

Reference number: 15/510179

Proposed phased development

Since the publication of the Committee Report the agent has indicated that the applicants may wish to carry out the development in phases. This is due to the length of the remaining leases on some of the units. It is suggested that the development would be phased with the front part of the site developed first and the rear at a later date.

In order to facilitate a phased approach it is proposed that Condition 1 be amended and an additional phasing condition be added. It is requested that Delegated Powers be given to the Head of Planning Services to amend the other conditions as necessary to facilitate the phased approach to development.

Condition 1 to read :

The development shall not commence until approval for any phase or sub-phase of the following reserved matters has been obtained in writing from the Local Planning Authority:-

- a. Scale b. Appearance c. Landscaping d. Access e. Layout*

Application for approval of the reserved matters for each phase or sub-phase of this development shall be made to the Local Planning Authority before the expiration of three years from the date of this decision.

The development hereby permitted shall be begun before the expiration of two years from the date of approval of the last of the reserved matters to be approved;

Reason: No such details have been submitted and in accordance with the provisions of Section 92 of the Town and Country Planning Act 1990.

Phasing condition

Prior to the commencement of development a phasing plan that indicates the number of phases within the residential development, the number and type of residential units proposed in each phase, projected commencement dates for each phase and a timescale for the completion of each phase shall be submitted to and agreed in writing by the Local Planning Authority. Thereafter the redevelopment of the residential element of this development shall be undertaken in accordance with the approved phasing plan.

Reason : No details related to the phasing of the residential development have been submitted and these details are required prior to commencement as in the absence of such details the residential element of the development could potentially be harmful to the character and appearance of the surrounding area and residential amenity.

Update on Matters relating to air quality.

Further to the publication of the committee report discussions have been on-going between the applicants air quality consultant and the Council's Environmental Health Officer (EHO) regarding whether Conditions 14, 15 and 16 are necessary and reasonable. Condition 14 required a report to assess the impact of the development on air quality and the impact of the air quality on the residential development, requiring mitigation in both respects. Condition 15 related to the provision of calculations requiring a pollutant emissions costs calculation and the use of this cost to determine mitigation/compensation required. Condition 16 requires a scheme for offsetting transport air pollution during construction and occupation.

The application is accompanied by a Transport Statement which demonstrates to the satisfaction of the Highways Officer that there would be a reduction in the traffic generation compared to the existing use of the site. As such it is not considered reasonable or necessary to require an assessment of the impact of the development on air quality, provide calculations or offsetting measures for occupation. It is however accepted that the air quality is likely to have an impact on the residential units to the façade of any buildings and measures for the protection of future amenity and measures during construction phase are however still considered necessary.

Conditions 15 should be deleted and conditions 14 and 16 amended as follows :

Condition 14

Pursuant to Condition 1 a scheme of mitigation to address poor air quality affecting the residential amenity of occupiers of the development shall be provided and any scheme of mitigation set out in the subsequently approved scheme shall be fully in place prior to the first occupation of the building and maintained as such thereafter.

Reason: To protect air quality and the amenity of future residents. Details are required prior to development as the content of the report may inform design and layout.

Condition 16

Prior to the commencement of development a scheme detailing and where possible quantifying what measures or offsetting schemes that are to be included to reduce transport related air pollution from the development during the construction phase. The scheme should be submitted to and approved by the Local Planning Authority with the approved scheme implemented in full prior to commencement of the development and maintained as such thereafter. [The developer should have regard to the DEFRA guidance from the document Low Emissions Strategy - using the planning system to reduce transport emissions January 2010.]

Reason: To ensure that the development does not exacerbate poor air quality and provide mitigation. Details are required prior to commencement to ensure that adequate compliance and implement methods can be provided.

Proposed amendment to the Heads of Terms set out in Section 11.0

Following re-consultation comments with NHS, the financial contribution requested has been amended to £55 296 to take into consideration the reduced number of units proposed. To now read :

- *Financial contribution of £55 296 is sought in order to deliver investment in The Vine Practice, Lockmeadow Clinic or The College Practice*

Open space contribution be amended to include provision for the monies to be spent at Cornwallis Park or The River Medway Area within Maidstone Town Centre. To now read :

- *Financial contribution of £1575 per dwelling towards the resurfacing of the MUGA (Multi Use Games Area), tennis courts and pathways within Clare Park as well as improvements to the bowls green, general maintenance, improvements and refurbishments of existing equipment of sports, play and ancillary items of Cornwallis Park or the improvement of paths, signage, shrub planting, tree improvement works, bin, benches and encouragement of access to the River Medway Area within the Maidstone Town Centre.*

To ensure the deliverability of parking restriction and the upkeep of the site, it is considered a clause in any legal agreement should relate to the setting up of a management company. Additional Head of Term to read :

- *Setting up of a management company to deal with parking enforcement and upkeep of any common areas within the site.*

Proposed additional condition to those outlined in Section 11.0

Construction of the development shall not commence until details of the proposed means of foul and surface water sewerage disposal have been submitted to, and approved in writing by the Local Planning Authority in consultation with Southern Water.

Reason :To avoid pollution of the surrounding area and required prior to commencement of development due to the means of drainages suggested in the submission and the implications this may have on layout.

Recommendation : Grant planning permission as set out in Section 11.0 of the report subject to the amendments set out above and in the earlier Urgent Update dated 2 August 2016 and with delegated powers to the Head of Planning Services to agree conditions regarding the phasing of development.