

TABLED UPDATE: Item 2.1, Planning Committee 4th March 2021.
18/502190/EIHYB - Land North Quinton Road, SITTINGBOURNE.

KCC Education

With respect to **conditions 16A and 17A** (on page 70 of the agenda) and further to paragraph 8.15.4 (on page 61) and with respect to the BREEAM rating for the two schools that are proposed, KCC Education have requested that rather than the schools being required to achieve BREEAM 'very good' as set out in Local Plan policy DM21, the conditions be re-worded to require the submission of sustainable design and construction measures but without specific references to a BREEAM standard. A written to justify this stance is awaited, and delegated authority is sought to deal with the matter and, subject to the justification be accepted, amend the wording of the conditions.

KCC Minerals

Further to paragraph 7.11 (on pages 35 and 36 of the agenda), and notwithstanding the fact that the Committee report concludes that this issue does not amount to a reason for refusal, the following further comment from KCC Minerals and Waste (dated 30th September 2020) should be noted:

“On the understanding that the cost per tonne of the 91,000 tonnes of material even without any royalty payments per tonne is not viable for Weinerberger to prior extract that does demonstrate that an exemption to the presumption to safeguard pursuant to criterion 1 of Policy DM 7: Safeguarding Mineral Resources can be invoked.

However, I would like to take this opportunity to emphasise that the County Council's safeguarding policies for land-won mineral resources are in accord with National Planning Policy Framework that seeks to conserve mineral resources for future generations by securing their long-term conservation. Thus, prior extraction has an important role to achieve this. Cost neutrality, or as close to it as can be reasonably attained must be a key component of enabling prior extraction to occur. Royalty payments per tonne will always 'push' costs away from this objective and should not be arguably part of any cost analysis. It is considered that in future possible scenarios at other sites this is understood by all participants of the development process.”

Section 106 Agreement

Further to 8.16 of the report (see pages 61 to 65), I can update Members as follows:

With regard to the delivery of the land for the schools and further to paragraph 8.16.2 (on page 65), KCC have asked that the land be handed over to them by no later than January 2023. The applicant has responded saying they are not able to agree to this and stating:

“As you know we are unable to buy the site until this Grampian condition [relating to the upgrade of M2 J5] has been discharged (i.e. the junction is open to traffic).

It is not possible for us to build a road to the school site, provide services and level the school site in 3 months. So there is no prospect of us meeting the Jan 2023 trigger. The 18 months trigger is the earliest we can agree to.”

Delegated authority is sought to agree an acceptable trigger for the land to be handed over to KCC.

With regard to the affordable housing, the applicant has agreed that those affordable dwellings not built to M4(3) will be built to the M4(2) standard, which is a higher level of accessibility for all than required under the Building Regulations.

With regard to the contributions for the improvement of existing community halls (at Kemsley and at The Meads), £376,500 has been requested, as set out at paragraph 8.16. 1 (on page 62 of the agenda). The applicant has not yet agreed to pay this contribution and delegated authority is sought to resolve the issue.

With regard to the monitoring fee, a contribution amounting to 1% of the total value of the financial contributions that are payable in this instance has been sought, but the applicant has not yet agreed to this. Delegated authority is sought to resolve this issue.

Conditions

Delegated authority is sought to amend condition wording as follows:

With regard to the biodiversity net gain **conditions**, namely **12A** (on page 69) and 14B (on page 74), I am expecting a letter from the applicant before Committee and will ensure that this is available for Members. I understand that Persimmon are likely to accept the 20% BNG increase required for Phase 1 North and Phase 1 South, but for the outline parts of the site, they do not agree to the 20% increase required by condition (12A), and will offer 10% instead.

Given that neither the NPPF or the adopted Local Plan specify a minimum percentage net gain to be achieved on new development and that the emerging Local Plan (which does specify a 20% BNG under Policy DM24) is at the consultation stage only and cannot be given significant weight in decision making, I consider that a 10% BNG for the outline parts of the site would still amount to a good outcome and seek delegated authority to amend **condition (12A)** accordingly.

Members will note **condition (26A)**, on page 71, the wording, which should read “The details submitted pursuant to condition (1A) above shall for each phase...”

With regard to **condition (29A)**, on page 72, this should read one set of bus stops not two. Members will also note **condition (27B)**, on page 77, in respect of bus stops on the spine road.

With regard to **condition (2B)**, on page 72, to amend to read as follows: “The development to which this permission relates in respect of Phase 1 South must be begun not later than three years from the date on which the Roads Investment Strategy Scheme at M2 J5 is open to the public.”

With regard to **condition 19B**, on page 75, need to amend plan reference to refer to Revision ZE, not ZD, and with respect to the wording in brackets to add “the number of charging points for the apartments,” after “details of”.

With regard to **condition (10C)**, on page 80, the trigger to be amended to before the occupation of the 400th dwelling. This follows a request from the applicant and is considered to be reasonable given that the path will pass through parts of the site that may well not have been fully designed by the 250th dwelling.

With regard to **condition (17C)**, on page 81, after the plan number to omit “(and including the link on to the station platform)” and replace with “up to the boundary of the site”. In addition, “finished levels,” needs to be added after “including” on the 4th line. This follows a request from the applicant and is reasonable given that the physical connection on to the station platform is a matter for Network Rail and South Eastern Railways, not the applicant.

With regard to **condition (20C)**, on page 81, the wording needs to be amended to add reference to plan number 27239/5504/070B.

With regard to **condition (21C)**, also on page 81, the plan number is out-of-date and needs to be replaced with drawing 27239/5504/076A.

Conclusion

Delegated authority is sought to approve the application subject to the following:

- (i) further information from KCC in respect of BREEAM for the schools;
- (ii) the signing of a suitably worded Section 106 Agreement, reflecting the above and the information in the Committee report (including paragraph 8.16), with authority to make amendments as reasonably required and to resolve any outstanding matters; and
- (iii) conditions as set out in the Committee report and as specifically amended to address the points in this update, and with delegated authority to make further amendments as reasonably required.

JRW – 3/3/2021