

TONBRIDGE & MALLING BOROUGH COUNCIL

AREA 3 PLANNING COMMITTEE

9 July 2020

Report of the Director of Planning, Housing and Environmental Health

Matter for Information

TM/17/01595/OAEA: OUTLINE PLANNING APPLICATION: THE ERECTION OF UP TO 840 DWELLINGS (INCLUDING AFFORDABLE HOMES) WITH PUBLIC OPEN SPACE, LANDSCAPING, SUSTAINABLE DRAINAGE SYSTEMS, LAND FOR A PRIMARY SCHOOL, DOCTORS SURGERY AND FOR JUNCTION IMPROVEMENTS AT HERMITAGE LANE/A20 JUNCTION, AND A LINK ROAD BETWEEN POPPY FIELDS ROUNDABOUT AND HERMITAGE LANE. VEHICULAR ACCESSES INTO THE SITE FROM POPPY FIELDS ROUNDABOUT AND HERMITAGE LANE. ALL MATTERS RESERVED WITH THE EXCEPTION OF MEANS OF ACCESS AT LAND SOUTH OF LONDON ROAD AND EAST OF HERMITAGE LANE AYLESFORD KENT – UPDATE

To update Members on the progress of this planning application (ref: TM/17/01595/OAEA) for a development of up to 840 dwellings, the provision of public open space, land for a primary school, creation of a new link road through the site, improvements to the existing highway network and other necessary infrastructure provision.

1 Resolution of the Area 3 Planning Committee:

- 1.1 Members will recall that during the November 2019 meeting of the Area 3 Planning Committee they resolved to grant outline planning permission for this development subject to the applicant entering into a s.106 agreement with the Borough and County Councils to ensure that key infrastructure was delivered at the appropriate time to facilitate this development.
- 1.2 The following advice regarding the likely timescale for the completion of the s106 agreement formed part of the officer recommendation that the Committee endorsed when it resolved to grant permission:

“It is expected that the section 106 agreement should be agreed in principle within 3 months and the legalities completed within 6 months of the committee resolution unless there are good reasons for the delay. Should the agreement under Section 106 of the Act not be completed and signed by all relevant parties by 21 May 2020, a report back to the Area 3 Planning Committee will be made either updating on progress and making a further recommendation or in the alternative the application may be refused under powers delegated to the Director of Planning, Housing and Environmental Health who will determine the specific reasons for refusal in consultation with the Chairman and Ward Members.”

1.3 As the agreement has yet to be completed, the following section of this information report will update Members as to why that is the case and the current progress made with the s.106 agreement

2. Progression of the s106 agreement:

2.1 The s.106 agreement is between the Borough Council, the County Council, the applicant and the landowners. Since the time of the Committee's resolution last November the applicant has engaged positively with both the Borough and County Councils to progress the agreement.

2.2 Members will recall that following their resolution to grant permission, a request was made to the Secretary of State at the end of 2019 to call the application in for his determination. Ultimately, the Secretary of State decided not to do so and directed that the Borough Council as LPA should determine this application. However, this process lasted nearly 4 months and added delays to the progression of the s106 Agreement (notwithstanding the fact that all parties were actively involved in discussing different aspects of the agreement whilst waiting for the Secretary of State's decision).

2.3 This is a complex matter bearing in mind that the purpose of the agreement is to ensure that numerous key highway and community infrastructure is delivered at the appropriate time either before or during the construction of the approved development. There has been much discussion, for example, between the applicant, the Borough and County Council's (from both an education and highways perspective) as to at what point should the link road be completed and open to use and how many houses should be built before the primary school should open.

2.4 It is for these reasons why the s106 Agreement has not been resolved in the timescale set out in the Committee resolution. At no point has the applicant or landowner been unwilling to agree terms with the Borough Council or sought to delay the progression of the agreement.

2.5 I am now pleased to say that the agreement is now nearing completion and has progressed to the engrossments phase. We await the signed agreement for completion at which point the decision can be issued.

3. Concluding comments

3.1 Officers will sign and complete the agreement upon receipt at which point the decision will be issued. This is anticipated to take place within the next 6 weeks dependant on how quickly it reaches us from the other parties.

FOR INFORMATION