

Urgent Update: Planning Committee 16 December 2021**Item14 Pages 20 - 36****Land To Rear Of Kent Police Training School Off St Saviours Road, Maidstone****APPLICATION: 20/501427/OUT**

1. As per the main agenda report, close to the site is a Police owned gate which gives access to Pested Bars Road and is understood to be used for access to rural lanes in Boughton Monchelsea Parish hence the PC is concerned that it results in rat-running (including use to access local schools) using inappropriate narrow single track roads with sharp turns/junctions giving poor visibility

The Police have been made aware of the request of the PC and have replied that they are agreeable to a planning condition.

However, a planning condition to require the gate to be kept closed to non-police traffic would need to satisfy legal tests which include necessity and the request being relevant to the development being permitted.

In this regard KCC (H&T) have advised that they would be supportive of Kent Police offering up to close the gate but could not insist on the closure of the gate on highway safety grounds as there is no evidence that the development of 76 dwellings at the site would materially worsen the situation on the rural lanes compared to what happens currently.

It should also be borne in mind that a planning condition in itself would not necessarily secure the imminent closure of the gate as a condition only has to be complied with when and if a planning permission is implemented and would have to have a reasonable trigger of say, first occupation.

It is not recommended that the Informative 1 becomes a planning condition.

2. The Heads of Terms recommended for the s106 legal agreement includes a request from KCC (H&T) for contributions towards highway and public transport improvements as per Policy H1(28).

However, this has been reviewed from a legal point of view in the light of the development being CIL-liable which was not the case when 12/0987 was granted. It is considered that the schemes are not finalised/agreed and are also inadequately specific to the development site to qualify for s106 funding. They are more strategic and thus should be funded by CIL or other appropriate sources of infrastructure funding.

This approach would be consistent to the one at Otham where similar highway improvements were determined to be CIL matters.

The recommendation is amended as follows:

The Head of Planning and Development BE DELEGATED POWERS TO GRANT planning permission subject to the prior completion of a legal agreement to provide the following (including the Head of Planning and Development being able to settle or amend any necessary terms of the legal agreement in line with the matters set out in the recommendation resolved by Planning Committee):

- the prior payment of s106 monitoring fees of £3,000
- Travel Plan Monitoring Fee of £948
- Affordable Housing at 30%
- £1,434.5 per dwelling towards Open Space at Queen Elizabeth Square play area and/or sport facilities at Pested Bars Open Space, to be spent in liaison with Boughton Monchelsea PC

and

Conditions and Informatives as per main agenda.