

**Item 2.12 – SW/13/1455 - Outline planning application for the residential development (of up to 431 dwellings) on land at Harps Farm, Minster**

**TABLED UPDATE**

- 1) With regard to Developer Contributions, the applicant has submitted draft Heads of Terms, which read as follows:

**"Draft Heads of Terms"**  
**SW/13/1455 – Harps Farm, Thistle Hill**

**1. Roundabout (KCC Highways)**

- **£1,006 per dwelling** payable prior to commencement of development;
- To be expended on the delivery of a new roundabout on Lower Road;
- No further triggers or restrictions on occupancy/completions thereafter;

**2. Education (KCC)**

- **£4,000 per house**
- **£1,000 per flat**
- Confirmed by KCC in email dated 18<sup>th</sup> July 2016;
- Based on £6.66m 2FE Thistle Hill Primary School development;
- payment prior to occupation in each phase on a phase by phase basis;

**3. Community Learning (KCC)**

- **£60.43 per dwelling**
- Payment prior to occupation in each phase on a phase by phase basis;

**4. Youth (KCC)**

- **£37.58 per dwelling**
- Payment prior to occupation in each phase on a phase by phase basis;

**5. Libraries (KCC)**

- **£48.02 per dwelling**
- payment prior to occupation in each phase on a phase by phase basis;

**6. Adult Social Care (KCC)**

- **£60.99 per dwelling**
- Payment prior to occupation in each phase on a phase by phase basis;

## 7. Open Space

- TBC

## 8. Refuse

- **£79 per house** – to cover 2 wheelie bins;
- **£217.70 per flat** - based on 1 x general waste and 1 x recyclable waste 1100ltr Eurobin per 4 flats at £435.40 per bin;
- payment prior to occupation in each phase on a phase by phase basis;

## 9. Healthcare

- **£864 per dwelling** towards expansion of Minster Medical Centre (currently at capacity);
- Subject to confirmation from SBC on the number of contributions received to date;
- To be paid prior to occupation in each phase on a phase by phase basis;

## 10. SPA Mitigation

- **£223 per dwelling;**
- To be paid prior to occupation in each phase on a phase by phase basis;

## 11. Employment & Training

- local labour agreement to include targets for local labour in the development process and the creation and support of apprenticeship opportunities.

## 12. S106 Monitoring

- TBC and agreed to cover reasonable monitoring costs where ongoing monitoring can be justified."

### *Update on Heads of Terms*

- 2) Further to point (7) above (and to Paragraph 7.10 in the report, on page 109), with regard to the adoption or otherwise of the Open Space, the applicant comments as follows:

*"I know Jones intend to deal with this via a Management Company and so it wouldn't apply to them. Of course, future phases may choose to do this differently – can this be included in such a way to allow either approach on a*

*phase by phase basis with a formula for any payment, if needed, based on area?"*

Delegated authority is sought to include provisions in the S106 agreement to deal with either outcome.

Also further to point (7), with regard to formal sports provision and the provision of play equipment, the applicant has not yet agreed to these payments and I seek delegated authority to conclude negotiations with the applicant and the Greenspaces Manager.

Further to point (11) above, delegated authority is sought to agree targets, in conjunction with Economic Development colleagues, for local labour use and apprenticeship provision during the construction process.

With regard to the contribution sought by Public Rights of Way Officer (and further to Paragraph 7.08 on Page 109 and 9.08 on Page 122 of the agenda), they have clarified their request and now seek £38,500 to upgrade PROW ZS9 where it runs parallel to the southern site boundary. I await the applicant's response, and seek delegated authority to resolve this matter in conjunction with the applicant and KCC.

#### *Other updates*

- 3) Minster Parish Council have submitted additional comments, stating that *"there support is subject to the following conditions"*:
- (i) *to minimise the impact on the A2500 Lower Road, the development should not be built until the Barton Hill roundabout scheme is completed,*
  - (ii) *that adequate footpath links are provided to the village and adjoining estate particularly along Scocles Road,*
  - (iii) *for no vehicular access to be permitted through Fleetwood Close only pedestrian access,*
  - (iv) *for the applicant to support Minster-on-Sea Parish Council's position by lobbying Kent Highway Services to lower the speed limit along Scocles Road and*
  - (v) *the discussions on the Section 106 Agreement to include Minster-on-Sea Parish Council to ensure all community gain is reinvested in Minster. This should include consideration of the upgrade of the Lapwing Close play area and other recreational spaces in the estate.*

In response, the applicant comments as follows:

- (i) *The trigger agreed with KCC is for a single payment prior to commencement of development. The alternative would be a phased payment schedule in line with the phased development of the site, but that would fail to assist in actual delivery of the roundabout as I understand*
  - (ii) *the funding arrangements to be. Given the large payment therefore required, it is necessary that the site owners and developers have absolute certainty over the ability to deliver the development – i.e. not pay the significant contribution and then also be reliant on a third party to deliver the roundabout before development can commence. In that circumstance, the monies would not be paid and the roundabout not delivered. In any event, it is understood that there is sufficient certainty over delivery of the roundabout based on the additional funding streams identified and secured and as confirmed by KCC Highways. Given the scale of the site, development is likely to occur over a number of years limiting any highway impacts in the short to medium term.*
  - (ii) *At the reserved matters stage, the approved layout can require and ensure suitable, high quality, safe and legible pedestrian and cycle routes are provided through the site and linking to the adjoining pedestrian network.*
  - (iii) *Vehicular access is not envisaged via Fleetwood Close and this can be confirmed at the reserved matters stage.*
  - (iv) *The applicant would be happy to discuss this further with the Parish but this is not considered directly relevant to this application;*
  - (v) *The draft Heads of Terms have been subject to extensive discussion with Officers and any agreed contribution must meet the strict legal tests as set out in the CIL Regs, including being directly related to the development. In all cases, the location of the infrastructure to benefit has been identified and is local to the site and Minster (e.g. Thistle Hill Primary School and the Sheppey Community Hospital). More information on any requests towards open space are still awaited.*
- 4) KCC Archaeology raise no objection to the application, subject to the imposition of a planning condition (standard condition AR5) requiring “archaeological field evaluation works and safeguarding measures to ensure preservation in situ of important archaeological remains, together with recording of finds.”

- 5) With regard to surface water drainage, (and further to Paragraph 9.10 on Page 113 of the agenda) ...KCC Flood and Water Management Team have now commented, and an extract reads as follows:

*"...[we] therefore object to the present scheme pending receipt of further details that demonstrate existing water flows from off-site are conveyed appropriately through the site and that an outline drainage schematic can demonstrate the proposals can accommodate sufficient attenuation volumes for surface water generated by the development without significant flooding occurring within the site boundaries above the network capacity of 1in30 year."*

Delegated authority is sought to seek additional information to deal with this issue and to impose such conditions as may be required following re-consultation with KCC.

- 6) Natural England have provided a further responses, but the points made are broadly the same as their original response raising no objection (and which is summarised at Paragraph 7.04 of the report, on page 108 of the agenda).
- 7) The Environmental Protection Team Leader has advised that has nothing to add to his original comments raising no objection (see Paragraph 7.18 on Page 110 of the agenda).
- 8) In respect of broadband provision (and further to Paragraph 7.09 on page 109 of the agenda), delegated authority is sought to impose a condition to require that each dwelling is connected to a high-speed fibre optic broadband network.
- 9) Further to Paragraph 6.07, on Page 107, three further representations - all raising objection - have been received. Issues raised are as summarised in the report, with new issues raised as follows:
- Development will detract from residential amenity, particularly during the construction period when noise and dust will be problematic; and
  - Property prices are likely to be negatively affected.
- 10) With regard to ecology (and further to Paragraphs 7.03 and 9.07 of the agenda), additional ecological information has now been received consisting of a 'Reptile Method Statement' and a 'Management Plan for Biodiversity'. In response, KCC Ecology advise that they are satisfied that the principle of the development is acceptable from an ecological point of view, subject to the imposition of suitably-worded planning conditions.
- 11) Paragraph 9.11 on page 114 of the agenda, which deals with the timing of reserved matters application(s), should refer to five years, not six years as

stated. The wording of the corresponding condition, number (2), correctly refers to five years.

- 12) In conclusion, delegated authority is sought of approve subject to conditions as set out in the Committee report and additional conditions as described in this note; and the signing of a suitably-worded Section 106 Agreement to secure contributions and other items as set out in the Committee and as updated by this note.

As set out on Page 114 of the agenda, authority to make amendments to condition and S106 wording as may reasonably be required is also sought.

JRW – 17 August 2016