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**Report from 2 March 2016**

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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 Members may recall that at the A2PC meeting of 10 December 2014 the Committee resolved to grant planning permission for this application for redevelopment of the A to Z Geographers site. A copy of the original committee report is annexed here. The proposal is for the demolition of the printing works and ancillary offices/storage buildings (Class B2) and redevelopment of the site for residential use, proposing 41 dwellings in total made up of 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. The resolution was subject to a S106 agreement for an open space provision, a contribution for KCC Community facilities and an on-site affordable housing provision which comprised 16 affordable units (39%).
- 1.2 Further site investigations since the resolution have revealed that the site is much more heavily contaminated than first thought. The cost of remediating the site has therefore increased which in turn has affected the viability of the scheme. The applicant has therefore submitted a viability assessment for consideration, prepared by "Affordable Housing 106", which seeks to demonstrate that it is not viable for the development to provide an affordable housing provision.
- 1.3 Additional information has also been submitted, including a Site Investigation and Risk Assessment Report (Southern Testing, June 2015), Remediation Method Statement (Vertase FLI, July 2015), Gas Monitoring Report (Southern Testing, January 2016), Asbestos Risk Assessment and Plan of Work (July 2015), a Proposed Levels Plan and a Drainage Plan.
- 1.4 The applicant also proposes to amend the wording of a number of conditions on the original resolution to both reflect the additional information submitted and to assist in delivering the scheme by enabling demolition work, site clearance and remediation works to get underway as expediently as possible.

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

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

**3. Consultees:**

- 3.1.1 EA (Re-consultation): We note that the preliminary site report or phase 1 investigation has been carried out in line with relevant guidance. We also confirm receiving the Site Investigation and Risk Assessment Report written by Southern Testing, dated June 2015 (Reference J12188) and the Remediation Method Statement written by Vertase FLI, dated July 2015 (Reference 1621FER-RMS-A) and consider these parts of the condition to be discharged. The reported actions and analysis of risks and liabilities detailed in the submitted site investigation report are agreed in principle as being in accordance with relevant guidance and good practice. The Groundwater Risk Assessment detailed in Section 28 is satisfactory. The proposals for remediation works described in the Remediation Method Statement are also acceptable. We look forward to receiving the Verification Report. We have no objection to the proposed development but would like to reiterate our previous conditions from our response KT/2014/119010/02-L02 dated 24 November 2014.

**4. Determining Issues:**

- 4.1 Additional Determining Issues since December 2014 as follows:

Viability/Affordable Housing

- 4.2 Paragraph 173 of the NPPF (Ensuring viability and deliverability) advises that “to ensure viability, the costs of any requirements likely to be applied to development, such as requirements for affordable housing, standards, infrastructure contributions or other requirements should, when taking account of the normal cost of development and mitigation, provide competitive returns to a willing land owner and willing developer to enable the development to be deliverable.”
- 4.3 The viability assessment submitted by the applicant which seeks to demonstrate that it is not viable for the applicant to provide any affordable housing provision for the development has been reviewed by Council’s economic appraisal consultant, BPS Chartered Surveyors.
- 4.4 It was considered that the benchmark value, sales values and ground rental income figures applied for the appraisal reflected market evidence but the costs applied have been overstated. Notwithstanding this, it was concluded that the scheme, even allowing for variations in assumptions, cannot generate a profit in excess of 15% which represents a shortfall on a typical developer return and therefore the scheme cannot viably deliver affordable housing.

- 4.5 However the shortfall was considered to be at a level where it may be commercially viable for the developer to “risk” proceeding with the development. The developer may either delay implementation in anticipating improvement in the market or is anticipating net unit price increases. It has therefore been suggested that a review of outturn viability should be considered as part of any S106 agreement to establish whether the scheme can deliver an in lieu payment.
- 4.6 In light of the above conclusions, I consider that it has been satisfactorily demonstrated that in order for the development to be viable and deliverable, given the normal costs of mitigation, provision of affordable housing should not be required in this specific case. Given the complex nature and uncertainty surrounding reviews of outturn viability and in lieu payments within S106 agreements, I do not consider that this is worth pursuing overall. I consider this to be in accordance with paragraph 173 of the NPPF.

#### Site Investigation/Remediation

- 4.7 The EA has reviewed the Site Investigation and Risk Assessment Report and Remediation Method Statement submitted on 28 October 2015 and advised that these are sufficient to discharge the relevant parts of the required remediation strategy to deal with the risks of contamination of the site. The reported actions and analysis of risks and liabilities and the Groundwater Risk Assessment detailed in the Site Investigation and Risk Assessment Report were considered to be satisfactory and the proposals for remediation works as outlined in the Remediation Method Statement deemed acceptable. A verification report demonstrating completion of the works set out in the remediation scheme and the effectiveness of the remediation scheme will be required to be approved by the Local Planning Authority prior to occupation of the development. The conditions relating to land contamination have therefore been revised to reflect this.

#### Levels/Drainage Plans

- 4.8 A Proposed Levels Plan and Drainage Plan have been submitted. Proposed finished floor levels of the dwellings and finished ground levels are shown to relate well to existing surrounding ground levels and therefore are acceptable. The drainage plan shows foul water directed to the mains sewer and surface water directed to interceptors and soakaways which is considered to be satisfactory. The conditions relating to these aspects of the development can be amended accordingly.

#### Amended Conditions

- 4.9 To enable the establishment of a contractor’s compound, demolition of the buildings, clearance and remediation of the site, the applicant has requested changes to the wording of some of the conditions to ensure that such works can commence without delay. I consider these changes to be entirely appropriate to assist in delivering the development.

- 4.10 The applicant has in good faith added an extra condition which relates to the submission of a demolition and construction method statement. This is currently being prepared and it is envisaged that this can be added to the application details prior to the Committee Meeting.
- 4.11 I am therefore satisfied that the proposed development, as amended, accords with the relevant provisions of the Development Plan and NPPF, and therefore it is recommended that Members resolve to approve the application.

## 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:

- the applicant entering into a legal agreement in respect of
  - Open space provision
  - 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 The site and development shall be undertaken in accordance with the demolition/construction 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 development, except for site set up, the establishment of a contractor's compound, demolition and site clearance and site remediation works, 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.

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 development, except for site set up, the establishment of a contractor's compound, demolition and site clearance and site remediation works, shall take place 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.

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- 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, except for site set up, the establishment of a contractor's compound, demolition and site clearance and site remediation works, 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.

- 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 Prior to commencement of construction of the dwellings hereby approved, the site shall be remediated in accordance with the following details hereby approved:

- (a) Remediation Method Statement (ref.1621FER-RMS-A) dated July 2015, prepared by Vertase FLI; and



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(b) Site Investigation and Risk Assessment Report (ref.J12188) dated 30<sup>th</sup> 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 shall be submitted to and approved, in writing, 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.

- 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.

Contact: Mark Fewster