

# Release of S106 collected under planning application 14/504140 Church Farm Paddock Wood

For Cabinet Member for Planning and Housing

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## Summary

<b>Lead Member:</b>	Cllr Hugo Pound – Portfolio Holder for Housing and Planning
<b>Lead Director:</b>	Lee Colyer – Director of Finance, Policy and Development (S151 Officer)
<b>Head of Service:</b>	Carlos Hone – Head of Planning
<b>Report Author:</b>	David Scully – Landscape and Biodiversity Officer
<b>Classification:</b>	Public document (non-exempt)
<b>Wards Affected:</b>	Paddock Wood.

Approval Timetable	
Cabinet Member	17 February 2023
Report Published	21 February 2023
Decision due not before	1 March 2023

## Recommendations

Officer / Committee recommendations as supported by the Portfolio Holder:

1. That the Council releases developer contributions to the amount of £12,180.98 to the Hop Pickers Line Heritage Group for the purpose of providing a way marking strategy and public art installation for the Hop Pickers Line Heritage Trail collected as a developer contribution pursuant to the planning agreement completed in respect of planning permission 14/504140 Church Farm Paddock Wood.

# 1. Introduction and Background

- 1.1 This report relates to the planning application on land at Church farm Paddock Wood planning reference 14/504140: “Hybrid Application: Outline (Access not reserved) - Residential development of up to 300 dwellings including 105 affordable dwellings (comprising 36 x 1-bed flats, 26 x 2-bed flats, 68 x 2-bed houses, 75 x 3-bed houses, 80 x 4-bed houses and 15 x 5-bed houses) and associated highways, landscaping, allotments, flood mitigation works including attenuation basins and open space; Full Application - Change of use of land to country open space | Church Farm And Land Church Road Paddock Wood Tonbridge Kent”.
- 1.2 The site is immediately adjacent to the former Paddock Wood to Hawkhurst Railway Line known as the Hop Pickers Line. The disused railway line is safeguarded in the Site Allocations Local Plan 2016 under Policy AL/STR 3 Safeguarding Former Railway Lines “*for use as a green infrastructure corridor providing a walking/cycleway trail*”. The site provides for a starting point for future use of the route and so is an obvious location for information and interpretation about the former railway line that will facilitate use and understanding of the route.
- 1.3 An established community group (2008), The Hop Pickers Line Heritage Group (HPLHG), has with the help of the Council developed a way marking and interpretation strategy and has already installed a number of panels and way markers along the route.
- 1.4 The S106 agreement provides for a “*Green Infrastructure Route Contribution*” of £11,000 index linked for “*a way marking strategy and public art installation for the Hop Pickers Line Heritage Trail*”. With interest now added the sum available is £12,180.98. Under the S106 agreement the Council covenant that the money will be used for no other purpose that that which is specified above
- 1.5 As explained in the committee report (para 10.119) the inclusion of interpretation material for the Hop Pickers Line is seen as an additional benefit of the development.

- 1.6 In order to bring the scheme forward the HPLHG was encouraged by the Council to prepare a scheme in collaboration with key stakeholders that met the requirements of the S106 agreement. The group has since engaged with Paddock Wood Town Council, KCC Highways and the landowner to develop a proposal in general conformity with the Council's Public Art Guidance. This work has been supported by the Councils Cultural Projects Manager. As a result of that work a scheme has been proposed costing £12,500 and is attached at Appendix A
- 1.7 During proposal includes:
- Website/Facebook page
  - Creation of stencils for artwork
  - Updating design on panel/route map
  - Installation of two interpretation panels
  - Commissioning and installation of public art feature
- 1.8 The HPLHG are hosted by Paddock Wood Town Council and so any payment will be made to them with spending signed off by the HPLHG. Any costs over and above the available S106 funds will need to be met by either the HPLHG or Paddock Wood Town Council.

## 2. Options considered

- 2.1 Option 1: Do nothing - the money will have to be repaid and consequently there will be no public art or interpretation boards provided.
- 2.2 Option 2: Agree the scheme proposed by the HPLHG which has been developed with the support of the Councils Cultural Projects Manager team following discussion with Paddock Wood Town Council, the landowner and KCC highways and accords with the S106 agreement and the decision of the Planning Committee.

- 2.3 Option 3: Other options include seeking alternative proposals from other bodies or organisations. No other options are currently available and such a scheme might not accord with the terms of the s106 or the decision of the Planning Committee.

### **3. Preferred Option and Reason**

- 3.1 The preferred option is Option 2, *“Agree the scheme proposed by the HPLHG which has been developed with the support of the Councils Cultural Projects Manager team following discussion with Paddock Wood Town Council, the landowner and KCC highways and accords with the S106 agreement and the decision of the Planning Committee”*.
- 3.2 This option is favourable due to its compliance with the S106 and Committee Report and because it can be implemented. The HPLG are a well established community group with a proven track record of delivery projects associated with the Hop Pickers Line and have worked hard with Borough and Town Councils support to seek agreement with key stakeholders and develop an acceptable proposal.

### **4. Consultation on Options**

- 4.1 The planning application to which the sum relates was the subject of public consultation and comment and was resolved by Planning Committee. Paddock Wood Town Councillors were involved in the development of the proposal and consulted on the final proposal and have given their support.

### **5. Recommendation**

- 5.1 The recommendation to the Cabinet Member is to release developer contributions to the amount of £12,180.98 to the Hop Pickers Line Heritage Group for the purpose of providing a way marking strategy and public art

installation for the Hop Pickers Line Heritage Trail collected as a developer contribution pursuant to the planning agreement completed in respect of planning permission 14/504140 Church Farm Paddock Wood.

## **6. Implementation**

- 6.1 The payment will be made to the HPLHG via Paddock Wood Town Council and the Landscape and Biodiversity Officer will monitor progress to ensure the compliance with the s106 agreement.

## **7. Appendices and Background Documents**

Appendices:

- Appendix A: WAYMARKING STRATEGY FOR PADDOCK WOOD, KENT, 2023-2024

## 8. Cross Cutting Issues

### A. Legal (including the Human Rights Act)

Planning obligation agreements provide a mechanism for collecting contributions from developers through the planning process. Such contributions may only be used for the purpose specified in the agreement.

Any release of funds should be subject to the conditions set out in the relevant planning agreement being met in full.

Any necessary agreements or contracts entered into on release of the contributions must be in accordance with the Council's Contract Procedure Rules and should be in a form approved by the Head of the Mid Kent Legal Partnership

There are no issues regarding the Human Rights Act.

Tracey Wagstaff  
Senior Planning Lawyer MKLS  
11/01/2023

### B. Finance and Other Resources

No financial issues

Jane Fineman  
Head of Finance, Procurement & Parking  
18/01/2023

### C. Staffing

No Implications  
David Scully  
Landscape and Biodiversity Officer  
02/03/2023

## **D. Risk Management**

No Implications

David Scully

Landscape and Biodiversity Officer

02/03/2023

## **E. Environment (inc. Biodiversity) and Sustainability**

The proposal will help with the proper management of an important wildlife site.

David Scully

Landscape and Biodiversity Officer

02/03/2023

## **F. Community Safety**

No Implications

David Scully

Landscape and Biodiversity Officer

02/03/2023

## **G. Equalities**

No Implications

David Scully

Landscape and Biodiversity Officer

02/03/2023

## **H. Data Protection**

No Implications

David Scully

Landscape and Biodiversity Officer

02/03/2023

## **I. Health and Safety**

No Implications

David Scully

Landscape and Biodiversity Officer

02/03/2023

## **J. Health and Wellbeing**

No Implications

David Scully

Landscape and Biodiversity Officer

02/03/2023