

PLANNING COMMITTEE – 10 OCTOBER 2024**DEFERRED ITEM**

Report of the Head of Planning

DEFERRED ITEMS

Reports shown in previous Minutes as being deferred from the 06 August 2024 Meeting.

DEF ITEM 1 REFERENCE NO - 24/500856/REM		
PROPOSAL Approval of reserved matters (Access, Appearance, Landscaping, Layout, and Scale sought) for levels and earthworks changes for Phase 2F and the Primary School Land pursuant to 17/505711/HYBRID.		
SITE LOCATION Land At Wises Lane Borden Kent ME10 1GD		
RECOMMENDATION Delegate to the Head of Planning to grant planning permission subject to appropriate safeguarding conditions as set out in the report, with further delegation to the Head of Planning to negotiate the precise wording of conditions, including adding or amending such conditions.		
APPLICATION TYPE Major – Reserved Matters		
REASON FOR REFERRAL TO COMMITTEE The number of representations received contrary to the recommendation; Called in at the request of Councillor Baldock; and Borden Parish Council object to the proposal. The main concerns of the Parish Council are: <ul style="list-style-type: none"> • The Impact upon the skylark mitigation land. • That the land be open natural space and not have pitches marked out. 		
Case Officer Carly Stoddart		
WARD Borden And Grove Park	PARISH/TOWN COUNCIL Borden	APPLICANT Karen Dunn AGENT DHA Planning
DATE REGISTERED 19.03.2024	TARGET DATE 13.08.2024	
BACKGROUND PAPERS AND INFORMATION: Cover Letter, dated 12 September 2024 (uploaded 19 September 2024) Drawing number 108 – Earthwork Sections (uploaded 12 September 2024) Drawing number 108-1 – Earthwork Sections (uploaded 12 September 2024) Drawing number 108-2 – Earthwork Sections (uploaded 12 September 2024) The full suite of documents submitted pursuant to the above application are available via the link below: - 24/500856/REM Approval of reserved matters (Access, Appearance, Landscaping, Layout, and Scale sought) for levels and earthworks changes for Phase 2F and the Primary School Land pursuant to 17/505711/HYBRID. Land At Wises Lane Borden Kent ME10 1GD (midkent.gov.uk)		

Other applications

S106 Agreement (uploaded 20 December 2019)

Drawing number 2574-315D – Open Space Land Budget (uploaded 04 January 2019)

David William Landscape Consultancy Indicative Landscape Strategy Plan (Addendum LVIA Figure 10.8, Drawing No. L8 Revision E (uploaded 07 June 2018)

[17_505711_HYBRID--5237532.pdf \(midkent.gov.uk\)](#)

1. INTRODUCTION

- 1.1 This application was initially reported to Planning Committee on 06 August 2024, with a recommendation that permission be granted. The original Committee report is attached at Appendix A.
- 1.2 The Planning Committee resolved to defer the determination of the application. The draft minutes from the 06 August 2024 Committee meeting are attached at Appendix B of this report. In summary the application was deferred to allow officers to negotiate with the applicant to explore the possibility of re-levelling the land needed for the school site, rather than the open space area of the site.

2. RESPONSE TO REASONS FOR DEFERRAL

- 2.1 The applicant was advised of the Planning Committee's comments regarding the possibility of leaving the open space part of the application site at its natural levels.
- 2.2 The applicant has declined to alter the proposal to leave the levels of the open space in their natural state. Instead, further information has been submitted including illustrative sections to assist in visualising the difference between existing and proposed levels. A cover letter has also been submitted which provides a written explanation as to why it is considered necessary to alter the levels within the open space area.
- 2.3 In addition to the submissions from the applicant, it should be noted that Schedule 4 of the s106 agreement to the hybrid planning permission requires delivery of open space in accordance with drawing 2574-315D and the David William Landscape Consultancy Indicative Landscape Strategy Plan (Addendum LVIA Figure 10.8, Drawing No. L8 Revision E). This drawing identifies part of the open space area within this reserved matters application to include sport provision. The definition of open space within the s106 agreement also states, 'for the avoidance of doubt [open space] shall include: an area for a sports pitche(s) as identified on the Open Space Plan Drawing 2574-315D to be provided in the form, number and standard to be agreed in writing with the Borough Council. The final detail is yet to be agreed with the Council and would come forward as a separate reserved matters application at a later date. The s106 agreement, however, requires part of the open space within the site to be flat enough allowing for sports provision.
- 2.4 The submitted cover letter explains how there are significant level changes within the open space part of the site with land sloping steadily towards the south and a dip in levels within the centre of the open space. As such to achieve the gradients to allow for informal recreational use which can be accessible for all, the levels need to be reprofiled.
- 2.5 The illustrative sections show how the proposed earthworks will not result in a flat surface across the entire site. Variations will still occur to maintain a more natural feel and interest.

- 2.6 The earthworks would be carried out prior the submission of separate reserved matters applications for the open space and for the school site. This will ensure the development platform is ready for the school site and the remainder of this application site ready for the delivery of open space in accordance with the hybrid planning permission.

3. CONCLUSION

- 3.1 The additional information further demonstrates the proposed levels will not result in an entirely flat site and will retain some of the natural character in parts of the site.
- 3.2 Further explanation in terms of the requirements of the s106 agreement, which forms part of the hybrid planning permission, demonstrates the need for the proposed changes in levels.
- 3.3 It remains that the earthworks result in changes to levels would not have any impact beyond that of the hybrid planning permission. These impacts are controlled through the conditions placed on the overriding hybrid planning permission for the site. The proposal subject of this reserved matters application is in accordance with the terms of the hybrid planning permission and the policies of the Local Plan and the NPPF. This is set out in the main report presented to Planning Committee on 06 August 2024 (appended).
- 3.4 The proposal is recommended for approval with the conditions to be attached as set out in the main report and presented to Planning Committee on 06 August 2024 (appended).

