

Planning Committee 8 November 2018

TABLED UPDATE FOR ITEM 2.4: 18/503697/FULL – Land at Station Road, Teynham

- Members will note condition 35 which requires both the provision and specification of the access route in the north western part of the site to be provided prior to the occupation of units 55 – 129. As set out in paragraph 8.30 of the report, this access is currently in third party ownership and as such is subject to agreement outside of the planning process.
- Conditions can only be imposed where they are necessary; relevant to planning and; to the development to be permitted; enforceable; precise and; reasonable in all other respects. Furthermore, the Planning Practice Guidance states that conditions requiring works on land outside of the control of the applicant will often fail the tests of reasonableness or enforceability. Therefore, conditions of this nature are only usually imposed when the third party land is in control of a known party, i.e. the highway authority.
- In this case, as the land is outside the control of the applicant, I do not believe that condition 35 would be enforceable. I also believe it to be unreasonable to impose the condition as the agreement will be taking place outside of the planning process.
- Therefore, I propose that the condition is amended, removing the requirement for the provision of the footpath. However, I would recommend that the condition still includes the requirement for the details of the specification of the access (surface treatment, landscaping etc.) to be submitted and agreed prior to the occupation of the relevant units.
- In regards to the provision of the link, I have discussed this with the applicant who has clarified that discussions are on-going and they are confident it will be provided. However, this agreement with the applicant and third party is on the basis of achieving planning permission.
- Overall I consider there to be a reasonable chance that the access will be provided. However, I have also assessed the application in respect of the worst case scenario where it does not come forward. The result of this would be that those residents to the north of the open space (units 55 – 129) would be required to use the main Nobel Close / Station Road access in order to reach services and facilities to the west (Teynham Primary School) and to the north (Teynham Railway Station). In the very worst case scenario - for the dwellings located adjacent to this access point - this would add approximately an additional 300m to their route. As such, I am of the view that this potential, additional worst case scenario journey length would not in all likelihood mean that people intending on using sustainable transport methods would alter their choices. Furthermore, the majority of services and facilities in Teynham and the surrounding area are located to the south of the application site. As such, the additional access to the surrounding area is controlled as this is within the applicant's ownership.
- In conclusion, although I believe that there is a good prospect that this link will be brought forward, it cannot be controlled by condition due to the reasons as set out above. However, in the worst case scenario where it is not delivered, I do not believe that this would lead to such a significant barrier to future residents being able to access local services and facilities as to

render the proposals unacceptable. As such, I recommend the condition is amended to the following:

Prior to the occupation of units 55 – 129, details (including surface treatment) of the footpath/cycleway in the north western part of the site shall be submitted to and improved in writing by the Local Planning Authority. Works shall be carried out in accordance with the approved details.

Reason: In the interests of the amenities of the area.

- I also recommend that an additional condition is added which requires confirmation that the dwellings will achieve a specified water consumption rate. This is so that the development is in compliance with policy DM21 (Water, flooding and drainage) of the Local Plan. The recommended wording is as follows:

The dwellings hereby approved shall be designed to achieve a water consumption rate of no more than 110 litres per person per day, and the dwellings shall not be occupied unless the notice for that dwelling of the potential consumption of water per person per day required by the Building Regulations 2015 (as amended) has been given to the Building Control Inspector (internal or external).

Reason: In the interests of water conservation and sustainability.

- Members will note paragraph 8.47 of the Committee Report in relation to the Station Road / A2 junction improvements. When originally consulted KCC Highways & Transportation requested £150,000 towards these works. Although the applicant does not dispute that the development will generate additional traffic at this junction, due to additional work which was undertaken by the applicant's transport consultants, a figure of £100,000 was arrived at as being justifiable to mitigate against the impacts. KCC Highways & Transportation have commented further on this and state that *"we have now been advised by our colleagues in the Agreements Team that they would anticipate a basic traffic light installation with minor civils works and stats diversions to be budgeted at £100k."* **On this basis, KCC Highways & Transportation have confirmed that they accept £100,000.** I am therefore of the view that the appropriate contribution has been agreed to provide the required traffic improvements at this junction.
- Lastly, Members will note paragraphs 8.48 – 8.50 of the report in relation to the secondary education contribution. There has been further correspondence between Officers, KCC and the applicant's education consultant, however, this matter remains unresolved at the time of this update. Having said this, discussions are on-going and I will update Members further at the meeting if there is any resolution by this point. However, at the current time, as per the report, delegation is sought to approve the application subject to the secondary education contribution being agreed by all parties. In respect of secondary education land, the situation remains as per paragraph 8.50 of the report and as such I am seeking delegation to approve the application subject to either the secondary land contribution being provided or confirmation that this land will be provided in an alternative manner.