

PLANNING COMMITTEE – 7 MARCH 2019**DEFERRED ITEM**

Report of the Head of Planning

DEFERRED ITEMS

Reports shown in previous Minutes as being deferred from that Meeting

Def Item 1 REFERENCE NO - 17/505711/HYBRID		
APPLICATION PROPOSAL Hybrid planning application with outline planning permission (all matters reserved except for access) sought for up to 595 dwellings including affordable housing; a two-form entry primary school with associated outdoor space and vehicle parking; local facilities comprising a Class A1 retail store of up to 480 sq m GIA and up to 560sqm GIA of "flexible use" floorspace that can be used for one or more of the following uses - A1 (retail), A2 (financial and professional services), A3 (restaurants and cafes), D1 (non-residential institutions); a rugby clubhouse / community building of up to 375 sq m GIA, three standard RFU sports pitches and associated vehicle parking; a link road between Borden Lane and Chestnut Street / A249; allotments; and formal and informal open space incorporating SuDS, new planting / landscaping and ecological enhancement works. Full planning permission is sought for the erection of 80 dwellings including affordable housing, open space, associated access / roads, vehicle parking, associated services, infrastructure, landscaping and associated SuDS. For clarity - the total number of dwellings proposed across the site is up to 675.		
ADDRESS Land At Wises Lane Borden Kent ME10 1GD		
RECOMMENDATION That delegated authority is given to officers to proceed with agreeing a S.106 planning obligations agreement based on the contributions, triggers and details included in appendix A.		
SUMMARY OF REASONS FOR RECOMMENDATION The S.106 obligations sought to comply with the CIL regulations and reflect the needs required by key service and infrastructure providers		
REASON FOR REFERRAL TO COMMITTEE Following resolution to grant planning permission at its extraordinary meeting on 30 January 2019, the Committee requested that the details of the S.106 agreement be presented to the Committee for approval		
WARD Borden And Grove Park	PARISH/TOWN Borden	COUNCIL APPLICANT Quinn Estates Ltd & Mulberry Estates (Sittingbourne) Ltd AGENT Montagu Evans
DECISION DUE DATE 07/03/18	PUBLICITY EXPIRY DATE 03/03/19	OFFICER SITE VISIT DATE

MAIN REPORT

1.0 Background

- 1.01 At its meeting on 30 January 2019 the Planning Committee resolved to grant planning permission for the above planning application subject to:
- conditions (1) to (58) in the report;
 - additional conditions as outlined in the tabled papers - conditions (59) to (70);
 - amendments to conditions (53) and (54);
 - **the resolution of outstanding matters relating to existing public rights of way;**
 - **no objections being received from Historic England;**
 - the wording in paragraph 38 changed from 'indigenous' species, to 'native' species;
 - confirmation from KCC of projects or management/maintenance proposals for the Borden Nature Reserve that would be affected by the increase in use to justify a financial contribution to such works – and agreement with the developer to contribute to this;
 - **the expiry of the consultation/publicity period relating to the ecology addendum and badger survey, and subject to no objections being raised by KCC Ecology or Natural England; and**
 - **the completion of a S106 Agreement for the terms as set out in the report, and the Agreement to come back to the Planning Committee for the final decision.**
- 1.02 Updates for the emboldened issues above will be tabled or verbally presented at the meeting.
- 1.03 Since the Committee resolved to grant planning permission, I attach in Appendix B an update report on the Council's housing land supply following the Government's publication of the Housing Delivery Test. Members are asked to note the above, with the effect that the officer's recommendation to Members in the original 30 January 2019 report remains unchanged.
- 1.04 This report will focus on the heads of terms for the S.106 obligations.

2.0 S.106 OBLIGATIONS

- 2.01 Section 106 Agreements are legal agreements between Local Authorities and the planning applicant or landowners. These are linked to planning permissions and also known as planning obligations. Planning obligations assist in mitigating the impact of unacceptable development to make it acceptable in planning terms. Planning obligations may only constitute a reason for granting planning permission if they meet the regulation tests that they are:
- necessary to make the development acceptable in planning terms;

- directly related to the development; and
- fairly and reasonably related in scale and kind.

2.02 Section 106 agreements can provide a flexible tool for delivering a broad range of site-specific infrastructure and community facilities necessary to get schemes off the ground. Given this important role in unlocking development, it is vital that the process of finalising S106 agreements is as swift and efficient as possible. The obligations have been drafted taking into account the representations from the key service and infrastructure providers

2.03 Table 1 sets out the planning obligation items, the contributions involved (including specific contribution for phase 1 where applicable) and a detailed commentary on the triggers and mechanisms for the payment of contributions or the carrying out of actions as necessary.

3.0 CONCLUSION

3.01 The contributions and items included within the table have been agreed with the infrastructure and service providers involved. The contributions have been agreed in accordance with demographic based formulae and /or the needs generated by the development proposed. Accordingly, the draft list of items is considered to accord with the CIL regulations set by the Government.

4.0 RECOMMENDATION – That delegated authority is given to officers to proceed with finalising a S.106 planning obligations agreement based on the contributions, triggers and details included within Appendix A.

