

I HEREBY CERTIFY THIS
TO BE A TRUE COPY

**Deed of Variation of a Planning Obligation
made under Section 106 of the Town and
Country Planning Act 1990**

relating to the Obligation dated 29 July 2009 in
respect of land at Eden Valley School, Four
Elms Road, Edenbridge, Sevenoaks, Kent

Dated

12th November

2010

- (1) DISTRICT COUNCIL OF SEVENOAKS
- (2) THE KENT COUNTY COUNCIL

PARTIES:

- (1) **DISTRICT COUNCIL OF SEVENOAKS** of Council Offices Argyle Road Sevenoaks Kent TN13 ("SDC");
And
- (2) **THE KENT COUNTY COUNCIL** of County Hall Maidstone Kent ME14 1XQ ("Owner")

INTRODUCTION

- 1 SDC is the local planning authority for the purposes of the 1990 Act for the area in which the Site is situated.
- 2 The freehold estate in the Site is (with other land) vested in the Owner by virtue of a conveyance dated 3rd June 1938 made between Annie Cheal, Edward Cheal, Arthur Cheal and the County Council of the Administrative County of Kent.
- 3 The Owner entered into the Section 106 Obligation in anticipation of the grant by SDC of the Original Planning Permission.
- 4 The Original Planning Permission has not been implemented and the Owner has submitted a New Application to SDC which is intended to be implemented in place of the proposal granted by the Original Planning Permission.
- 5 SDC is minded to grant permission pursuant to the New Application subject to the Section 106 Obligation remaining extant save as varied by this deed.
- 6 This deed is supplemental to the Section 106 Obligation and is deemed to restate all the definitions and provisions of the Section 106 Obligation save as varied by this deed.
- 7 The parties have agreed pursuant to section 106A(1)(a) to vary the Section 106 Obligation as set out in this deed.

NOW THIS DEED WITNESSES AS FOLLOWS:

OPERATIVE PART

1 DEFINITIONS

For the purposes of this deed the following expressions have the following meanings:

“Monitoring Contribution”	the sum of £1,500.00 (One Thousand Five Hundred pounds)
“New Application”	an application for full planning permission (a draft form of which is attached at Appendix 1) for the Revised Development, which application has been given the reference SE/10/01735/FUL and refers to the site outlined in drawing no.101 Rev. B and dated 05.05.10 a copy of which is attached at Appendix 2.
“Original Planning Permission”	planning permission for the development of the Site, which permission was granted by SDC under reference SE/07/01932/Ful on 29th July 2009
“Phase(s)”	means the phase(s) of the Revised Development identified on the Phasing Plan as 1 and 2
“Phasing Plan”	means the plan attached at Appendix 3 annexed hereto showing each Phase of the Revised Development on the Site
“Revised Development”	the development of the Site in accordance with the Phasing Plan involving the demolition of the existing School Buildings and construction of a Community Facility and 40 Dwellings together with associated means of access, car parking and landscaping more particularly described in the New Application

“Section 106 Obligation”

the planning agreement made between SDC and the Owner pursuant to section 106 of the 1990 Act dated 29th July 2009 and the term “Section 106 Obligation” includes all or any deeds and documents supplemental to the Section 106 Obligation whether or not expressed to be so

“Site”

land formerly comprising part of the site of the former Eden Valley School, Edenbridge, Kent which is (with other land) shown edged red on the plan annexed to the Section 106 Obligation

2 CONSTRUCTION OF THIS DEED

- 2.1 Words importing the singular meaning where the context so admits include the plural meaning and vice versa.
- 2.2 Words of the masculine gender include the feminine and neuter genders and words denoting actual persons include companies, corporations and firms and all such words shall be construed interchangeably in that manner.
- 2.3 Any reference to an Act of Parliament shall include any modification, extension or re-enactment of that Act for the time being in force and shall include all instruments, orders, plans, regulations, permissions and directions for the time being made, issued or given under that Act or deriving validity from it.
- 2.4 References to any party to this deed shall include the successors in title to that party and to any party deriving title through or under that party and in the case of SDC the successors to its statutory functions.

3 LEGAL BASIS

- 3.1 This deed is made pursuant to Section 106 and 106A of the Act and Section 111 of the Local Government Act 1972
- 3.2 The covenants, restrictions and requirements imposed upon the Owner under this deed create planning obligations pursuant to Section 106 of the Act and are enforceable by SDC as local planning authority against the Owner and its successors in title.

* "for the avoidance of doubt this fit for Purpose statement states the Owner's desired intention as regards to the way the Community Centre will be occupied and does not give any formal undertaking relating to the Town and Country Planning Use Classes Order.

4 CONTINUING APPLICATION

The parties agree that any planning permission authorising the Revised Development pursuant to the New Application shall be construed as being the Planning Permission as that term is defined in and for the purposes of the Section 106 Obligation (as varied by this deed) but the Section 106 Obligation shall remain in full force and continue to have effect if planning permission granted pursuant to the New Application should not be implemented for any reason.

5 VARIATION

5.1 The parties agree that, subject to clause 4 of this deed, from and including the date of this deed the Section 106 Obligation is varied by:

- a) reference throughout to the Revised Development in substitution for each and every reference to the Development;
- b) reference throughout to the New Application in substitution for each and every reference to the Planning Application;
- c) the interpretation throughout of *Planning Permission* as reference to the planning permission granted pursuant to the New Application as opposed to the Original Planning Permission;
- d) reference in the definition of "Community Uses" to the "Edenbridge Community Centre Fit for Purpose Statement" (prepared by Allan Baillie Project Officer Kent County Council and dated November 2007) shall be substituted by the description in the Fit for Purpose Statement prepared by Jonathan White a copy of which is attached at Appendix 4;
- e) reference to SDC's Planning Committee meeting held on 9th October 2008 shall be substituted by way of reference to SDC's delegated decision to grant permission pursuant to the New Application and the draft planning permission referred to shall be construed as a draft planning permission to be granted by delegated decision pursuant to the New Application;
- f) the following definitions shall be substituted for those same definitions referred to in the Section 106 Obligation:
 - (i) "Affordable Housing Units" means the 14 Dwellings constructed and provided as affordable housing units under this Agreement where the total housing cost is reduced directly or indirectly by means of public or private subsidies such that they are affordable by Eligible Persons and shall comprise 10 Social Rented Units and 4 Intermediate Housing Units and which shall be occupied by Eligible Persons PROVIDED THAT any service charge payable with regard to the Affordable Housing Units is to be agreed by the Registered Provider of

2007

Social Housing and in accordance with the Tenant Services Authority (TSA) Regulations (or such other organisation which may at any time replace the TSA, or undertake its obligations)

- (ii) "Community Facility" means a centre of Community Uses and to be hired out for use by community based groups as described in the Fit for Purpose Statement attached at Appendix 4 to a deed of variation dated [] November 2010 and made between the parties hereto
 - (iii) "Community Facility Land" means the land identified in the Phasing Plan attached at Appendix 3 to a deed of variation dated [] November 2010 and made between the parties hereto and thereon shown edged green
 - (iv) "Perpetuity Period" means the period of 125 years from the date of this Agreement
 - (v) "Shared Ownership Housing" means Affordable Housing where a share is leased or sold on payment of a premium calculated by reference to the value of the Affordable Housing Units the initial purchase share not to exceed 75% of the Open Market Value (unless otherwise agreed by the Head of Housing Services) with rent being paid on the remaining share which is held by the Registered Provider of Social Housing such rent to be no more than the HCA's target rent levels.
 - (vi) "Social Rented Units" means those units that are available to rent from the Registered Provider of Social Housing on an assured tenancy at no more than the Homes and Communities Agency's target rent (as may be set from time to time) which are to be occupied by Eligible Persons during the Perpetuity Period
- g) reference to Registered Social Landlord shall be substituted by reference to "Registered Provider of Social Housing" which shall mean a registered provider of social housing as defined in Chapter 3 of Part 2 of the Housing and Regeneration Act 2008 (including any wholly owned subsidiary of such registered social provider) which is approved by SDC (such approval not to be unreasonably withheld or delayed)
- h) reference in Clause 8.5 to any Notice or other written communication to SDC should be addressed to the Head of Development Services quoting reference SE/10/01735/FUL;
- i) reference to the Head of Housing shall be substituted by reference to Head of Development Services;
- i) reference in paragraph 5 of Schedule 1 shall be deleted without substitution;
- and
- k) the table in paragraph 3.2 of Schedule 4 shall be amended as follows;-"

<i>Types of Affordable Housing Units</i>	<i>Social Rented Units</i>	<i>Intermediate Housing Units</i>
<i>2 Bedrooms</i>	<i>4</i>	<i>2</i>
<i>3 Bedrooms</i>	<i>4</i>	<i>2</i>
<i>4 Bedrooms</i>	<i>(HCA wheelchair standard)</i> <i>2</i>	
TOTAL	10 <i>(with any additional Social Rented Units to be agreed by the Head of Development Services)</i>	4 <i>(with any additional Intermediate Housing Units to be agreed by the Head of Development Services)</i>

l) paragraphs 3.3 and 3.4 of Schedule 4 shall be deleted without substitution.

and the Section 106 Obligation is henceforth (but subject to clause 4 of this deed) to take effect and be read and construed accordingly.

5.2 The Owner covenants to pay the Monitoring Contribution on completion of this deed.

5.3 Except as varied by this deed the Section 106 Obligation remains in full force and effect.

6 THE OWNER'S COVENANT

The Owner covenants with SDC to observe and perform the Section 106 Obligation as varied by this deed

7 MISCELLANEOUS

7.1 The Owner shall pay to SDC on completion of this deed the reasonable legal costs of the SDC incurred in the negotiation, preparation and execution of this deed.

7.2 This deed shall be registered as a local land charge by SDC.

7.3 All payments due to SDC under the provisions of this deed of variation should be made electronically by a CHAPS transfer sent to Barclays Bank Plc 80 High Street Sevenoaks Kent quoting sort code 20-76-55 and Sevenoaks District Council's general account number 60692026.

8 JURISDICTION

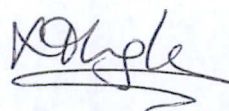
This deed is governed by and interpreted in accordance with the law of England and Wales.

9 DELIVERY

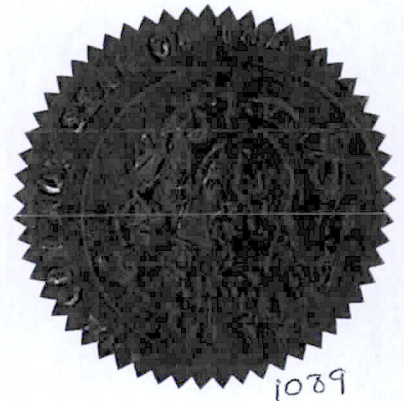
The provisions of this deed (other than this clause which shall be of immediate effect) shall be of no effect until this deed has been dated.

IN WITNESS whereof the parties hereto have executed this deed on the day and year first before written.

THE COMMON SEAL of
THE KENT COUNTY COUNCIL
was hereunto affixed in the
presence of:-



Authorised Signatory



Member

THE COMMON SEAL OF
DISTRICT COUNCIL OF SEVENOAKS
was hereunto affixed in the
presence of:

[Handwritten Signature]
Authorised Signatory

[Handwritten Signature]
Authorised Signatory



SR12,780

**Deputy Chief Executive and
Director of Community and Planning Services:
Kristen Paterson**



Orbit Group Ltd. & Kent County Council
C/O Calfordseaden LLP
St. John's House
1A Knoll Rise
Orpington
Kent
BR6 0JX

SE/10/01735/FUL
Valid on 16th August 2010

**TOWN AND COUNTRY PLANNING, ENGLAND
THE TOWN AND COUNTRY PLANNING (DEVELOPMENT MANAGEMENT
PROCEDURE) (ENGLAND) ORDER 2010**

GRANT OF PLANNING PERMISSION

Site : Former Eden Valley School Four Elms Road Edenbridge Kent
TN8 6AD

Development : Redevelopment of the site involving, the erection of a community
centre and 40 residential dwellings. (Amendment to that previously
granted permission under SE/07/01932/FUL).

Sevenoaks District Council, as the District Planning Authority, pursuant to powers in the above mentioned Act and Order, **HEREBY GRANTS PLANNING PERMISSION** for the development described above, to be carried out in accordance with the application and plans submitted therewith,

SUBJECT TO THE CONDITIONS set out below :-

1) The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

In pursuance of section 91 of the Town and Country Planning Act 1990.

2) Despite the details shown in the application, no development shall be carried out on the land until details of the materials to be used in the construction of the external surfaces of the roofs and walls of the buildings hereby permitted have been submitted to and approved in writing by the Council. The development shall be carried out using the approved materials

To ensure that the appearance of the development is in harmony with the existing character of the area as supported by Policy EN1 of the Sevenoaks District Local

Chief Executive: Robin Hales
Community & Planning Services, P.O. Box 183, Argyle Road, Sevenoaks, Kent TN13 1GN
e-mail: community&planning.services@sevenoaks.gov.uk www.sevenoaks.gov.uk
Telephone: 01732 227000 Fax: 01732 451332 DX 30006 Sevenoaks
Switchboard Times: Monday - Thursday 8.45 a.m. - 5.00 p.m. Friday 8.45 a.m. - 4.45 p.m.



Plan.

3) No development shall be carried out on the land until full details of both hard and soft landscape works have been submitted to and approved in writing by the Council. Those details shall include:

- any changes to the levels of the land, including a section through the car park for the community centre
- walls, fences and all means of enclosure;
- hard surfacing materials, particularly for the car park to the community centre which shows how the principles set out in Appendix 9 (Arboricultural Method Statement) (Page 50 of 57) of the Arboricultural Impact Assessment dated 26th October 2010 relating to new hard surfaces within TPZs are to be incorporated.
- minor artefacts and structures including street furniture, refuse enclosures, signs and outside lighting; routes of underground services and facilities; and
- retained landscape features.

To safeguard and enhance the visual appearance of the area as supported by policy EN1 of the Sevenoaks District Local Plan.

4) Hard and soft landscape works shall be carried out in accordance with a programme of implementation that has been agreed in writing by the local planning authority. The landscape works shall be carried out in accordance with the approved details.

To safeguard and enhance the visual appearance of the area as supported by policy EN1 of the Sevenoaks District Local Plan.

5) If within a period of five years from the completion of the development, any of the trees or plants that form part of the approved details of soft landscaping die, are removed or become seriously damaged or diseased then they shall be replaced in the next planting season with others of similar size and species.

To safeguard and enhance the visual appearance of the area as supported by policy EN1 of the Sevenoaks District Local Plan.

6) The details submitted in accordance with condition 3 above shall include:
A) A plan showing the location of, all existing trees on the land which have a stem with a diameter exceeding 75mm when measured over the bark at a point 1.5m above ground level. The plan shall identify those trees which are to be retained and the crown spread of each retained tree. In paragraphs 'b' to 'e' below references to a "retained tree" mean an existing tree which is to be retained in accordance with this plan.

B) Details of the species, diameter (measured in accordance with paragraph A) above), the approximate height, and an assessment of the general state of health and stability of each retained tree and of each tree which is on land adjacent to the site and to which paragraphs (C) and (D) below apply.

C) Details of all pruning proposals relating to any retained tree, or of any tree on land adjacent to the site.

D) Details of the specification and position of fencing or other measures to create a 'retained tree protected area' for the protection of any retained tree from damage before or during the course of development.

E) Details of the location and extent of any area on the land to be used during the construction period for storage (including materials, plant and machinery) and/or for siting any temporary ancillary structures, such as a site office.

To prevent damage to the trees during the construction period and to secure their retention afterwards as supported by Policy EN1 of the Sevenoaks District Local Plan.

7) In this condition "retained tree" means an existing tree which is to be retained in accordance with the plans approved under condition 3 above. Paragraphs (A) and (B) below shall have effect until the expiration of the completion of the development from commencement of the development. Also:

A) No retained tree shall be cut down, uprooted or destroyed nor shall any retained tree be topped or lopped other than in accordance with the approved plans and particulars. Any topping or lopping approved shall be carried out in accordance with the British Standard 3998 (Tree work).

B) If any retained tree is removed, uprooted or destroyed or dies, another tree shall be planted at the same place and that tree shall be of such size and species, and shall be planted at such time, as may be specified in writing by the Council.

To prevent damage to the trees during the construction period and to secure their retention afterwards as supported by Policy EN1 of the Sevenoaks District Local Plan.

8) No development shall commence on site until a method statement has been submitted outlining all works of excavation which are to take place under the canopy of any retained tree, has been submitted to and approved in writing by the Council. The works shall be implemented in accordance with these approved details.

To prevent damage to the trees during the construction period and to secure their retention afterwards as supported by Policy EN1 of the Sevenoaks District Local Plan.

9) Before the use or occupation of the development hereby permitted, the car parking and turning areas shown on the approved drawing number 100M shall be provided and shall be kept available for the parking of cars at all times.

In the interest of highway safety as supported by policy EN1 of the Sevenoaks District Local Plan.

10) In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. If this is the case the following steps shall be completed where appropriate :

(A) An investigation and risk assessment must be undertaken to assess the nature and extent of any contamination on the site and the contents of the scheme shall be submitted to the Council for approval in writing.

(B) The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The written report is subject to the approval in writing of the Local Planning Authority.

(C) Where remediation is necessary a remediation scheme must be prepared which

is subject to the approval in writing of the Local Planning Authority.
(D) Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority.

In the interests of pollution prevention and safety.

11) No utilities shall be installed in any land annotated on drawing DFCA212TP (Tree Protection Plan) as being in a 'Tree Protection Zone' , or in an area which requires 'Tree Protection Fencing'.

To prevent damage to the trees through the installation of utilities as supported by Policy EN1 of the Sevenoaks District Local Plan.

12) The land located within the blue line boundary as identified on drawing no.101B shall be retained and open for the community to use at all times by Kent County Council for recreation purposes.

To ensure that there is proper provision for the retention of sports facilities and open space as part of the justification for the redevelopment of Green Belt land.

13) No development shall take place until full details of the proposed means of surface water disposal have been submitted to, and approved in writing by the Council in consultation with Southern Water.

To ensure the development site and other land does not suffer an unacceptable or increased risk of flooding and/or pollution and to ensure that sustainability and environmental objectives are met.

14) No development shall commence until a scheme detailing flood damage prevention measures has been submitted to and approved in writing by the local planning authority. The scheme shall be fully implemented and subsequently maintained, in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the local planning authority. These measures need to incorporate the following:
(a) Confirmation that there will be no lowering of the existing ground levels adjacent to Four Elms Road in the vicinity of the floodplain.
(b) Surface water discharge to the adjacent Penlee watercourse should be restricted to greenfield runoff rates for their corresponding rainstorm events up to and including the 100 year (plus climate change) rainstorm event. SUDS measures should be used where appropriate. The scheme should be to the satisfaction of the council's own drainage engineers.
(c) Incorporate flood-proofing measures into the proposed development.
(d) Ensure ground floor finished floor levels of residential dwellings adjacent to the floodplain on Four Elms Road are set 600mm above existing ground levels.

To reduce the risk of flood damage given the proximity of land within Flood Zone 3

15) There shall be no demolition of any existing school buildings until details of precautionary measures for bat conservation have been submitted to and approved by the local planning authority. The buildings shall only be demolished in accordance

with the approved details.

In the interests of nature conservation as supported by PPS9.

16) No development shall commence until details of a mitigation method statement in relation to Great Crested Newts, other reptiles and nesting birds has been submitted to and approved by the local planning authority. This needs to provide details of the proposed reptile fence to be erected during construction on the site, procedures for identifying and ceasing work in a particular area if a nesting bird is identified on the site, and all mitigation work detailed within the 2008 Further Survey Work report submitted, paragraph 2.3. The approved mitigation measures shall be implemented concurrently with the development.

In the interests of nature conservation.

17) No development shall commence until details of external and street lighting have been submitted to and approved in writing by the local planning authority. The development shall be completed in accordance with the approved details and no additional external lighting shall be provided without the prior permission of the local planning authority.

in the interests of the residential and visual amenities of the area to comply with policy EN1 of the Sevenoaks District Local Plan and nature conservation.

18) Notwithstanding the details indicated on the submitted drawings no housing development shall commence until details of windows to be obscure glazed have been submitted to and approved in writing by the local planning authority. The approved details shall be implemented concurrently with the development and thereafter maintained.

To safeguard the privacy of neighbouring residents as supported by Policy EN1 of the Sevenoaks District Local Plan.

19) No development shall be carried out on the land until the applicant, or their agents or successor in title, has secured the implementation of a programme of archaeological work in accordance with a written specification and timetable, which has been submitted to and approved in writing by the Council.

To define the character and extent of any archaeological features, and to preserve the archaeology "in situ" and/or by record as supported by Policy EN25A of the Sevenoaks District Local Plan.

20) No development above damp proof course level shall be undertaken in the construction of the dwellings located in Phase 2 of the development hereby permitted until the Community Centre building located in Phase 1 is complete and ready for occupation, as shown on drawing no. 504.

The site lies within the Metropolitan Green Belt and the local planning authority wishes to ensure that the very special circumstances of the development are fully complied with and the openness of the Green Belt retained in accordance with the guidance provided in PPG2.

21) The Community Centre hereby permitted shall not be open to the public outside the hours 11pm to 7am Mondays to Saturdays or 11pm to 8am on Sundays or public holidays.

To safeguard the residential amenity of the new dwellings hereby permitted in accordance with policy EN1 of the Sevenoaks District Local Plan

22) No extension or external alterations shall be carried out to the dwellings hereby approved, despite the provisions of any Development Order.

To limit inappropriate development in the Metropolitan Green Belt and in the interests of maintenance of the openness and the visual amenities of the Green Belt in accordance with national policy as set out in PPG2.

23) No window(s), other than those shown on the approved plan(s), shall be installed in any elevation(s) of the dwelling hereby approved, despite the provisions of any Development Order.

To safeguard the privacy of residents as supported by Policy EN1 of the Sevenoaks District Local Plan.

24) No openings, other than those shown on the approved plan(s), shall be installed in the roof of the dwellings hereby permitted, despite the provisions of any Development Order.

To limit inappropriate development in the Metropolitan Green Belt and in the interests of maintenance of the openness and the visual amenities of the Green Belt in accordance with national policy as set out in PPG2.

25) No building or enclosure other than those shown on the approved plans, shall be erected within the curtilage of the dwelling hereby approved, despite the provisions of any Development Order.

To limit inappropriate development in the Metropolitan Green Belt and in the interests of maintenance of the openness and the visual amenities of the Green Belt in accordance with national policy as set out in PPG2.

26) Phase 1 of the development hereby permitted as shown on drawing no. 504 shall not be used or occupied until details of the visibility splay measuring 43mx2.4mx43m from the site access onto Four Elms Road has been submitted to and approved in writing by the Council. The visibility splays shall be implemented in accordance with these details, and thereafter maintained free from obstruction at all times.

In the interest of highway safety.

27) No development shall be carried out on the land until a plan indicating the positions, design and materials of all means of enclosure to be constructed and a programme for implementation have been submitted to and approved in writing by the Council. These details should show a secure fence or landscaping along the

Station Road frontage to ensure that pedestrians do not gain access to that road in any location other than through the proposed footpath. All means of enclosure shall be carried out in accordance with and maintained in perpetuity with these approved details.

To protect the visual appearance of the area and highway safety as supported by policy EN1 of the Sevenoaks District Local Plan.

28) No development shall commence on site until details have been provided to the Council for the approval in writing which show measures to be installed along the footway linking the development with Station Road to prevent its use by motor vehicles. The measures shall be installed in accordance with these approved details and maintained in perpetuity.

In the interest of highway safety.

29) No part of any structure shall be on or overhang the highway.

In the interest of highway safety.

30) No development shall take place until details of the existing levels of land; proposed slab levels; and any changes in levels have been submitted to the Council for approval in writing. The development shall be carried out in accordance with the approved levels.

To protect the openness of the Green Belt as supported by PPG2.

31) No development shall take place until a suitable scheme for the provision of acoustic vents has been submitted to and agreed by the Local Planning Authority that provides a suitable alternative to opening windows. No occupation of the development shall occur until the agreed acoustic vents have been installed

To safeguard the amenity of the occupants of the residential properties by reducing levels of noise from the railway line and roads.

32) No development shall commence until details of the proposed nature area identified on Plan 1236A/B02 contained within the Further Survey Work document prepared by Lloydbore Landscape and Ecology dated July 2008 has been prepared and a management plan submitted in relation to this. This shall be submitted to the Council for approval in writing and be implemented in accordance with the approved details.

In the interest of nature conservation as supported by PPS9.

33) The development hereby permitted shall be carried out in accordance with the following approved plans: K09/0534 101B, 100M, 102D, 120G, 203F, 204S, 121C, 201B, 202D, 205C, 300D, 301D, 302D, 303D, 304E, 305E, 306D, 307C, 308D, 309E, 310E, 311C, 313D, 314D, 315D, 316D, 317D, 318D, 319B, 320B, 502B, 503A, 504, DFCA212TCP, DFCA212TP.

For the avoidance of doubt and in the interests of proper planning

34) No development shall commence on site until further investigation has been undertaken to identify whether there is an oil tank still in existence on the site or on adjacent land consisting of the former school buildings and associated land. The investigation should include the following:

(A) a phase 1 risk assessment and phase 2 where appropriate to identify the presence, location and status of the tank and the extent and depth of any leakage. Once this site investigation work is complete, details of this shall be submitted to the Council for approval in writing.

(B) Where contamination is found, a detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment must be prepared, and is subject to the approval in writing of the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

(C) The approved remediation scheme must be carried out in accordance with its terms prior to the commencement of development other than that required to carry out remediation, unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works.

(D) Following completion of measures identified in the approved remediation scheme, a verification report (referred to in PPS23 as a validation report) that demonstrates the effectiveness of the remediation carried out must be produced, and is subject to the approval in writing of the Local Planning Authority.

In the interests of pollution prevention and safety.

35) All buildings shown on drawing 502B with hatched annotation shall be demolished and all resulting materials removed from site before the first occupation of any dwellings contained in phase 2 of this development.

The site lies within the Metropolitan Green Belt and the local planning authority wishes to ensure that the very special circumstances of the development are fully complied with and the openness of the Green Belt retained in accordance with the guidance provided in PPG2.

36) No development shall commence on site until details have been provided to the Council for approval in writing, outlining the long term maintenance of the land contained in the blue line boundary of the site (with the exception of the Managed Nature Area) which is to be retained for community use for recreation purposes. The long term maintenance of this land shall continue in perpetuity in accordance with these approved details.

To ensure that this area of land is able to be used in perpetuity as informal recreation space in accordance with PPG17.

37) No fences or gates, other than those shown on the approved plan(s), shall be installed in the curtilage of any dwelling hereby permitted, despite the provisions of

any Development Order.

The site lies within the Metropolitan Green Belt and the local planning authority wishes to ensure that the very special circumstances of the development are fully complied with and the openness of the Green Belt retained in accordance with the guidance provided in PPG2, and to ensure highway safety.

38) The development hereby permitted shall be carried out as an alternative to the permission granted under reference SE/07/01932/FUL but not in addition to it, so that one of the developments permitted may be implemented by not both, nor parts of both, developments.

The site lies within the Metropolitan Green Belt and the local planning authority wishes to ensure that the very special circumstances of the development are fully complied with and the openness of the Green Belt retained in accordance with the guidance provided in PPG2.

39) For any events held at the Community Centre, the overflow car parking spaces located next to the ATC hut as identified on drawing no.101B shall be made available to those members of the public attending the event.

In the interests of highway safety as supported by policy VP1 of the Sevenoaks District Local Plan.

40) No development shall commence until details have been provided to the Council for approval in writing showing that adequate precautions are to be taken during the progress of the works to guard against the deposit of mud on the highway. This needs to include washing facilities by which vehicles will have their wheels, chassis and body work effectively cleaned and washed free of mud and similar substances.

In the interests of highway safety during the construction process.

In determining this application, the Local Planning Authority has had regard to the following Development Plan Policies:

The South East Plan 2009 - Policies CC1, CC2, CC4, CC8, CC9, H3, H4, H5, T4, NRM4, NRM5, NRM10, M1, SP5
Sevenoaks District Local Plan - Policies EN1, EN3, EN8, VP1, PS2, PS10, EN25A

The following is a summary of the main reasons for the decision:

Other environmental impacts have been assessed and there are not any which are potentially significant which cannot be satisfactorily controlled by way of the conditions imposed.

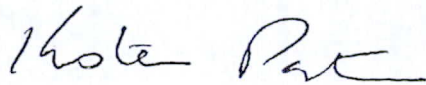
The development incorporates an element of affordable housing.

The density of the proposed development layout and the mix of unit sizes is

satisfactory.

The following very special circumstances exceptionally outweigh any harm by reason of inappropriateness and any additional harm to the Metropolitan Green Belt by reason of other factors: the provision of a community centre and the removal of extensive existing buildings will preserve the openness of the Green Belt and provide a community facility.

The traffic movements generated by the development can be accommodated without detriment to highway safety.



Kristen Paterson
Community and Planning Services Director DATED THIS:

INFORMATIVES

1 The existing school access onto Four Elms Road will need to be modified. You should be aware that consent will be required from Kent Highway Services prior to undertaking any works within the highway.

2 The Penlee, which is located to the east of the site, is a designated 'main river' and under the jurisdiction of this Agency for the purposes of its land drainage functions. The written consent of the Agency is required under the Water Resources Act 1991 and associated byelaws prior to the carrying out of any works, in, over or under the channel of the watercourse or on the banks within eight metres of the top of the bank, or within eight metres of the landward toe of any flood defence, where one exists. For maintenance reasons, the Agency will not normally consent works which obstruct the eight metre byelaw margin. Therefore the applicant should contact our Development and Flood Risk team (01732 223151) in order to discuss applying for a flood defence consent for works in and around this watercourse.

3 Condition 18 requires details of all external lighting proposed on the site. The following recommendations (from the Bat Conservation Trust) should be considered (where applicable) when designing the lighting for the development.

- a) Low-pressure sodium lamps or high-pressure sodium must be used instead of mercury OR metal halide lamps where glass glazing is preferred due to its UV filtration characteristics.
- b) Lighting must be directed to where it is needed and light spillage avoided. Hoods must be used on each light to direct the light and reduce spillage.
- c) The times during which the lighting is on must be limited to provide some dark periods. If the light is fitted with a timer this must be adjusted to the minimum to reduce the amount of 'lit time'.
- d) Lamps of greater than 2000 lumens (150 W) must not be used.
- e) Movement sensors must be used. They must be well installed and well aimed

to reduce the amount of time a light is on each night.

f) The light must be aimed to illuminate only the immediate area required by using as sharp a downward angle as possible. This lit area must avoid being directed at, or close to, any bats' roost access points or flight paths from the roost. A shield or hood can be used to control or restrict the area to be lit. Avoid illuminating at a wider angle as this will be more disturbing to foraging and commuting bats as well as people and other wildlife.

g) The lights on any upper levels must be directed downwards to avoid light spill and ecological impact.

h) The lighting must not illuminate any bat bricks and boxes placed on the buildings or the trees in the grounds

4 The applicant/developer should enter into a formal agreement with Southern Water to provide the necessary sewerage infrastructure required to service this development.

5 Planning permission was granted in October 2008 (SE/08/0252/FUL) for the change of use of the school grounds and playing fields including two sports pitches to public open space including two sports pitches. Condition 2 of this permission requires the sports pitches to be implemented. As these pitches are no longer proposed, an application to vary this condition, or a new application for this change of use to public open space, will be required.

6 Please note the comment made in the Town Council comments regarding the request for appropriate bus stops to be situated close to the entrance.

DO NOT SCALE FROM THIS DRAWING. ALL DIMENSIONS TO BE VERIFIED BY THE CONTRACTOR ON SITE

THE COMMON SEAL OF THE KENT COUNTY COUNCIL WAS HEREUNTO AFFIXED IN THE PRESENCE OF:

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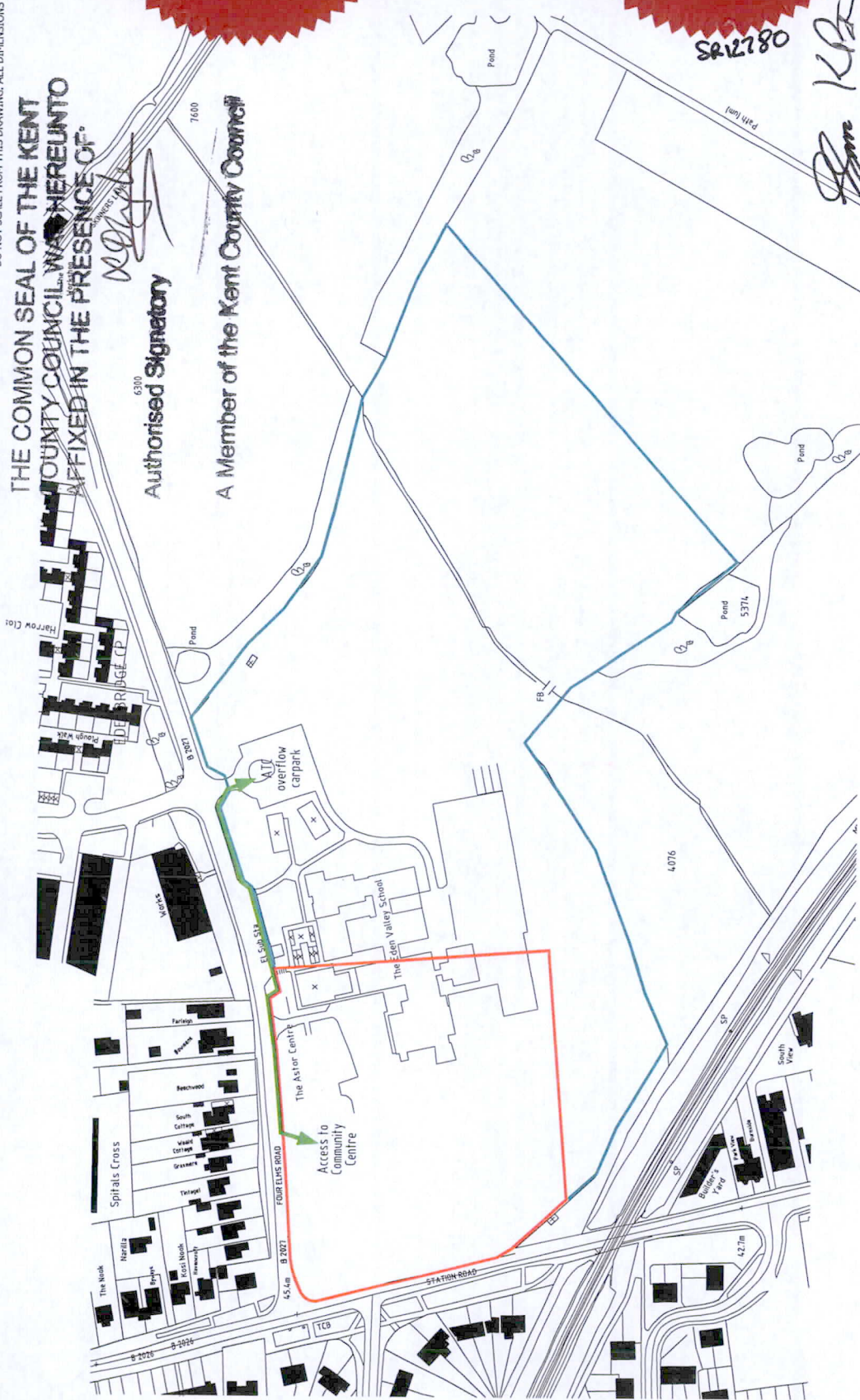


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construction & property consultants



calfordseaden

Client
 Orbit

Project
 Edenbridge

Title
 OS Map

Scale
 1:2000

Date
 05/05/10

Drawn By
 CSP

Checked By
 JSF

Project No:
 K09/0534

Drawing No:
 101

Revision
 B

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 T 01689 888222 F 01689 888299 E orpington@calfordseaden.co.uk
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REV	DESCRIPTION	DATE	INT	CHKD
B	Link from Community Centre to ATC Overflow Carpark.	30/07/10	GPB	JFS
A	Blue Boundary Line Added.	09/07/10	GPB	DEC

For Information

Block Footprints (Plot area Updated (Blocks))

- Plot 01 & 02 102.0sqm
- Plot 03 102.3sqm
- Plot 04 & 05 323.0sqm
- Plot 06 & 07 323.0sqm
- Plot 08 102.2sqm
- Plot 09 & 10 102.2sqm
- Plot 11 & 12 102.2sqm
- Plot 13 & 14 102.2sqm
- Plot 15 & 16 102.2sqm
- Plot 17 & 18 102.2sqm
- Plot 19 83.2sqm
- Plot 20 83.2sqm
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- Plot 99 & 100 140.0sqm

THE COMMON SEAL OF THE KENT COUNTY COUNCIL WAS HEREUNTO AFFIXED IN THE PRESENCE OF

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Block Footprints (Plot area Updated (Blocks))

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- Plot 102 102.3sqm
- Plot 103 323.0sqm
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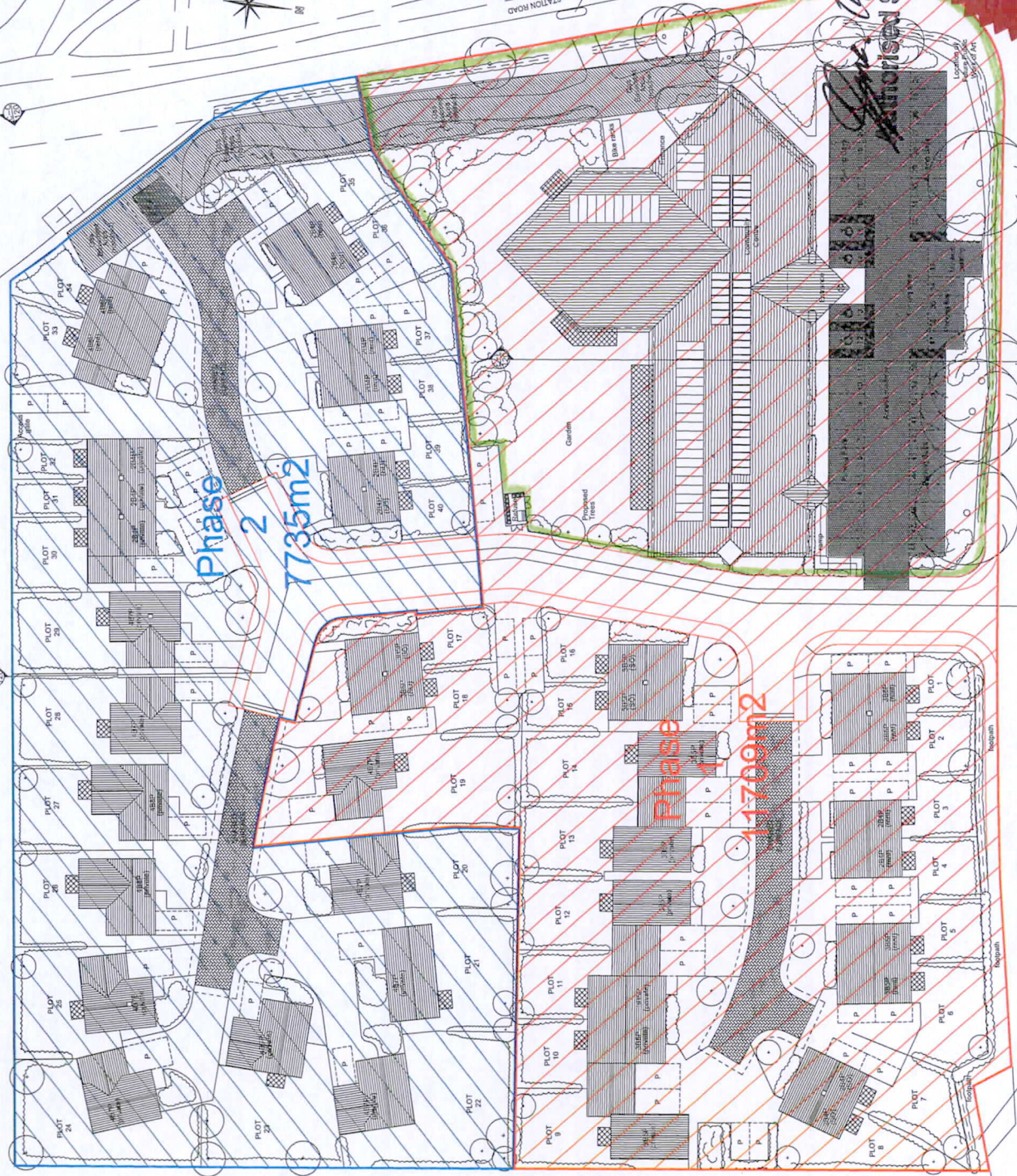
02/27/20

Chairs of Oak, One to be approved by Highway Engineer

STATION ROAD

FOURLEAS ROAD

Route to ATC Overflow Car Park



10291

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 City
 Planning
 Proposed Planning plan
 17/20 02/11/10
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PLANNING ISSUE

Fit for Purpose Statement

Fit for purpose

The current centre has gradually deteriorated over the years, leading to the loss of many of its tenants. In setting out plans for the new centre, it was felt that the best way of ensuring the long term success of the facility, was to encourage local ownership of the project by seeking out third party investors. Discussions to date have been positive and it is likely that several organisations will be taking out long term leaseholds in the building. With strong community anchor tenants in place, there will then be a permanent presence on the site. In addition to these tenants a mix of KCC users will also be accommodated along with all the current tenants. Additional flexible spaces will then ensure that rental space will be available for other users to hire out and ensure that the centre is a busy and vibrant location at the heart of the community.

Within the revised proposals for the centre there will be a number of community groups operating full time. It is hoped these will be the following:

Group	Activity
Evolve	Support for adults with learning difficulties
Family Action	Support to local families with children
Citizens Advice Bureau	General information and financial advice
Eden Church	Religious organisation and community activities
Youth Club	Centre based activities for young people
Library	Book lending and other services
YMCA	Training for young people

In addition to these there will also be a number of other part time users and it is anticipated that these will be the following:

Group	Activity
Community Learning and Skills	Learning and training
West Kent Housing Association	Help with housing
Mencap	Social events for adults with learning difficulties
Stangrove Area Community Action Group	Voluntary opportunities
Respiratory group	Help with quitting smoking

Connexions	Personal advice and job club
Astor Senior Citizens	Social club
The Healthy Lifestyle Group	Social club
Edenara	Social club
Edenbridge Quilters	Social club

Along with these there will also be a number of smaller community groups facilitated within the centre and annual events will continue to take place as and when. The Air Training Corps who are also currently on site will remain in place. Where possible we will work with them to complement and grow their current activities.

Facilities

In order to maximise the facility's capabilities, operational discussions took place with all permanent users and agreement was reached that subject to the activity, every dedicated space should be used flexibly when not in use by the permanent user. This would ensure maximum use of the building at all times by the community.

Within the centre there are a number of spaces and these will now be described. A plan of these spaces can also be seen in appendix 1.

Large community hall – Suitable for worship, childcare facilities and general community activities and en-suite office space. The church space is the second largest enclosed room in the centre which can be opened up via partition doors into possibly the largest hall in Edenbridge.

Large community hall – Suitable for class rooms, functions, productions and dedicated to community uses. Partition doors allow reconfiguration of this room according to requirements.

Medium community hall (A) – Suitable for [minor] activities such as Yoga, dance classes and the dance floor for wedding days, it is anticipated that this area will predominantly be used as and when by the YMCA for training purposes. Partition doors allow this room to shrink and grow according to requirements.

Medium community workshop (B) – Suitable for training and light manual works, it is hoped that this area will be dedicated space for the YMCA with en suite office space. Partition doors allow this room to shrink and grow according to requirements.

Café and community area – General open space for meal times and possible Sunday School location, with easy access to the garden. When not in use as a café the kitchen can be used by the community and for training purposes.

Kent Adult Social Services therapy and sensory rooms – Available to all the community for health and wellbeing.

Sensory room – Available to all the community for health and wellbeing.

Youth Club – By far the largest room in the centre, this will double up during the day to be used by Evolve and open for the young people in the evening to ensure maximum use of the space.

Foyer – A large open space for through-movement of users and a location for various activities. The area will make a statement via a ceiling which will arch up to the top of the building to create a well-lit, open and welcoming space. Within the area there will be a reception desk where staff will meet and greet users, a large library facility with a children's area and a bank of computers for internet facilities. The library will be a flexible space where bookshelves can be pushed back to accommodate various uses such as an art gallery.

Offices – There will be a number of offices around the facility the biggest of which will be the Citizens Advice Bureau area. Utilising a building for so many activities will ensure that any stigma of going into such a dedicated facility will no longer be the case. Flexible office space has also been incorporated to allow for various surgeries to take place as and when.

Kitchen – There is another kitchen space large enough to cater for functions and to serve the dedicated staff and users of the community facility. This is immediately adjacent to the medium community hall A to allow for a servery for use during functions.

Storage – Numerous large, medium and small storage areas have been incorporated into the facility to ensure adequate storage facilities especially for large events.

Outdoor space – a large outdoor space has been provided for play, rest and reading purposes.

Toilets and changing facilities – There are five toilets in the new proposals, this is up from four in the previous design following guidance on the Health Safety and Welfare regulations. There is also a dedicated baby changing facility and a multi purpose changing room.

Other comments

The building achieves the joint objectives of accommodating current user groups and at the same time, providing enough built-in flexibility for future changes of use. The foldable partition walls allow for easy reconfiguration of spaces into extra large, large, medium or even small spaces. The building has a wide variety of possible functions and will be built in such a way that adaptations can be made at a later date if necessary. The building is fully DDA compliant and the final plans will go above and beyond the requirements of the Disability Discrimination Act.

Given the local concerns around flat roofs, the new centre will have a pitched roof with tiles. This will ensure long term maintenance costs will be reduced for tenants and allows the South facing side of the building to incorporate photovoltaic panels, rain water recycling and other environmentally friendly devices.

Jonathan White

Capital Projects Officer

01622 696904