

Amendment to contributions:

As set out in paragraphs 7.6 and 9.7, Kent County Council Highway Services have requested a financial contribution of £29,408 towards improvements to the A26/Hermitage Lane and A20/Coldharbour Lane junctions, as has been done in association with other developments elsewhere on Hermitage Lane.

As Members will be aware, In terms of financial contributions towards social infrastructure other than affordable housing, any request for contributions needs to be scrutinised, in accordance with Regulation 122 of the Community Infrastructure Levy (CIL) Regulations 2010. This has strict criteria that set out that any obligation must meet the following requirements: -

It is:

- Necessary to make the development acceptable in planning terms;
- Directly related to the development; and
- Fairly and reasonably related in scale and kind to the development.

In this case, the request has previously been scrutinised in respect of previous planning applications on and in close proximity to Hermitage Lane, and by virtue of the location, scale and nature of the proposed improvements, is considered to be directly related to the development under consideration.

In terms of necessity and proportionality, the contributions were not sought in respect of the previous application on the site (MA/12/2255) which Planning Committee took a resolution to grant in November 2014 after protracted viability review following the original resolution to grant in December 2013. In the specific circumstances of this case, and in the context of the progress of the previous application and subsequent working up of a highway improvement scheme which addresses the cumulative highway impact of the residential schemes coming forward in the local area, it is considered reasonable to seek contributions on a pro rata basis in respect of the additional 16 units proposed over and above the previous scheme considered.

The developer has agreed the sums as set out in the report on the agenda.

I therefore recommend that the recommendation on the papers be amended as follows:

*“That subject to the prior completion of a Section 106 legal agreement in such terms as the Head of Legal Services may advise to secure the following:*

*The provision of 40% affordable residential units within the application site; and*

*A contribution of £4,000.00 per ‘applicable’ house and £1,000.00 per ‘applicable’ flat towards the build costs and £2,701.63 per applicable house and £675.41 per applicable flat towards land acquisition of for a new primary school; and*

*£2,359.80 per applicable house and £589.95 per applicable flat towards secondary school education; and*

*A contribution of £144.36 per dwelling to be used to address the demand from the development towards additional book stock and services at libraries local to the application site; and*

*A contribution of £30.70 per dwelling to be used to address the demand from the development towards the provision of new/expanded facilities and services both through dedicated adult education centres and through outreach community learning facilities local to the application site; and*

*A contribution of £8.44 per dwelling to be used to address the demand from the development towards youth services through increased centre based youth services local to the application site; and*

*A contribution of £53.88 per dwelling to address the demand from the development for adult social services to be used towards the provision of new/expanded facilities and services both on site and local to the development, including assistive technology and enhancement of local community facilities to ensure full DDA access; and*

*A contribution of £108,675.00 (based on £1,575.00 per dwelling) towards the improvement, refurbishment and maintenance of existing parks and open spaces local to the application site; and*

*A contribution of £29,408.00 towards highway improvements at the A26/Fountain Lane and A20/Coldharbour Lane)*

*the Head of Planning and Development be given delegated powers to grant planning permission subject to the conditions and informatives set out in the report.”*