

20/02988/OUT

Revised expiry date 28 March 2022

Proposal:	Outline application for the erection of 340 dwellings, including affordable housing, land for a 4FE secondary school including playing fields, land for a new twin hall venue for Edenbridge Scout Group, creation of a new car park for Edenbridge Town Station and associated infrastructure improvements, allotments, associated access from Four Elms Road, emergency access, open space, attenuation areas and landscaping and some matters reserved save for means of access.
Location:	Land North Of Town Station Cottages, Forge Croft, Edenbridge KENT TN8 5LR
Ward(s):	Edenbridge North & East

**Item for decision**

This application has been referred to Development Control Committee at the discretion of the Chief Planning Officer, as the development is of a significant nature being major development within the Green Belt.

**RECOMMENDATION A:** That the committee resolve that application that planning permission be GRANTED subject to:

- a) Refer the application to the Secretary of State as major development in the Green Belt, to decide whether to call the application in, and
- b) The conditions set out below, subject to any minor changes to wording being agreed in writing by the Chief Officer for Planning and Regulatory Services, and
- c) A satisfactory legal agreement made under section 106 of the Town and Country Planning Act 1990 (as amended) being completed no later than 28 March 2022, unless in accordance with a new timescale otherwise agreed in writing by the Chief Officer for Planning and Regulatory Services.

**Section 106 Agreement**

The Section 106 Agreement shall include the following requirements:

- Affordable Housing comprising of 40% affordable housing to be provided on site of which 65% of the affordable properties to be provided as Affordable Rented / Social Rented - 35% of the affordable properties to be provided as

## Intermediate Housing;

- Highways Contributions comprising:
  - £20,000 towards relining and resurfacing works in the vicinity of the Four Elms Village crossroads;
  - £1,000 to be used by Edenbridge Town Council/Hever Parish Council to help fund traffic surveys in the village of Four Elms;
  - Travel Plan monitoring fee of £948;
  - £14,000 towards the provision of 2no. bus stops on the site;
  - £40,000 to be used for improvements to the sections of Public Right of Way of SR603 and SR604 adjoining the site and linking to the land;
- Provision of 0.29ha of land for new allotments - each plot to be 6m x 9m together with an associated allotment car park (to be provided and transferred to Town Council subject to them confirming required).
- Open Space to be provided on site (and transferred to a management company for future maintenance) comprising of areas of land for amenity greenspace and areas of land for semi natural greenspace;
- 0.104ha of children's play space to be provided as 6 Local Areas of Play (LAP's) and 1 Local Equipped Area of Play (LEAP) unless otherwise agreed;
- The safeguarding and transfer (if called for during a specified period) of 0.37ha of land for the construction of a new scout hut for Edenbridge Scout Group; and £200,000 towards the construction of the scout hut and ancillary facilities (i.e. car-parking and outdoor facilities) thereon if the land is taken;
- The safeguarding of 5.3ha of land to accommodate a secondary school and associated sports facilities and playing fields and its transfer to an education provider if called for within a specified period of time;
- The creation of a new parking area for 36 spaces, pick-up and drop off area and a step-free access ramp leading to the platform at Edenbridge Town Station either through the direct provision by the developer or the provision of land and utilisation of the financial contribution referred to below;
- £1,000,000 contribution payable to Network Rail to be used for safety improvements to the Little Mowhurst level crossing and infrastructure improvements (including new ticket machines, barriers, signage, any project to provide a new passenger footbridge and (if delivered by Network Rail) the

new parking area) at Edenbridge Town Station;

- Provision of land and creation of 6 parking spaces for use by residents of Town Station Cottages.

1) Application for approval of the reserved matters for the first Phase of the development shall be made to the local planning authority not later than 3 years from the date of this permission. Application for approval of the reserved matters for all other Phases shall be made not later than 5 years from the date of this permission. For the purposes of this permission all references to a "Phase" or "Phase of development" shall be interpreted as being a reference to a Phase as defined on the phasing plan approved or subsequently updated pursuant to condition 4.

In Pursuance of section 92(2) of the Town and Country Planning Act 1990.

2) The development shall be begun not later than whichever is the later of the following dates:- the expiration of 2 years from the date of approval of the last reserved matters application for the first Phase or the expiration of 5 years from the date of this permission.

In Pursuance of section 92(2) of the Town and Country Planning Act 1990.

- 3) Before any development in each Phase is begun plans showing the:
- a) appearance;
  - b) landscaping;
  - c) layout, including any pedestrian access into and within the site , and vehicular access within the site which serves the Phase; and
  - d) Scale.

To accord with Article 5 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 as amended.

4) As part of, or prior to, the submission of the application for reserved matters for the first Phase of development, a phasing plan setting out the boundaries of the proposed phases of the development across the whole site shall be submitted to and approved in writing by the local planning authority. The phasing plan shall include a programme for the layout out of the access roads into the site. Thereafter each reserved matters application for a Phase submitted pursuant to Condition 3 shall be accompanied by an updated phasing plan. The updated phasing plan shall set out any proposed changes from the phasing plan previously approved pursuant to this Condition. The development shall be carried out in accordance with the phasing plan as approved and updated or required by

other conditions of this permission.

To ensure the satisfactory delivery of elements of the proposed development and to accord with Policy EN1 of the Sevenoaks Allocations and Development Management Plan.

5) Development shall not begin in any Phase until a detailed sustainable surface water drainage scheme for the site has been submitted to (and approved in writing by) the local planning authority. The detailed drainage scheme shall be based upon the Flood Risk Assessment compiled by WSP (September 2020, Version 2). The submission shall also demonstrate that the surface water generated by this development (for all rainfall durations and intensities up to and including the climate change adjusted critical 100 year storm) can be accommodated and disposed of without increase to flood risk on or off-site.

Phasing for the drainage scheme shall be submitted and approved, including any needed temporary works, specific provisions per phase or other strategic drainage infrastructure. The drainage scheme shall also demonstrate (with reference to published guidance):- that silt and pollutants resulting from the site use can be adequately managed to ensure there is no pollution risk to receiving waters. - appropriate operational, maintenance and access requirements for each drainage feature or SuDS component are adequately considered, including and proposed arrangements for future adoption by any public body or statutory undertaker. The drainage scheme shall be implemented in accordance with the approved details.

To ensure the development is served by satisfactory arrangements for the disposal of surface water and to ensure that the development does not exacerbate the risk of on/off site flooding. These details and accompanying calculations are required prior to the commencement of the development as they form an intrinsic part of the proposal, the approval of which cannot be disaggregated from the carrying out of the rest of the development.

6) No building on any phase (or within an agreed implementation schedule) of the development hereby permitted shall be occupied until a Verification Report, pertaining to the surface water drainage system and prepared by a suitably competent person, has been submitted to and approved by the Local Planning Authority. The Report shall demonstrate the suitable modelled operation of the drainage system where the system constructed is different to that approved. The Report shall contain information and evidence (including photographs) of details and locations of inlets, outlets and control structures; landscape plans; full as built drawings; information pertinent to the installation of those items identified on the critical drainage assets drawing; and, the submission of an operation and maintenance manual for the sustainable drainage scheme as constructed.

To ensure that flood risks from development to the future users of the land and neighbouring land are minimised, together with those risks to controlled waters, property and ecological systems, and to ensure that the development as constructed is compliant with and subsequently maintained pursuant to the requirements of paragraph 165 of the National Planning Policy Framework.

7) If, during the course of development of a Phase, contamination not previously identified is found to be present in that Phase, no further works shall be undertaken in the relevant area of that Phase and the contamination shall be reported to the local planning authority as soon as reasonably practicable (but within a maximum of 5 working days from the find). Prior to further works being carried out in the relevant area of that Phase, a further assessment shall be made and appropriate remediation implemented in accordance with a scheme submitted to and approved in writing by the local planning authority.

To ensure that the site is remediated appropriately for its intended use and to accord with the aims and objectives of the National Planning Policy Framework.

8) As part of, or prior to, the first application for reserved matters, a site-wide recreation and open space strategy for the entire site shall be submitted to and agreed in writing by the local planning authority. The strategy should be in broad accordance with the areas of open space identified in the section 8.3.3 of the Design and Access Statement and drawing no. 1590-P1-11 Rev.N. Thereafter subsequent Phases shall proceed in broad accordance with the approved strategy, and each reserved matters application submitted pursuant to Condition 3 shall be accompanied by an updated recreation and open space strategy which sets out any proposed changes from recreation and open space strategy previously approved pursuant to this Condition.

To ensure adequate provision of public open space to meet the needs of future occupiers of the development and to accord with Policy EN1 of the Sevenoaks Allocations and Development Management Plan.

9) No development within a Phase shall commence until the local planning authority has approved in writing the details of, and arrangements for, the setting out of on-site public open space as part of that Phase of the development. The on-site public open space shall broadly accord with the site-wide recreation and open space strategy pursuant to condition 8, and shall include the following matters in respect of the Phase:

- a) The delineation and siting of the proposed public open space;
- b) The type and nature of the facilities to be provided within the public open space including, where relevant, children's play provision;
- c) The arrangements to ensure that the public open space is laid out and completed during the course of the development; and
- d) An annual maintenance schedule.

The open space for that Phase shall be completed in accordance with the approved details and arrangements for that Phase.

To ensure adequate provision of public open space to meet the needs of future

occupiers of the development and to accord with Policy EN1 of the Sevenoaks Allocations and Development Management Plan.

10) Before any part of any Phase of the development is brought into use, the relevant proposed means of vehicular and pedestrian access hereby approved as part of that Phase shall be laid out, hard surfaced and drained in broad accordance with the approved plans and completed to a constructional specification approved in writing by the local planning authority.

To ensure that a suitable form of access is made available to serve the development in the interests of highway safety and to accord with Policy EN1 of the Sevenoaks Allocations and Development Management Plan.

11) No development shall commence for the school playing fields and MUGA, until the following documents have been submitted to and approved in writing by the Local Planning Authority after consultation with Sport England: (i) A detailed assessment of ground conditions (including drainage and topography) of the land proposed for the playing field which identifies constraints which could adversely affect playing field quality; and (ii) Where the results of the assessment to be carried out pursuant to (i) above identify constraints which could adversely affect playing field quality, a detailed scheme to address any such constraints. The scheme shall include a written specification of the proposed soils structure, proposed drainage, cultivation and other operations associated with grass and sports turf establishment and a programme of implementation. The approved scheme shall be carried out in full and in accordance with the approved programme of implementation before first occupation of the educational establishment. The land shall thereafter be maintained in accordance with the scheme and made available for playing field use in accordance with the scheme.

Reason: To ensure that the playing field is prepared to an adequate standard and is fit for purpose and to accord with Policy EN1 of the Sevenoaks Allocations and Development Management Plan.

12) No development shall commence for the school playing fields until a schedule of playing field maintenance including a programme for implementation for a minimum period of five years starting from the commencement of use of the development has been submitted to and approved in writing by the Local Planning Authority after consultation with Sport England. Following the commencement of use of the development the approved schedule shall be complied with in full.

To ensure that the playing field is first established as a functional playing field to an adequate standard and is fit for purpose and to accord with Policy EN1 of the Sevenoaks Allocations and Development Management Plan.

13) The school playing field/s and pitch/es shall be constructed and laid out in accordance with the condition 12 and with the standards and methodologies set out in the guidance note "Natural Turf for Sport" (Sport England, 2011), and shall be made available for use before first use of the educational establishment of the

development hereby permitted.

To ensure the quality of pitches is satisfactory and they are available for use before development and to accord with Policy EN1 of the Sevenoaks Allocations and Development Management Plan.

14) Use of the school playing fields, multi-use games area and athletic track shall not commence until a community use agreement prepared in consultation with Sport England has been submitted to and approved in writing by the Local Planning Authority, and a copy of the completed approved agreement has been provided to the Local Planning Authority. The agreement shall apply to playing fields, multi-use games area and athletic track and include details of pricing policy, hours of use, access by non-educational establishment users, management responsibilities and a mechanism for review. The development shall not be used otherwise than in strict compliance with the approved agreement.

Reason: To secure well managed safe community access to the sports facility/facilities, to ensure sufficient benefit to the development of sport and to accord with Policy EN1 of the Sevenoaks Allocations and Development Management Plan.

15) The development shall be carried out in accordance with the submitted Flood Risk Assessment (ref 3967-FRA-01, dated September 2020) and the following mitigation measures it details:

As part of the reserved matters details of a completely separate flood storage area to compensate the flood risk from river in the area where the finishing levels of the road, which falls within Flood Zone 3, will be raised above pre-development ground levels.

All Finished floor levels shall be set to whichever is the greater level of the following: a minimum of 300mm above the 1 % AEP ( 35% increased flow) climate change flood level or 50mm above the 1 % AEP ( 70% increased flow) climate change flood level.

Details to be provided that demonstrate finished site levels to be engineered in such manner to prevent ponding. Gradients of external areas to be designed to fall away from dwellings such that overland flow routes resulting from exceedance flood events follow the path of least resistance and be channelled away from proposed properties.

These mitigation measures shall be fully implemented prior to occupation of the first residential unit.

To ensure that flood risks from development to the future users of the land and to ensure that the development as constructed is compliant with and subsequently maintained pursuant to the requirements of paragraph 168 of the National Planning Policy Framework.

16) Any applications for approval of reserved matters pursuant to condition 2 shall broadly accord with the parameter plans land use [GIP (drawing ref no. 1590 P1-12 Rev.G )], proposed lighting parameters in the lighting strategy report, Noise and Vibration Assessment dated April 2020, Landscape and Ecological Strategy dated September 2020.

To ensure that the development achieves high quality design and is in accordance with paragraphs 124, 126 and 127 of the National Planning Policy Framework and policies

17) No development of a Phase, shall take place until a detailed 'Landscape, Ecology, Management and Monitoring Plan' (LEMMP) will be submitted to, and approved by, the local planning authority. This will be in accordance with the measures outlined in the Landscape and Ecology Strategy (Corylus Ecology September 2020) and the Biodiversity Net-Gain Report (Corylus Ecology March 2021).

To accord with policy SP11 of the Sevenoaks District Council Core Strategy and paragraph 180 of the National Planning Policy Framework.

18 ) Notwithstanding the provision of Class A, Part 4 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 1995, or any subsequent legislation, prior to the commencement of each phase of development a plan specifying arrangements for the management of the construction site for that Phase shall be submitted to and approved in writing by the local planning authority. The construction plan for that Phase shall include the following details as appropriate:

- a) full details of the contractor's temporary means of access to the site;
- b) hours of delivery of materials and routing of construction and delivery vehicles to / from site;
- c) location of site management offices and/or sales office;
- d) location of materials storage compounds, loading/unloading areas and areas for construction vehicles to turn within the site;
- e) car parking areas for construction workers, sales staff and customers;
- f) the extent of and surface treatment of all temporary road accesses leading to compound/storage areas
- g) temporary warning and direction signing on the approaches to the site including any temporary traffic measures;
- h) implementation of mitigation measures as detailed in Section 7 in the Air Quality Assessment dated June 2020;



## i) Provision of wheel washing facilities;

The construction plan details as approved shall be implemented before the development of that phase is begun and shall be kept in place, operated and adhered to at all times until the development of that Phase is completed. In addition, no vehicles involved in the construction of the development of that phase shall enter or leave the site of the development of that Phase except via the temporary means of access within the approved construction plan for that Phase.

To ensure the provision of proper site construction facilities in the interests of highway safety and amenity of the surrounding environment and its occupants and to accord with Policies EN1, EN2, T1 of the Sevenoaks Allocations and Development Management Plan.

19) Prior to first occupation of each dwelling with one or more dedicated vehicle parking spaces, that dwelling shall be provided with access to a fully operational 3 pin socket on a dedicated circuit, capable of providing a "trickle" charge to an electric vehicle. All Electric Vehicle Charging Points shall be provided either within garage space or via outdoor, weatherproof sockets within easy access of the off-road parking areas.

In accord with policy T3 of the Sevenoaks District Council Allocation and Development Management Plan.

20) Prior to first occupation of each dwelling with non-dedicated parking, that dwelling shall be provided with Electric Vehicle Charging Points at a rate of no less than 1 per 10 communal parking spaces. This minimum requirement shall comprise access to a fully operational 3 pin socket capable of providing a "trickle" charge to an electric vehicle. All communal Electric Vehicle Charging Points shall be clearly marked with their purpose.

In accord with policy T3 of the Sevenoaks District Council Allocation and Development Management Plan.

21) All other types of development (other than housing, scout hut and allotments site) at the site shall provide Electric Vehicle charging facilities and shall include parking at the proposed education facility. Where provided, all Electric Vehicle charging facilities shall be fully operational prior to first occupation or use.

In accord with policy T3 of the Sevenoaks District Council Allocation and Development Management Plan.

22) Prior to the commencement of any Phase of residential development, a detailed Travel Plan for that Phase which is in broad accordance with the Framework Residential Travel Plan dated June 2021, and finalises the travel plan measures to be put in place for that Phase shall be submitted to and approved in writing by the local planning authority. The detailed Travel Plan for that Phase

shall include reference to Travel Plan measures to be set out within the residents' welcome packs. The detailed Travel Plan for that Phase shall thereafter be carried out and operated as approved.

To promote sustainable travel options, minimise reliance on the private car and reduce traffic congestion and demand for on street parking in the locality, in the interests of pedestrian and highway safety and to accord with Policy

23) Six months prior to the occupation of the school, a detailed School Travel Plan which is in broad accordance with the School Sensitivity Impact & Zebra Crossing Feasibility Report dated July 2021, and finalises the travel plan measures to be put in place for the school shall be submitted to and approved in writing by the local planning authority. The School Detailed Travel Plan shall thereafter be carried out and operated as approved.

To promote sustainable travel options, minimise reliance on the private car and reduce traffic congestion and demand for on street parking in the locality, in the interests of pedestrian and highway safety and to accord with Policy T1 of the Sevenoaks Allocations and Development Management Plan.

24) No development shall take place until the applicant, or their agents or successors in title, has secured the implementation of any necessary archaeological work:

i) a desk top study exploring the archaeological potential of the site; and if necessary

ii) archaeological field evaluation works in accordance with a specification and written timetable which has been submitted to and approved by the Local Planning Authority; and if necessary iii) following on from the evaluation, any safeguarding measures to ensure preservation in situ of important archaeological remains and/or further archaeological investigation and recording in accordance with a specification and timetable which has been submitted to and approved by the Local Planning Authority.

To ensure that features of archaeological interest are properly examined and recorded and that due regard is had to the preservation in situ of important archaeological remains, in accordance with Policy EN4 of the Sevenoaks Allocations and Development Management Plan.

25) Construction work shall only be carried out between the hours of 0730 and 1800 on Mondays to Fridays, 0730 and 1300 on Saturdays and at no time on Sundays, Bank or Public Holidays, unless specifically agreed otherwise in writing by the local planning authority.

To protect the amenity of the occupants of nearby dwellings and to accord with policy EN1 of the Sevenoaks Allocation and Development Management Plan.

26) No development shall take place over the alignment of Public Footpath SR603 or SR604 until an Order for their permanent diversion has been made and confirmed, and the diverted route has been fully provided and certified, unless otherwise agreed in writing by the local planning authority.

To ensure that public rights of way are properly safeguarded in the public interest in accordance with Policy T1 of the Sevenoaks Allocations and Development Management Plan.

27) Prior to the commencement of a relevant Phase that affects existing Public Right of Way SR603 and SR604, further details of their resurfacing shall be submitted to and agreed in writing by the local planning authority. The development shall accord with the approved details and implemented in full prior to the first occupation of a residential unit of a relevant phase, unless otherwise agreed in writing by the local planning authority.

To ensure that public rights of way are properly safeguarded in the public interest in accordance with Policy T1 of the Sevenoaks Allocations and Development Management Plan.

28) Prior to the commencement of any phase of the development hereby permitted shall implement mitigation measures in accordance with the Arboricultural and Method Statement and Manual for Managing Trees on Development Site.

To ensure that the appearance of the development enhances the character and appearance of the area as supported by Policy EN1 of the Sevenoaks Allocations and Development Management Plan.

29) The applicant shall obtain a Secured by Design accreditation for the residential development hereby permitted, a copy of which must be submitted to, and approved in writing by the Local Planning Authority unless otherwise agreed within three months of the completion of the development hereby permitted.

In the interest of Security, Crime Prevention and Community Safety and in accordance with Policy EN1 of the Sevenoaks Allocations and Development Management Plan.

30) The development hereby permitted shall not be used or occupied until the visibility splays shown on the approved 70003967-SK-10 Rev. D have been provided and anything which obstructs visibility at any height greater than 0.6 metres above the surface of the adjoining carriageway has been removed. Thereafter the visibility splays shall be maintained free from obstruction at all times.

In the interest of highway safety as supported by Policy EN1 of the Sevenoaks Allocations and Development Management Plan.

31) Prior to the commencement of each phase of development (or as part of the

Reserved Matters application for that phase), further details of the design and the number of the residential dwellings to be constructed in accordance with Part M4(2) of the Building Regulations shall be submitted to approved in writing by the local planning authority. A total of 17 homes across the site shall be built in accordance with the M4(3)b of Building Regulations.

In accordance with Policy SP5 of the Core Strategy.

32) The proposed scout hut and educational establishment hereby approved shall achieve a BREEAM minimum rating of 'Very Good' or alternative as agreed in writing by the local planning authority. Evidence shall be provided to the Local Authority in the following format and at the following times: i) Prior to first use of the educational/community element of the development, a final post-construction certificate certifying that the development has achieved a BREEAM minimum rating of 'Very Good' or alternative as agreed, shall be submitted to and approved in writing by the Local Planning Authority. Achievement of BREEAM 'Very Good' or alternative as agreed, must include at least a 10% reduction in the total carbon emissions through the on-site installation and implementation of decentralised, renewable or low-carbon energy sources.

In the interests of environmental sustainability and reducing the risk of climate change as supported in Policy SP2 of the Sevenoaks Core Strategy.

33) Prior to the first use of the educational establishment hereby permitted the off-site highway works as shown on drawing no. 70003967-SK10 Rev.10 (subject to any revisions thereto as may be agreed with the local highway authority through the detailed design process under the relevant highways agreement) shall have been completed in full to the satisfaction of the local planning authority.

In the interest of highway safety as supported by Policies EN1 and T1 of the Sevenoaks Allocations and Development Management Plan.

34) The development shall be constructed to provide on-site modern communication and technology infrastructure, which should include Broadband, high speed internet cabling and digital TV cabling. Details relating to the provision of such infrastructure shall be submitted prior to the commencement of each phase of the development. No residential unit in any phase shall be occupied until the approved infrastructure has been provided in each relevant phase, or in accordance with an alternative timescale agreed by the Local Planning Authority as part of the approved details.

To provide high quality technological infrastructure in accordance with Policy EN1 of the Sevenoaks Allocations and Development Management Plan.

35) The development hereby permitted shall be carried out in accordance with the following approved plans: P18099-001D, 7000 3967-SK-25 Rev.A, 7000 3967-SK-10 Rev.D.

For the avoidance of doubt and in the interests of proper planning.

36) Vehicular access arrangements to consist of a primary access onto the B2027 Four Elms Road as shown in principle on Drawing Number 70003967-SK-010 Rev D (subject to such revisions as may be agreed with the local highway authority as part of the detailed design process pursuant to the requisite highways agreement) and to be provided prior to occupation of any development and separate secondary access via the medical centre access and an emergency access via Forge Croft/Frantfields.

Reason: In the interests of highway safety and access in accordance with Policy EN1 of the Sevenoaks Allocations and Development Management Plan.

37) Save where the requisite traffic regulation order has already been sought or obtained through the highways agreement referred at condition 36 above, prior to occupation of the development, the applicant shall submit an application to the local highway authority seeking an extension to the 30mph speed limit along Four Elms Road sufficient to encompass the approved access pursuant to section 1 of the Road Traffic Regulation Act 1984 not Road Traffic Act 1984 (or such other enabling legislation as shall be applicable).

Reason: In the interest of highway safety.

38) In respect of the main estate / spine road serving the station car park any application to the local highway authority for the adoption of said road pursuant to s38 of the highways act 1990 shall include details of any measures or parking restrictions proposed by the applicant to restrict commuter parking on said roads in the event that the new station car park is brought into use.

Reason: In the interests of highway safety and access in accordance with Policy EN1 of the Sevenoaks Allocations and Development Management Plan.

39) Prior to commencement of development of the school site a Transport Assessment review shall be undertaken and completed. The completed review shall be submitted to and approved by the local planning authority and shall be implemented in accordance with the approved details prior to the first use of the school hereby permitted.

Reason: To assess any further impact upon the highway network and in the interests of highway safety, in accordance with Policy EN1 of the Sevenoaks Allocations and Development Management Plan

40) Prior to occupation of the school site:

i) Additional space to be provided for the bus/coach drop off/pick area and a separate/segregated student drop off/pick up area to be provided prior to

the occupation of the school.

ii) Details of arrangements of a delivery management plan which includes details delivery vehicles to park and manoeuvre clear of the highway shall be submitted to and approved by in writing by local planning authority.

The development shall accord with the approved details.

Reason: In the interests of highway safety and access in accordance with Policy EN1 of the Sevenoaks Allocations and Development Management Plan.

### **Informatives**

- 1) Guidance on preparing Community Use Agreements is available from Sport England. <http://www.sportengland.org/planningapplications/> For artificial grass pitches it is recommended that you seek guidance from the Football Association/England Hockey/Rugby Football Union on pitch construction when determining the community use hours the artificial pitch can accommodate
- 2) The proposed development has been assessed and it is the Council's view that the CIL is payable. Full details will be set out in the CIL Liability Notice which will be issued with this decision or as soon as possible after the decision.
- 3) Please be aware that this development is also the subject of a Legal Agreement under Section 106 of the Town and Country Planning Act 1990.
- 4) New build developments or converted properties may require street naming and property numbering. You are advised, prior to commencement, to contact the Council's Street Naming and Numbering team on 01732 227328 or visit [www.sevenoaks.gov.uk](http://www.sevenoaks.gov.uk) for further details.
- 5) Should the development be approved by the Planning Authority, it is the responsibility of the applicant to ensure, before the development is commenced, that all necessary highway approvals and consents where required are obtained and that the limits of highway boundary are clearly established in order to avoid any enforcement action being taken by the Highway Authority.
- 6) The applicant should note that under the terms of The Conservation of Habitats and Species Regulations 2010, Wildlife and Countryside Act 1981 and Countryside and Rights of Way Act 2000, it is an offence to disturb nesting birds or roosting bats which are also European Protected Species.

You should note that the work hereby granted consent does not override the statutory protection afforded to these and other protected species and you are advised to seek expert advice if you suspect that the demolition would disturb any protected species. Please note that a European Protected Species Licence will be required to allow the proposed development to proceed lawfully. Further details can be found at: <https://www.gov.uk/environmental-management/wildlife->

habitat-conservation

7) The developer is reminded that it is an offence to allow materials to be carried from the site and deposited on or damage the highway from uncleaned wheels or badly loaded vehicles. The Highway Authority will seek, wherever possible, to recover any expenses incurred in clearing, cleaning or repairing highway surfaces and prosecutes persistent offenders. (Highways Act 1980 Sections 131, 148, 149).

**RECOMMENDATION B: If the S106 legal agreement is not completed in accordance with the above recommendation (A), that planning permission be REFUSED on the following grounds:**

The development represents inappropriate development within the Green Belt and would lead to encroachment and urban sprawl. The very special circumstances advanced in this instance are not significant to outweigh the substantial harm to its openness and two out of the five purposes for its designation, contrary to the aims and objectives of the National Planning Policy Framework.

#### **National Planning Policy Framework**

In dealing with this application we have implemented the requirements in the National Planning Policy Framework to work with the applicant/agent in a positive, proactive and creative way by offering a pre-application advice service; as appropriate updating applicants/agents of any issues that may arise in the processing of their application and where possible and if applicable suggesting solutions to secure a successful outcome. We have considered the application in light of our statutory policies in our development plan as set out in the officer's report.

#### **Background and reason for this addendum report**

- 1 On 30 September 2021, the Development Control Committee resolved to grant planning permission for the above development at Four Elms Road in Edenbridge.
- 2 Since that resolution, work has been undertaken to negotiate the detail of the Section 106 Legal Agreement, based on the agreed Heads of Terms (see Minutes of the meeting attached within Appendix A).
- 3 The detailed negotiation process and has taken longer than anticipated.
- 4 For this reason, the Deputy Chief Executive and Chief Officer of Planning and Regulatory Services has exercised his discretion to extend the timescale for the completion of the legal agreement to 28 March 2022.
- 5 However during the course of the negotiations, KCC's solicitor wrote to an external solicitor representing our Council on the 2 February 2022 raising

concerns that some of the obligations sought by KCC had not been included in the committee heads of terms or draft S106 agreement. A copy of this letter is included in Appendix B. Discussions were also held between officers from each authority.

- 6 We have engaged with KCC on this matter, both at an individual application level and at a more strategic level. Those negotiations and discussions have not resulted in agreement being reached between the two authorities and KCC therefore object to the proposal on the grounds that failing to secure all of the planning obligations sought by KCC, the adverse impacts of the development will not be mitigated, and that the necessary infrastructure to support the development will not be delivered. Further information on their request and our response to it is set out below.

### **The consideration of this report**

- 7 In light of the issues raised by KCC it is considered to be in the interests of transparency and good governance for this application to be referred back to update Members, so that they are fully apprised of the matter by KCC thereby ensuring that all material planning considerations have been taken into account in determining the application. The application is to be considered afresh, as a whole.
- 8 This report is an addendum with the update on the key issues and attached is a copy of the original report, the late observations reported to committee and a copy of the minutes within Appendix A. The report also provides the summary planning balance of this case.
- 9 Summary of new material considerations since the committee resolution:
  - Referral to Secretary of State
  - Housing delivery test
  - Broke Hill Decision
  - KCC Objection to the Section 106 & CIL arrangements

### **Referral to Secretary of State**

- 10 Following the committee resolution to grant planning permission subject to completion of the Section 106 agreement, the planning application was referred to the Secretary of State as a major departure from the development plan.
- 11 The Secretary of State for the Department for Levelling Up, Housing and Communities responded on the 7 October 2021 and confirmed that the Secretary of State decided not to call in this application. The Secretary of State was content that the application should be determined by the local planning authority.

### **Housing delivery test**



- 12 In January 2022, the Government released new data on the housing supply, as part of the Housing Delivery Test. The current situation is as follows:
- The latest Housing Delivery Test results (2021) show that 62% of the overall housing need has been delivered over the previous 3 years, and therefore a 20% buffer applies to the 5 year supply calculation.
  - We do not have a 5 year supply (we have 2.9 years as at September 2021). This will be reviewed after April, to consider the latest monitoring data.
  - Given the Housing Delivery Test result falls under 62%, and we cannot demonstrate a 5 year supply, both of these things independently mean that there remains a presumption in favour of development subject to para 11(d) of the NPPF.
- 13 The consequences of this, do not change our assessment from September 2021, given that we remain a presumption authority under the Housing Delivery Test, albeit our delivery in the past three years, in part to Covid has been lower than expected.

### **Broke Hill Decision**

- 14 The planning appeal at Broke Hill was for 800 homes, 180 extra care units, a primary school, community centre, business units and sports facilities was dismissed by the Planning Inspector on the 31 January 2022. The Planning Inspector whilst accepting that there was a significant need for the housing, found that the case of very special circumstances presented, which included extra care housing, affordable housing units, sports provision, school with special needs unit was not sufficient to outweigh the significant harm to the green belt. In particular, he found that there would be substantial harm to the openness of this strongly performing green belt site, both in visual and spatial terms. It would also harm to the landscape character and appearance of the local area, both within the site and surrounding the site. Plus it was found that the sites location lacked the necessary sustainability requirements, both in public transport and proximity to a higher tier settlement. Therefore the majority of the trips carried out by private motor vehicles.
- 15 Whilst both sites lie within the green belt, the Four Elms Road site is immediately adjacent to a higher tier settlement, within a sustainable location and close to local services and facilities. The Four Elms Road site is also a poorly performing green belt site and actually provides much needed and identified infrastructure for Edenbridge, such the provision land for the secondary school and improved accessibility to the Edenbridge Town train station. Therefore the two sites are not comparable in terms of the harm to the green belt nor in terms of the benefits that arise as cases of very special circumstances.
- 16 A tri-lateral Section 106 Agreement was signed with KCC, Quinns and ourselves for the onsite infrastructure, including a primary school, sports provision, extra home care, bus service, car clubs, a contribution to improvements to the Knockholt station and travel plans as they were directly related to the development and reasonable, therefore complied

with section 122 of the CIL Regulations. The highway works were subject to planning conditions and Section 278 agreements. In addition CIL was chargeable on this development, which would have generated significant CIL receipts from the development.

- 17 Separate to this agreement, Quinn Estates & KCC signed a bi-lateral agreement to top up or cover the KCC off site development contributions, if they are unsuccessful in bidding for such funds via the Council's CIL Governance Board and/or did not feature on the Annual Infrastructure Funding Statement. However the Planning Inspector made no assessment as to whether or not the KCC request was reasonable. Nor did he comment on whether it complied with the section 122 of the CIL Regulations. Therefore we do not consider that the Broke Hill case holds any significant weight in KCC's case, as ultimately no decision was made and therefore no conclusions can be drawn.
- 18 It should be noted that the Broke Hill the bi-lateral agreement was drawn up the basis that the Broke Hill owner would cover funding shortfall, if KCC were unsuccessful through the CIL bidding process. This is different approach to that currently being sought by KCC, who are seeking full contributions to be incorporated into the Section 106 agreement

#### **KCC Objection to the Section 106 & CIL arrangements**

- 19 KCC's Solicitor formally lodged an objection on the 2 February 2022 as to how we have considered KCC's request for developer contributions, from their letter dated the 11 November 2020, which was their formal comments on the planning application. For clarity, the letter of 20 November 2020 is from KCC's Economic Development (Developer Contributions) team.

#### **KCC's requirements for the S106 agreement were not reported in the committee report**

- 20 It is not accepted that the Council failed to take into account material considerations in the form of representations submitted by KCC in the preparation of its officers' report to committee for application 20/02988/OUT.
- 21 The regarding financial contributions set out in the 11 November 2020 request letter, it was highlighted to members in the usual manner in paragraph 275 that:

*'The development would be liable for CIL and the extent of CIL liability would be determined at the Reserved Matters stage, once the liable floorspace were established. This is as required by the CIL regulations. CIL contributions are intended to fund infrastructure to help support development. Infrastructure providers would be able to bid for funds in line with the Council's existing CIL spending procedures. As Sevenoaks District Council is a CIL charging authority, it would not be reasonable to secure other financial contributions for infrastructure.'*

- 22 Further reference to KCC's request for financial contributions was made at paragraph 110.
- 23 We are reminded by case law (*Mansell v Tonbridge and Malling Borough Council 2017*) that the officer's report does not need to set out and discuss each material consideration in turn, and is to be read fairly, as a whole, focussing on substance rather than form, and bearing in mind that they are written for councillors with local knowledge.
- 24 Given that we adopted our Community Infrastructure Levy (CIL) charging schedule on 18 February 2014 and have been charging on all qualifying development since 4 August 2014, members are well aware of this and need no further direction other than that provided above to be reassured that the infrastructure needs arising as a result of the proposed development will be met in the usual manner through awards made by the CIL Spending Board.
- 25 Further, it is very clear that KCC were similarly aware of the approach taken by SDC to CIL and infrastructure requests, as it stated in their request letter of 11 November 2020:
- 'KCC appreciate Sevenoaks are now a CIL Authority, however, to assist we set out below the County assessment of impact, and would request these are mitigated through an appropriate planning obligation should they not be covered on this site by Sevenoaks CIL'.*
- 26 The 11 November 2020 request from KCC Economic Development was only ever for off-site financial contributions, if they were not to be covered by CIL, other than the land for a secondary school, which is secured through the Section 106 Agreement. This is consistent with the statement in the committee report that we do not consider it reasonable to require contributions for matters other than those set out in the list of Heads of Terms, because those matters are covered by CIL.
- 27 The officer's report did not misdirect the members in any material way. Members did not need any further explicit advice in respect of KCC's infrastructure requests, other than that provided.

#### CIL and Section 106 - Regulation 122

- 28 While the CIL Regulations in 2019 removed Regulation 123 list, Regulation 122 allows the possibility (in what, we would suggest, will be very limited circumstance) of items being covered by both CIL and S106, to be lawful and policy compliant. Regulation 122 states that
- "A planning obligation may only constitute a reason for granting planning permission for the development if the obligation is -*
- (a) necessary to make the development acceptable in planning terms;*  
*(b) directly related to the development; and*  
*(c) fairly and reasonably related in scale and kind to the development."*

- 29 The existing draft Section 106 agreement currently seeks to secure the following infrastructure, land, management and contributions, as they are all considered to be necessary, directly related to the development, fair and reasonable and comply with Regulation 122:
- Affordable Housing comprising of 40% affordable housing to be provided on site of which 65% of the affordable properties to be provided as Affordable Rented / Social Rented - 35% of the affordable properties to be provided as Intermediate Housing
  - Highways Contributions comprising:
    - £20,000 towards relining and resurfacing works in the vicinity of the Four Elms Village crossroads;
    - £1,000 to be used by Edenbridge Town Council/Hever Parish Council to help fund traffic surveys in the village of Four Elms;
    - Travel Plan monitoring fee of £948;
    - £14,000 towards the provision of 2no. bus stops on the site;
    - £40,000 to be used for improvements to the sections of Public Right of Way of SR603 and SR604 adjoining the site and linking to the land;
  - Provision of 0.29ha of land for new allotments - each plot to be 6m x 9m together with an associated allotment car park (to be provided and transferred to Town Council subject to them confirming required)
  - Open Space to be provided on site (and transferred to a management company for future maintenance) comprising of areas of land for amenity greenspace and areas of land for semi natural greenspace
  - 0.104ha of children's play space to be provided as 6 Local Areas of Play (LAP's) and 1 Local Equipped Area of Play (LEAP) unless otherwise agreed;
  - The safeguarding and transfer (if called for during a specified period) of 0.37ha of land for the construction of a new scout hut for Edenbridge Scout Group; and £200,000 towards the construction of the scout hut and ancillary facilities (i.e. car-parking and outdoor facilities) thereon if the land is taken
  - The safeguarding of 5.3ha of land to accommodate a secondary school and associated sports facilities and playing fields and its transfer to an education provider if called for within a specified period of time

- The creation of a new parking area for 36 spaces, pick-up and drop off area and a step-free access ramp leading to the platform at Edenbridge Town Station either through the direct provision by the developer or the provision of land and utilisation of the financial contribution referred to below
  - £1,000,000 contribution payable to Network Rail to be used for safety improvements to the Little Mowhurst level crossing and infrastructure improvements (including new ticket machines, barriers, signage, any project to provide a new passenger footbridge and (if delivered by Network Rail) the new parking area) at Edenbridge Town Station
  - Provision of land and creation of 6 parking spaces for use by residents of Town Station Cottages
- 30 Therefore the existing Section 106 seeks to provide significant infrastructure and contributions which are necessary, directly related to the development, fair and reasonable that are fully justified. This is on top the significant CIL receipts that will be generated from the site.
- 31 KCC is seeking the following off site financial contributions, amounting to over £1.9 million, as detailed in their letter dated the 20 November 2020 to be included within the Section 106 Agreement. I have reproduced their table as follows:

<b>Infrastructure sought</b>	<b>Total sum sought in £</b>	<b>Project Notes</b>
Secondary Education	1,759,840.00	Towards the construction of the New Secondary School in Sevenoaks District
Community learning	5,582.80	Towards additional resources and classes for the new learners in the Sevenoaks District
Youth services	22,270.00	Towards Youth Services locally in Sevenoaks District
Libraries	18,853.00	Towards additional stock, services and resources at Edenbridge Library
Social care	49,939.00	Towards Specialist care accommodation within Sevenoaks District
Waste	62,447.80	Towards Sevenoaks WTS expansion and HWRC extension

TOTAL £	£1,918,932.60	

- 32 We fully acknowledge that that there will be some impact from the development that would lead to a demand for infrastructure provision as KCC sets out in their letter. However there is a lack of clarity about what actual infrastructure will be provided and where. In particular the majority of the contributions sought are for district wide provision, with no specific project or no indication as to how it would relate to the development site or within the local area.
- 33 Therefore I consider KCC's that the request is not reasonable, fair or directly related to the development and therefore does not comply with Regulation 122. It is not therefore proposed to include the infrastructure requested in the legal agreement, other than the existing KCC provisions set out within the Heads of Terms, including land for a secondary school and approximately £75K highway & footpaths improvements and travel plan.
- 34 I would also draw members attention back to KCC's request letter dated the 11 November 2020, which states that "*KCC appreciate Sevenoaks are now a CIL Authority, however to assist we set out below the County assessments of impact, and would request these are mitigated through an appropriate planning obligation should they not be covered on this site by Sevenoaks CIL.*"
- 35 None of these off site contributions requests comply with Regulation 122 for the reasons set out above, mainly as they are not directly related to the site, as are district wide provision and are not fair or reasonable, given that CIL can also deal with such off site requests. None of them are necessary to make the development acceptable, given that they all can be covered by CIL.
- 36 Therefore we remain of the view that in respect of the proposed scheme, the duplication of the contributions would not pass the Regulation 122 test in this instance. The contributions sought by KCC can be bid for through the CIL Governance Board.

*KCC's concerns over the securing monies via CIL*

- 37 KCC are concerned that there is no guarantee that they receive the contributions requested if they go through the bidding process of the CIL Governance Board. They have also highlighted that fact that none of their requests on this application are covered by the Council's current Annual Infrastructure Funding Statement (IFS).
- 38 This application does not form part of the adopted Local Plan and is a departure from the local plan. Therefore any potential infrastructure arising from this site, unsurprising do not feature within the current IFS nor the Infrastructure Delivery Plan.

- 39 The IFS is issued annually and lays out our priorities for infrastructure for the next year. When reviewing the IFS each year, we consider any changes to the Infrastructure Delivery Plan and any changes in circumstances, such as the grant of permission for any major development sites, not previously envisaged, before setting the priorities for CIL for the next year. Therefore if the planning application for Four Elms were to be approved, and the requirement for infrastructure that KCC have sought, then this would mean that the priorities in the IFS would change to include KCC's request in future IFS.
- 40 If specific infrastructure is laid out as a priority in the IFS, then this would influence the CIL Spending Board, which is a Board of elected members that decides where CIL money is spent. There is a small risk that members of this Board could decide not to issue the CIL money towards these needs, however if it is identified in the IFS as a clear priority and there is a clear evidence to the need, it is considered that the risk would be small.
- 41 KCC are fully entitled to put in requests for funding of specific projects via the CIL Governance Board, as and when the need arises. We have also provided KCC with advice on assisting their future submissions for CIL funding for future projects.

### **Conclusion**

- 42 Reviewing the request for planning obligations from KCC, in accordance with Regulation 122, it is concluded that the requests do not meet the tests required. The information submitted has not demonstrated that the obligations either individually or cumulatively would be:
- a) Necessary to make the development acceptable in planning terms
  - b) Directly related to the development; and
  - c) Fairly and reasonably related in scale and kind to the development.
- 43 In order to comply with national and planning policy, there are many other provisions within the draft Section 106 agreement, that are to be secured, of which the most significant matter is the provision of affordable housing on site, which is prioritised through local and national policy.
- 44 It should be forgotten that the draft Section 106 seeks to secure 14 items of infrastructure, financial contributions, land provision or management plans that comply with Regulation 122, whilst the development is also paying full CIL.

### **Planning Balance**

- 45 In accordance with section 38(6) of the 2004 Act, this application has to be determined in accordance with the development plan, unless material considerations (which include the NPPF), indicate otherwise.
- 46 There is no dispute that the application proposal would be inappropriate development in the Green Belt, nor is there any dispute that the proposal

would have an adverse impact on the openness of the Green Belt. Therefore the tilted balance of paragraph 11(d) of the NPPF does not come into play.

- 47 Instead the balancing of this application, we will be look at paragraphs 147 & 148 of the NPPF, where planning permission should not be granted unless t a case of very special circumstances can be demonstrated.
- 48 We are required to “*ensure that substantial weight is given to any harm to the Green Belt. ‘Very special circumstances’ will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.*”
- 49 Therefore we will look in detail for a number of factors that would potential weigh in favour of the scheme as a case of very special circumstances

### ***Emerging Local Plan***

- 50 The application site formed part of a mixed use allocation in the Council Proposed Draft Submission Local Plan, prior to be stopped at the Examination stage. The proposed allocation was to release the site from the green belt for development under a case of exceptional circumstances, due to needing to meet housing demands, but also providing a health centre and safeguarding land for a secondary school. The release of this site was linked to the Council’s development strategy of releasing green belt sites for development where they were adjacent of one of its four main settlements and where they were poorly performing green belts and would provide existing identified infrastructure provision.
- 51 Whilst it is fully acknowledged the Proposed Draft Submission Local Plan holds very limited weight, the principle of only releasing poorly performing green belt sites for housing adjacent to a main settlement in order to provide much needed infrastructure holds some weight.

### ***Five Year Housing Supply***

- 52 It is fully accepted that the Council does not have an up to date Local Plan and does not have an adequate five year housing supply. Whilst the Council’s has a Housing Delivery Test Action Plan to tackle the under supply of housing, part of that reliance will be adoption of a Local Plan, which will not come forward until 2023. This site has the ability achieve a significant contribution towards the District’s housing requirement with limited impact upon on the Green Belt.
- 53 The Council’s housing situation has been described in previous appeals as “acute” and “chronic”, with the Council only able to demonstrate a current supply of deliverable housing land of less than 2.9 years, very substantial weight to the provision of 340 new houses in the current proposal. Further to this, very substantial weight to the proposed delivery of 40% affordable housing on this site, for reasons set out earlier. Therefore the under



provision of housing supply holds substantial weight, albeit it does not outweigh the harm to the green belt on its own.

### ***Biodiversity***

- 54 The development would have no adverse impact on matters of ecological or nature conservation interest but would, instead, actually result in a net benefit for biodiversity to which limited weight can be attached.

### ***Secondary school***

- 55 There is a need for additional secondary school spaces in the town in the future, and by facilitating the delivery of a new secondary school the application proposal would address this future need, and would also satisfy the secondary education demand likely to arise from the development itself. Moreover, no other site has been identified to potentially deliver a new secondary school. This factor should be given significant weight in the proposal's favour.

### ***Medical centre***

- 56 In terms of the medical centre provision, even though this was determined under a different planning permission, a significant contribution (in excess of £400k) was made by the landowner (Cooper Estates) to the KCC enable the land associated with the medical centre application to be sold to the National Health Service to facilitate the development. It was originally envisaged for the medical centre to be incorporated with this planning permission, however the NHS wanted to advance the development to ensure funding for the development could be secured. Both the medical centre and this proposal have been designed to link together. Whilst planning permission is already been granted, very limited weight can be attributed to the connections between the two sites.

### ***Highways***

- 57 In traffic and transport terms, it is acknowledged that there would be increased traffic on the local highway network, and an increased demand for parking. Having had regard to the proposed contributions towards various junction improvements, and the TRO review, it is concluded on this consideration is that there would be no materially adverse impact on traffic, transport, parking and safety matters. With this fairly neutral conclusion, it is not considered that these points add any weight in support of the proposal.

### ***Accessibility to sustainable transport***

- 58 The proposal would seek to significantly improve the accessibility to the Edenbridge Town train station, through providing parking spaces to the northern platforms, which currently has no level access, as it is only accessible via steps down and up via an underpass. The proposal would also contribute one million pounds to Network Rail to provide a bridge over the

railway line to again improve level access to the station. Improvements for accessibility to the train stations in Edenbridge was identified under the Sevenoaks Infrastructure Delivery Plan and therefore these works and contributions would hold significant weight.

### ***Economic and social benefits***

- 59 The proposal would, however, clearly satisfy the economic and social objectives of sustainable development. Some of the matters that make up these objectives, such as the delivery of market and affordable housing have already been accounted for. However, there are other areas of benefit, not specifically included above, such as the detailed economic benefits which would arise in terms of new jobs; a significant amount of “first occupation expenditure” and additional local expenditure, Council Tax payments, and CIL payments. It should be noted that the scheme will provide a dual use scout hall and allotments. These matters add limited weight in support of the application proposal.
- 60 Therefore after balancing all these various factors against the substantial to the harm to the green belt, I am satisfied that a case of very special circumstances exists in supporting this scheme given in will clearly provide evidenced and required infrastructure to meet the needs of Edenbridge going forward.

### **Conclusion**

- 61 The report above identifies the many benefits that the proposals would bring to the site and to the landscape. While local concerns exist in particularly in terms of highways impacts of the development, it has been found that these impacts can be appropriately mitigated by conditions and planning obligations, which would result in highway and pedestrian safety being preserved, and the development would amount to a less than ‘severe’ impact on the highway in terms of its assessment under NPPF paragraph 111.
- 62 In summary, although substantial weight has to be given to the Green Belt by reason of inappropriate development and the impact on openness, it is considered that that this can be clearly outweighed by the significant and in some regards unique benefits of the application proposal, as detailed above. As such, it is concluded that very special circumstances exist, which would justify this development in the Green Belt.
- 63 The proposal would secure the provision of some infrastructure on site as required by planning policy and this would have notable public benefits. There are requests for further obligations by KCC, but it is has not been demonstrated that these would comply with S122 of the CIL Regulations. The provision of this additional infrastructure if required, could be secured via CIL and the mechanisms currently in place would ensure that the risk of not gaining this funding would be minimised.

64 It is recommended that the application be approved and planning permission be granted subject to the conditions and legal agreement detailed above.

**Background papers**

Site and block plan

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