



**Late Observations Sheet
DEVELOPMENT CONTROL COMMITTEE
26 January 2023 at 7.00 pm**

Late Observations

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DEVELOPMENT CONTROL COMMITTEE
Thursday 26 January 2023
LATE OBSERVATION SHEET

4.1 - 19/05000/HYB - DSTL Fort Halstead, Crow Drive, Halstead, Sevenoaks
KENT TN14 7BU

Amendment to the S106 Head of Terms:

There is a planning obligation not included in the bullet points of the S106 Head of Terms, which start on page 5 and continue to page 6. These should include:

- Best endeavours to provide floorspace for the community or a health facility use.

This is included in the draft S106 provided by the applicant.

Page 47, Para 108 of the Addendum report sets out the Heads of Terms for the proposed S106 Agreement for this proposal and considers them against the requirements of Regulation 122 of the CIL Regulations.

For the additional term referred to above, please note the following:

Best endeavours to provide floorspace for the community or a health facility use.

In the previous application, that was granted planning permission (and which has been implemented) this clause was included in the S106 Agreement, to allow for outreach services for existing community or health facilities. Similar clauses have been carried through to the new S106 agreement. Paras 3, 542, 873 and 939 of the original report refer to this provision. This clause would be for on site provision, to support the infrastructure needs of the site and support existing services in the locality. This provision would help to address the direct impacts of the proposal and is considered fair and reasonable and in compliance with policy EMP3 of the ADMP.

There are some outstanding matters in our S106 negotiations that may delay agreement until after 31 January. Notably, these relate to details of the commuted sum to be paid to KCC Public Rights of Way to upgrade local footpath / bridleways; details relating to the review mechanisms for affordable housing and the need for the Secretary of State for Defence to be a signatory for the agreement.

As a result, the Deputy Chief Executive and Chief Officer for Planning and Regulatory Services has agreed that the timetable for signing of the S106 Agreement can be extended to 28 February 2023.

The paperwork to confirm this, including the amended Planning Performance Agreement, has not yet been received so it is included here for information and records will be updated accordingly when confirmation is received.

Clarification of provision for affordable housing and amended S106 Head of Terms:

Following the latest information on viability and ongoing discussions relating to the S106 Agreement, the latest arrangements set out in the draft agreement for affordable housing are as follows:

- 20% of the dwellings to be affordable units (127 units)
- This 20% will be split as follows:
 - 65 % Affordable rent
 - 25% First Homes
 - 10% Intermediate Housing
- The draft agreement requires the submission and review of viability appraisals to assess the scope for increasing the % of affordable homes after 120 dwellings are occupied and after 420 dwellings are occupied.
- If additional provision is supported as a result of the viability reviews, the proposal is for the mix is to follow the arrangements set out above, unless otherwise agreed.

The S106 Head of Terms is proposed to be amended reflect this to read:

20% affordable housing with a mix of 65% for Social Rent/ Affordable Rent
25% for First Homes and 10% Intermediate housing, plus early and late review mechanisms.

Amendment to condition 45:

Condition 5 has been amended to reflect revisions to permitted development rights, which deleted Class F which allowed extensions to office buildings. The revised condition should read:

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (or any Order revoking or re-enacting or amending those Orders with or without modification), planning permission shall be required in respect of development falling within Schedule 2, Part 7, Classes A, H, J, M, N.

Recommendation

That the application be GRANTED in accordance with the recommendation in the Addendum Report (page 5 onwards) as amended below:

- Additional Head of Terms:
Best endeavours to provide floorspace for the community or a health facility use.
- Amended Head of Terms:
20% affordable housing with a mix of 65% for Social Rent / Affordable Rent
25% for First Homes and 10% Intermediate housing, plus early and late review mechanisms.

- Amended condition 45:
Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (or any Order revoking or re-enacting or amending those Orders with or without modification), planning permission shall be required in respect of development falling within Schedule 2, Part 7, Classes A, H, J, M, N.

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