA-E1 dated 25.09.2014, Proposed Elevations 081308-FER-AA-E2 dated 25.09.2014, Proposed Elevations 081308-FER-AA-E3 dated 25.09.2014, Proposed Elevations 081308-FER-AA-E4 dated 25.09.2014, Proposed Floor Plans 081308-FER-AA-P1 dated 25.09.2014, Proposed Elevations 081308-FER-A-E1 dated 25.09.2014, Proposed Floor Plans 081308-FER-A-P1 dated 25.09.2014, Proposed Elevations 081314-FER-B1-E1 dated 25.09.2014, Proposed Elevations 081308-FER-B1-E2

dated 25.09.2014, Proposed Elevations 081308-FER-B1-E3 dated 25.09.2014, Proposed Elevations 081308-FER-B1-E4 dated 25.09.2014, Proposed Floor Plans 081308-FER-B1-P1 Ground dated 25.09.2014, Proposed Floor Plans 081308-FER-B1-P2 First dated 25.09.2014, Proposed Floor Plans 081308-FER-B1-P3 Second dated 25.09.2014, Proposed Elevations 081308-FER-B-E1 dated 25.09.2014, Proposed Floor Plans 081308-FER-B-P1 dated 25.09.2014, Proposed Elevations 081308-FER-C-E1 dated 25.09.2014, Proposed Plans and Elevations 081308-FER-CP01 carport and bin store dated 25.09.2014, Proposed Floor Plans 081308-FER-C-P1 dated 25.09.2014, Proposed Plans and Elevations 081308-FER-CS01 cycle and bin store dated 25.09.2014, Proposed Plans and Elevations 081308-FER-CS02 cycle store dated 25.09.2014, Proposed Elevations 081308-FER-D-E1 dated 25.09.2014, Proposed Floor Plans 081308-FER-D-P1 dated 25.09.2014, Proposed Elevations 081308-FER-E-E1 dated 25.09.2014, Proposed Floor Plans 081308-FER-E-P1 dated 25.09.2014, Proposed Elevations 081308-FER-F-E1 dated 25.09.2014, Proposed Floor Plans 081308-FER-F-P1 dated 25.09.2014, Proposed Plans and Elevations 081308-FER-GAR01 garage dated 25.09.2014, Proposed Plans and Elevations 081308-FER-GAR02 garage dated 25.09.2014, Proposed Plans and Elevations 081308-FER-GAR03 garage dated 25.09.2014, Proposed Elevations 081308-FER-H-E1 dated 25.09.2014, Proposed Floor Plans 081308-FER-H-P1 dated 25.09.2014, Proposed Floor Plans 081308-FER-H-P2 dated 25.09.2014, Cross Section 081308-FER-SEC01 A dated 25.09.2014, Cross Section 081308-FER-SEC02 A dated 25.09.2014, Street Scenes 081308-FER-SS01 A dated 25.09.2014, Street Scenes 081308-FER-SS02 A dated 25.09.2014, Artist's Impression 081308-FER-PER01 dated 25.09.2014, Landscaping RD1533-L-GA-0001 A dated 25.09.2014, Landscaping RD1533-L-GA-0002 A dated 25.09.2014, subject to

- the applicant entering into a legal agreement in respect of
  - Open space provision
  - The provision of affordable housing
  - Contribution to KCC Community facilities

- The following conditions

- 1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

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

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



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

- 3 No development shall take place until a plan showing the levels of the site and adjoining land, proposed finished ground floor levels of all buildings hereby approved and the proposed finished ground levels of the site have been submitted to and approved by the Local Planning Authority. The works shall be carried out in strict 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 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.

- 5 Development shall not begin 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.

- 6 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 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 do not have a harmful impact on the character or visual amenity of the area.

- 7 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.

- 8 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

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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.

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

- 9 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.

- 10 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.

- 11 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.

- 12 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.

- 13 The development hereby permitted shall incorporate measures to minimise the risk of crime. No development shall take place 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.

- 14 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.

- 15 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.

- 16 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.

- 17 No development, other than demolition of any building, removal of hardstanding, ground investigations or site survey works, 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.

Contact: Mark Fewster