

Decision Maker: Plans Sub-Committee No. 4

Date: 10 November 2011

Decision Type: Non-Urgent Non-Executive Non-Key

Title: **BUILDING OPERATIONS AT 49 SUNNINGVALE AVENUE,
BIGGIN HILL, WESTERHAM, KENT TN16 3BX**

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Chief Officer: Chief Planner

Ward: Biggin Hill

1. Reason for report

- 1.1 Works have commenced at the above site comprising site clearance, excavation of foundations and deposit of materials and appear to be continuing. These relate to a development comprising of a terrace of three 2 bedroom houses and six semi-detached 3 bedroom houses, ancillary car parking, bin storage and new access from Sunningvale Close. Conditional permission was granted in July 2011 under ref. 11/01412/FULL1.
- 1.2 A total of 27 conditions, including 13 requiring submission of details prior to commencement of development, were imposed by the Council under ref. 11/01412, although at the time of preparing this report (9/11/11) the details pursuant to only 6 conditions had been submitted to the Council. An update will be given at committee if any additional details are received.

2. **RECOMMENDATION**

Breach of Condition Notices be authorised to ensure compliance with the pre-commencement conditions set out in Table 1 below.

3. COMMENTARY

- 3.1 Development has commenced in connection with application ref. 11/01412. Preparatory works have commenced on site, however, the details of only 6 pre-commencement conditions have so far been submitted to the Council. These relate to Conditions 9 (arboricultural method statement), 12 (external surfaces), 18 (construction management plan), 19 (surface water drainage), 20 (foul water drainage) and 21 (slab levels)).
- 3.2 Details concerning Conditions 12 (external materials) and 21 (slab levels) are considered to be satisfactory. However the details relating to Condition 9 which requires an arboricultural methods statement have not been approved. Members will be updated verbally at the meeting in relation to the adequacy of the submitted construction management plan (Condition 18).
- 3.3 The following table summarises the relevant conditions:

Table 1: Pre-commencement conditions currently being breached

Condition No	Details of condition
2	<p>Scheme for the making up of Sunningvale Close to adoptable standard submitted to and approved in writing by the Local Planning Authority and the making-up is completed in accordance with those details. Any damage to the road shall be repaired to the satisfaction of the LPA before any dwelling hereby permitted is occupied.</p> <p><i>Justification for condition: The road is currently in a poor state of repair and its condition has deteriorated as a result of the ongoing works. It is necessary to ensure that mitigation measures are undertaken in the interests of pedestrian and vehicular safety</i></p>
3	<p>Details of a scheme of landscaping, including the materials of paved areas and other hard surfaces.</p> <p><i>Justification for condition: In order to secure a visually satisfactory setting for the development.</i></p>
5	<p>No part of the development hereby permitted shall be commenced prior to a contaminated land assessment and associated remedial strategy, together with a timetable of works.</p> <p><i>Justification for condition: This condition was recommended by the Council's Environmental Health division in considering the 2011 application. The site formerly contained a single dwelling which was burnt and it is unclear to what extent the site may be contaminated.</i></p>
9	<p>Submission of an arboricultural method statement prior to development taking place.</p> <p><i>Justification for condition: The site contains a large number of trees which form an important landscape feature and given the sensitivity of the site/proximity of the development to the trees this condition is deemed necessary.</i></p>
10	<p>The applicant shall at his own expense instruct an arboricultural consultant, approved by the Council in writing to liaise with the developer and/or his architect or engineer to approve details of construction methods, oversee</p>

	<p>the works and report to the Council throughout the period of the works in so far as the works may affect trees within the site.</p> <p><i>Justification for condition: The site contains a large number of trees which form an important landscape feature and given the sensitivity of the site/proximity of the development to the trees this condition is deemed necessary.</i></p>
16	<p>Details of a scheme to light the access drive and car parking areas.</p> <p><i>Justification for condition: To give the Council sufficient time to consider the lighting scheme in association with other pre-commencement condition, and in the interest of visual amenity and the safety of occupiers of and visitors to the development.</i></p>
17	<p>Prior to the commencement of the development hereby permitted, a survey of the condition of the road shall be submitted and agreed by the Local Planning Authority and any damage caused to the surface of the road during the construction phase of the development will be reinstated to a standard at least commensurate with its condition prior to the commencement of the development.</p> <p><i>Justification for condition: Give the nature of the proposed works and the intensive nature of vehicle movements onto/off the site this condition is deemed most suitable to deal with any damage to the road.</i></p>
22	<p>Works of shrub clearance, demolition, or digging within 10m of any badger sett shall only be carried out by hand and under the guidance of an experienced badger worker and these works including the method of supervision shall be approved in writing by the Local Planning Authority before the works commence.</p> <p><i>Justification for condition: The site adjoins badger habitats and this matter should be addressed prior to further works taking place.</i></p>

4. POLICY IMPLICATIONS

- 4.1 Unitary Development Plan Policies: BE1 (Design of New Development), H7 (Housing), NE3 (Development and Nature Conservation Sites), NE7 (Development and Trees), T3 (Parking) and T18 (Road Safety).

Non-Applicable Sections:	Financial, Legal and Personnel Implications
Background Documents: (Access via Contact Officer)	Enforcement files contain exempt information, as defined in Schedule 12A of the Local Government (Access to Information) Act 1985, and are therefore not available for public inspection.

Ref: DC/11/01412/FULL1