

Amendment to Heads of Terms (HoTs)

In the unlikely event that the CCG does not take the medical proposals forward, the proposed HoTs provide for the land to be used as on-site open space with the off-site public open space contribution (minus the developer's costs of implementing the public open space) instead going towards Coxheath Primary School.

The developer has now provided a breakdown of the costs of providing the open space with a LEAP and other associated works (landscaping, paths, benches etc.). The costs would be approximately £108,368 and so this would only leave £1,632 to potentially go towards the primary school.

In view of the pooling limit for s106 agreements to infrastructure projects (no more than 5), it is not considered beneficial to direct this small amount to the primary school in this instance.

The relevant HoTs are therefore amended (in bold) as follows to reflect this:

- 33% of housing being affordable housing (of which 70% is affordable rent and 30% shared ownership).
- Financial contribution of £105,000 'towards the costs of highway improvements at the junction of the A229 and B2163 (Linton Crossroads)'.
- Financial contribution of £110,250 towards improving, maintaining, repairing and renewing the open space and play facilities at the Stockett Lane Recreation Ground.
- The 'Medical Land' for which outline permission for a 2 storey medical centre is hereby approved be transferred to the CCG (or appropriate body) at nil cost for the delivery of medical facilities (timeframe for transfer delegated to officers and linked to notice being received from the CCG (or appropriate body) requesting such transfer).
- In the event that the notice is not received from the CCG (or appropriate body) within a set timeframe (to be delegated to officers), the 'Medical Land' will be used for on-site public open space. **In this scenario, the off-site public open space contribution (minus the developer's costs of implementing the public open space) would instead go towards the costs of the construction of a new modular building containing two classrooms, toilets and associated storage space at Coxheath Primary School (final amount delegated to officers to agree).**
- The agreement will set out certain circumstances in which, following transfer of the 'Medical Land' to the CCG (or appropriate body), the land can be returned for use as on-site public open space (for example, if delivery of the medical facilities is not commenced or completed within a set timeframe (to be delegated to officers)). Depending on the circumstances existing at the time, it may be appropriate for the Medical Land to be returned to a Council nominee. If the Medical Land is returned in such circumstances, the Council will divert **a proportion of** the off-site open space contribution referred to above to the delivery of the on-site public open space. **with the residual monies going towards the costs of the construction of a new modular building containing two**

~~classrooms, toilets and associated storage space at Coxheath Primary School (final amount delegated to officers to agree).~~

- Any on-site public open space delivered in circumstances considered above is to include a Locally Equipped Area of Play (LEAP). Details of the laying out and equipping of the on-site public open space shall be submitted to and approved in writing by the LPA.

RECOMMENDATION

Subject to the amended HoTs, my recommendation remains unchanged.

Subject to the prior completion of a legal agreement, in such terms as the Head of Legal Services may advise, The Head of Planning and Development BE DELEGATED POWERS TO GRANT planning permission subject to the imposition of conditions