

Reference number: 16/507471

Consolidated Urgent Update Report

1. Introduction

1.1 Given Urgent Updates previously provided for this item, this Urgent Update report consolidates those Updates as well as providing further updates. The reasons for these urgent updates are as follows:

- To incorporate additional updated inputs from KCC Ecology, MBC Landscape, MBC Environmental Health and MBC Parking;
- To correct and amend the original report where considered necessary.

2. Revised Heads of Terms

2.1 For the sake of clarity the entire revised Heads of Terms are proposed below:

SUBJECT TO the prior completion of a legal agreement, in such terms as the Head of Legal Services may advise, to provide the following:

Contributions to the following: Healthcare, education, community facilities as per the following table:

Service	Requirement per applicable two bed dwelling (x136) ¹	Total	Project
Primary Education	£590	£80,272	Towards the enhancement of North Borough Primary School
Secondary Education	£1272	£173,114	Towards phase 1 of the new Free School of Science and Technology, Valley Park, Maidstone opening September 2018
Service	Per Dwelling	Total (x310)	Project
Community Learning	£30	£9,515	Towards the enhancement of St Faiths Adult Education Centre, St Faith's St, Maidstone
Youth Service	£8	£2,630	Towards Youth equipment for the new attendees at Infozone Youth Centre, Maidstone
Libraries	£48	£14,884	Towards Kent History & Library

¹ This applies to the two bed flats. The proposal gives rise to 10 additional primary school pupils during occupation of the development and 7 additional secondary school pupils.

Centre additional bookstock

Health Care	£598 ²	£185,616	Towards improvements to Brewer Street Surgery
Social Services	£55	£17,322	Towards Changing Place Facility in Sessions House, Maidstone

Delegated authority to the Head of Planning to agree detailed wording of the following:

- A restriction requiring an appropriate sum of money, based on the uplift in value of the relevant unit, to be paid in lieu of affordable housing should that accommodation become owner occupied units ('Clawback provision') for a period of not less than 10 years. It is suggested that this is based on the London Mayor's Housing SPG March 2016, apart from the clawback period which has been reduced from 15 years following viability advice.
- The open space as required under planning permission MA/05/2350 shall be provided prior to occupation.

3. Additional consultation response:

The owners of Springfield House, Starnes PLC, have written in support of the application on the basis that:

- Some concerns about the height of Block A but broadly support the design, the success of which will depend on the quality of materials and landscaping.
- That the revised design for the formal gardens west of Springfield House should be implemented before works commence on the new development;

Comment: No change to the recommendation is made as a consequence of this response, which was omitted from the original report in error.

4. Ecology Update

- 4.1 KCC Ecology have reviewed the ecological information which has been submitted with the planning application and are satisfied that the submitted information provides a good understanding of the ecological interest of the proposed development site. KCC Ecology are happy with the submitted a reptile mitigation strategy but are concerned that the receptor site may not be fully established prior to translocation works commencing. As a consequence it is not considered that another full mitigation strategy is required, instead information is required confirming that the receptor site has fully established to retain the reptile population. KCC Ecology have suggested the following conditions and informatives:

- 4.2 Revised Ecology condition:

- 4.3 **Replace condition 27** with the following:

² Health care contribution based on £360 per occupant, based on the following occupancy: 1 bed unit @ 1.4 persons; 2 bed unit @ 2 persons; 3 bed unit @ 2.8 persons

Prior to the commencement of the reptile translocation exercise, full details of the suitability of the reptile receptor site shall be submitted to, and approved in writing by the Local Planning Authority. The submitted information must include the following:

- Location of the receptor sit (if different from that detailed in the mitigation strategy)
- Details of ecological enhancements implemented to increase carrying capacity;
- Current suitability of the site to support the reptile population
- Date of commencement of works
- Reptile translocation methodology (if different if different from that detailed in the mitigation strategy)

All works must be carried out in accordance with the approved details, and thereafter retained.

4.4 New Condition 31

Prior to occupation a lighting design strategy for biodiversity shall be submitted to and approved in writing by the LPA. The strategy shall:

a) Identify those areas / features on site that are particularly sensitive for bats and that are likely to cause disturbance in or around their breeding sites and resting places or along important routes used to access key areas of their territory, e.g., for foraging.

b) Show how and where external lighting will be installed (through the provision of appropriate lighting contour plans and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent the above species using their territory or having access to their breeding sites and resting places.

All external lighting shall be installed in accordance with the specifications and locations set out in the strategy, and these shall be maintained thereafter in accordance with the strategy. Under no circumstances should any other external lighting be installed without prior to consent from the Local Planning Authority.

4.5 New Condition 32

Prior to occupation of the development an ecological management plan (EMP) shall be submitted to, and be approved in writing by, the local planning authority prior to the occupation of the development. The content of the EMP shall include the following.

a) Description and evaluation of features to be managed.

b) Ecological trends and constraints on site that might influence management.

c) Aims and objectives of management.

d) Appropriate management options for achieving aims and objectives.

e) Prescriptions for management actions.

f) Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period).

g) Details of the body or organization responsible for implementation of the plan.

h) Ongoing monitoring and remedial measures.

i) The retention of cord wood at woodland edge;³

j) The incorporation of bird/bat nesting boxes;⁴

The EMP shall also include details of the legal and funding mechanism(s) by which the long-term implementation of the plan will be secured by the developer with the management body(ies) responsible for its delivery. The plan shall also set out (where the results from monitoring show that conservation aims and objectives of the EMP are not being met) how contingencies and/or remedial action will be identified, agreed

^{3 4} These additions have been suggested by Cllr Harwood

and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme. The approved plan will be implemented in accordance with the approved details.

Reason: To ensure appropriate ecological mitigation is provided.

4.6 Additional Ecology Informative

The applicant is reminded that, under the Wildlife and Countryside Act 1981, as amended (section 1), it is an offence to remove, damage or destroy the nest of any wild bird while that nest is in use or being built. Planning consent for a development does not provide a defence against prosecution under this act.

Trees, scrub and buildings are likely to contain nesting birds between 1st March and 31st August inclusive. Trees, scrub and buildings are present on the application site and are to be assumed to contain nesting birds between the above dates, unless a recent survey has been undertaken by a competent ecologist to assess the nesting bird activity on site during this period and has shown it is absolutely certain that nesting birds are not present.

5. Amended conditions

5.1 Alter condition 10 to read:

The capacity to accommodate Superfast fibre optic broadband or equivalent shall be provided to all buildings (residential, commercial, community etc.) of adequate capacity for current and future use of the buildings.

5.2 Replace condition 28: from: AIR QUALITY RE OFFSETTING EMISSIONS (Calculation of Mitigation/Compensation) with the following:

New Condition 28

Prior to occupation two active Electric Vehicle Charging Points shall be provided.

Reason: in the interests of air quality and sustainable transport.

6. Parking

6.1 Following liaison with the Parking manager I can confirm the following:

- 6.1.1 The site does not sit within the residents permit scheme's area. To eligible for such a permit, residents of this site to apply the site would need to be within a residents permit scheme's area. As a consequence it is considered that it is not necessary for a condition or restriction either in the s106 or on the transfer of the property to restrict such permits to new residents.
- 6.1.2 Similarly there is no justification in planning terms for denying residents of the site to apply for a permit in the future should the site become part of an official zone covered by a resident permit scheme run by the local authority.
- 6.1.3 It should be recognised that as an edge of town centre site the parking standard for the development is a maximum of 1 space per dwelling (Residential Parking Standard Policy DM27). Note 3 of the Standard suggests that reduced or even nil provision acceptable for rented properties, subject to effective tenancy controls. The

applicant has indicated that a restriction of access to residents parking permits would be imposed via the tenancy agreement. It is not appropriate for such a mechanism to be secure via Planning.

- 6.1.4 As a consequence of the above points, the Heads of Terms has been amended to remove reference to parking restrictions.

7. Highways

- 7.1 The following amendments are suggested to better reflect KCC Highways view.

- 7.2 Paragraph 5.02 Replace “proposal considered acceptable” with ‘No objection’.

- 7.3 Replace paragraph 5.02.04 with the following

The applicant has proposed that 187 parking spaces will be provided to support the new development. It is understood that 90 of the spaces will be allocated to the 90 private apartments and the remaining 97 spaces will be unallocated for use by residents and visitors of the build to rent apartments.

In accordance with Interim Guidance Note 3 (IGN3), resident parking should ordinarily be provided at a maximum rate of one space per unit. IGN3 also states that provision at edge of centre locations can be reduced for rented properties, subject to effective tenancy controls. Visitor parking, which is usually required at a rate of 0.2 spaces per unit, can be reduced in instances where there are flats and/or the main provision is unallocated.

On this basis, the maximum parking provision of 372 spaces permissible through reference to IGN3 is unlikely to be warranted. The issue is therefore whether the proposed 187 spaces are sufficient to support the development without there being problems of parking overspill, either within the development site or across the surrounding area.

KCC Highways regard the principles of the applied approach to provide a suitable basis for gauging the level of provision that may be appropriate. The proposals do not however, include any contingency allowance to reflect the fluctuating nature of parking demand and provide sufficient confidence that adequate parking will be available in the event that the forecast demand level is exceeded.

As highlighted in the Transport Assessment, the surrounding roads in the immediate vicinity of the site are subject to parking restrictions. Any displacement of parking demand could therefore affect a wider area or result in indiscriminate parking behaviour.

It is recommended that the applicant is requested to re-evaluate the proposed parking with a view to providing a greater degree of certainty that any demand over and above the forecast level can be accommodated within the site.

It is noted that 310 cycle parking spaces are proposed in accordance with minimum standards.

- 7.4 Comment: The above points have been taken into account in section 6 of this Urgent Update. The parking proposed has been evaluated and arrangements are considered adequate in the circumstances.

8. Arboriculture

- 8.1 The Heritage Landscape and Design Team Leader has provided the following additional comments:

Whilst further arboricultural information has now been supplied, the specific details are proposed to be provided through the provision of an Arboricultural Method

Statement. At this stage there is insufficient evidence to demonstrate that the principles for retention and protection of existing trees can actually be achieved. I therefore continue to have concerns and cannot support the application on arboricultural grounds.

If, however, you are minded to grant permission I would want to see detailed conditions attached as follows:

Replace Condition 30 with the following:

30. Arboricultural Method Statement

- 8.2 Prior to commencement of development an Arboricultural Method Statement (AMS) in accordance with the current edition of BS 5837 shall be submitted to and approved in writing by the local planning authority. The AMS should detail implementation of any aspect of the development that has the potential to result in the loss of or damage to trees, including their roots, and take account of site access, demolition and construction activities, foundations, service runs and level changes. It should also detail any tree works necessary to implement the approved scheme and include a tree protection plan. Specific details should include the piled foundations for the access road and irrigation methods, proposed soil amelioration and mulching and the elevational treatment of the building to minimise heat and solar glare on the existing trees.

New Condition 33: Soft landscape scheme

- 8.3 Prior to commencement of development a landscape scheme designed in accordance with the principles of the Council's landscape character guidance shall be submitted to and approved in writing by the local planning authority. The scheme shall show all existing trees, hedges and blocks of landscaping on, and immediately adjacent to, the site and indicate whether they are to be retained or removed. It shall detail measures for protection of species to be retained, provide details of on site replacement planting to mitigate any loss of amenity and biodiversity value together with the location of any habitat piles and include a planting specification, a programme of implementation and a long term management plan.

Reason: In the interest of tree protection.

- 8.4 Correction: Paragraph 9.1 replace the words 'minimal and' with the word 'likely to be substantial but'. Reason for change: To better reflect arbicultural concerns.
- 8.5 Comment: as sections 7.10 and 8.5 of the report states there are concerns about the impact of the proposal upon protected trees but it is considered that this is not an overriding consideration in this case.

The Recommendation remains unchanged.