

Reference number: 14/501209

Amendment to recommendation:

It has become apparent that the contributions requested in respect of parks and open spaces are based on the provision of open space on the land to the north west of the development (the "LEMP land"). Therefore, if for any reason the LEMP land were not to be provided, there would be a shortfall in provision of open space commensurate to the proposed development.

As such, I propose an amendment to the Heads of Terms to include an "either/or" mechanism to allow for such an eventuality, albeit one that the legal agreements relating to any consent seek to ensure will not transpire.

Also, the recommendation on the papers should be amended to delete the words "submission and where necessary", and therefore to read as follows:

"SUBJECT TO THE PRIOR COMPLETION OF APPROPRIATE LEGAL MECHANISMS, IN SUCH TERMS AS THE HEAD OF THE LEGAL PARTNERSHIP ADVISES, TO PROVIDE THE FOLLOWING:"

- *The provision of 30% affordable residential units within the application site; and*
- *A contribution of £1,350 per dwelling towards highway improvements to the A20/Coldharbour Lane junction; and*
- *A contribution of £86 per dwelling towards highway improvements to Junction 5 of the M20; and*
- *A contribution of £4,000 per 'applicable' house and £1,000 per 'applicable' flat towards the build cost of phase two of the Hermitage Lane Primary School; and*
- *A contribution of a MAXIMUM of £2,701.63 per 'applicable' house and £675.41 per 'applicable' flat (to be reduced if appropriate in accordance with the actual price paid by Kent County Council for the Hermitage Lane site) towards the land acquisition costs of the Hermitage Lane Primary School; and*
- *A contribution of £2,359.80 per 'applicable' house and £589.95 per 'applicable' flat towards the build costs of the phase one expansion of Maplesden Noakes Secondary School; and*
- *The provision of contribution of £402.96 per dwelling towards improvement, refurbishment and maintenance of existing areas of open space and equipped play areas at Midley Court; and*
- *The provision of land identified as outlined in blue on drawing number SL-01 rev H received 1st July 2015 for public open space and ecological mitigation and a contribution of £402.96 per dwelling towards improvement and replacement of offsite outdoor sports facilities and children's and young people's equipped play areas at Midley Court OR a contribution of £402.96 per dwelling **and** a subsequent additional contribution of £400.80 per dwelling, both towards improvement and replacement of offsite outdoor sports facilities and children's and young people's equipped play areas at Midley Court; and*
- *A contribution of £111,996 towards the improvement (refurbishment and reconfiguration) of healthcare facilities at Aylesford Medical Practice; and*
- *A contribution of £30.70 per dwelling to be used to address the demand from the development towards additional ICT works at for the St Faiths Adult Education Centre expansion; and*

- *A contribution of £8.44 per dwelling towards youth service equipment at InFoZoNe Maidstone; and*
- *A contribution of £48.02 per dwelling towards additional book stock at Allington Library and*
- *A contribution of £53.88 per dwelling towards a specialist changing place facility in central Maidstone and the provision of two specifically designed Lifetime Home wheelchair accessible units within the affordable home provision;*
- *A landscape and ecological management plan (LEMP) together with 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 content of the LEMP 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 a five year work plan capable of being rolled forward over the lifetime of the development).*
 - *g) Details of the body or organization responsible for implementation of the plan.*
 - *h) Details of ongoing monitoring and remedial measures in the form of a biodiversity monitoring strategy (BMS) which shall include:*
 - i) Aims and objectives of monitoring to match the stated purpose; and*
 - ii) Identification of adequate baseline conditions prior to the start of development; and*
 - iii) Appropriate success criteria, thresholds, triggers and targets against which the effectiveness of the various conservation measures being monitored can be judged; and*
 - iv) Methods for data gathering and analysis; and*
 - v) Location of monitoring; and*
 - vi) Timing and duration of monitoring; and*
 - vii) Responsible persons and lines of communication; and*
 - viii) Review mechanisms, and where appropriate, publication of results and outcomes; and*
 - ix) A report describing the results of monitoring at intervals identified in the strategy, which shall set out (where the results from monitoring show that conservation aims and objectives are not being met) how contingencies and/or remedial action will be identified; and*
 - x) Details of (where the results from monitoring show that conservation aims and objectives of the LEMP are not being met) how contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme.*
 - *i) Details of the legal and funding mechanism(s) by which the long-term implementation of the LEMP will be secured by the developer with the management body(ies) responsible for its delivery.*

Amended condition:

Additional landscaping has been suggested by the applicant to protect the site boundary, and the Maidstone Borough Council has suggested additional requirements in relation to the information being provided in respect of the street planting within the built development. As such I suggest the amendment of condition 19 (landscaping) as follows:

“No development shall commence until there has been submitted to, and approved in writing by, the Local Planning Authority a scheme of landscaping which shall include indications of all existing trees and hedgerows on the land and details of any to be retained, together with measures for their protection in the course of the development and programme for maintenance. The submitted details shall include, inter alia, the following:

- Means of protection from strimmer and mower damage; and*
- Details of tree planting pits for street trees, including root guidance systems to avoid disruption of surfaces and services.*

The landscaping scheme shall be compliant with the landscaping aspirations indicated on drawing number SL-01 rev H received 1st July 2015, and shall include the use of a minimum of nursery standard size trees of appropriate native species for street tree planting within the development and at turning heads, and the introduction of a shrub belt between the built development and nature conservation site comprising prickly native species (including Hawthorn, Blackthorn and Gorse) to protect the retained area and semi-mature trees including English Oak, Hornbeam, Silver Birch, Wild Cherry, Field Maple and Rowan within said shrub belt and around parking areas and turning heads.

All planting, seeding and turfing shall be carried out in the first planting and seeding season following commencement of the development and any trees or plants which within 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced within the next planting season with others of similar size species unless the Local Planning Authority gives written consent to any variation;

Reason: To ensure the proposed development is satisfactorily integrated into its setting, provide for landscaping and protect ecological interests.”

Recommendation:

Subject to the amendments set out above and the previous urgent update, my recommendation remains unchanged.