

<b>REFERENCE NO -</b> 20/503109/FULL		
<b>APPLICATION PROPOSAL</b> Erection of 24 no. new C2 extra care retirement homes, club house, bin stores and landscape scheme with associated works including roadways, parking, cycles stores, gazebo and maintenance store.		
<b>ADDRESS</b> Land To West Of 70 Church Street Boughton Monchelsea ME17 4HN		
<b>RECOMMENDATION</b> Pending S106		
<b>SUMMARY OF REASONS FOR RECOMMENDATION</b>		
<p>Whilst the site is outside the settlement boundaries and thus in the countryside, the site abuts the village and by virtue of its juxtaposition with allotments and the Village sports ground, is not within visually sensitive "open" countryside. The site is considered to be well contained from a landscape perspective. It is located well in connection with the grain of the village and its facilities.</p> <p>The accommodation provided can be strictly limited in relation to age and within the accepted C2 definition of Extra Care. There is a significant current and future need for such accommodation and the dependence on windfalls for meeting the need lends significant weight in favour of this application.</p> <p>There is an extant planning permission which is a "fallback" with a genuine likelihood of being implemented and I am of the view that overall, there is no perceptible difference in harm on the character and appearance of the countryside between the 2 schemes.</p> <p>Policies DM1 and DM30 of the MBLP are complied with in terms of design /layout and residential amenities with the imposition of relevant conditions can adequately mitigate any other potential harm.</p> <p>Information/clarification has been submitted in response to previous KCC (H&amp;T) objection. Compared with the absence of highway concerns on the extant scheme when that was approved, I do not consider that the NPPF test for a refusal on highway grounds could be sustained from an increase of 6 units overall.</p> <p>For these reasons, it is considered that meeting a need and the lack of additional countryside or landscape harm when considered to the fallback position, taken together are considered to outweigh the harm due to its location outside the settlement boundary and there is hence a justification for the departure from the development plan.</p> <p>A communal building for social/medical /care administrative functions is key to the C2 use of the development and should be retained. The scheme as presented to the 24 September Planning Committee remains acceptable in terms of layout and respect for neighbouring residential amenities and is recommended for approval in preference to the alternative scheme which offers to relocate the clubhouse from the site entrance to being more within the site.</p>		
<b>REASON FOR REFERRAL TO COMMITTEE</b> Contrary to the Development Plan on account of being located in the designated countryside Called into Committee by Boughton Monchelsea Parish Council		
<b>WARD</b> Boughton Monchelsea And Chart Sutton	<b>PARISH/TOWN COUNCIL</b> Boughton Monchelsea	<b>APPLICANT</b> Clarendon Homes <b>AGENT</b> Clarendon Homes
<b>TARGET DECISION DATE</b> 27/11/2020		<b>PUBLICITY EXPIRY DATE</b> 14/10/20

## **Relevant Planning History**

16/502993/FULL

Demolition of existing buildings and construction of 18 new C2 Extra Care Retirement Homes, Club House, Car Ports, Bin Stores, Landscape Scheme and Access Road.

Demolition of garage to rear of 70 Church Street and erection of new oak framed car port to rear garden

Approved Decision Date: 06.09.2018

## **MAIN REPORT**

### **1. BACKGROUND**

1.01 This case was deferred from the Planning Committee meeting of 24 September 2020 to enable:

- Further negotiations regarding the possible removal or relocation of the clubhouse; and
- The applicant to provide KCC Highways with an analysis of crash data and KCC Highways and other consultees allowed time for to respond to that information plus previously submitted updates on trip data/vehicle movements.

1.02 The previous report and urgent update are appended.

### **2. PROPOSAL**

2.01 Most of the extra detail requested by KCC Highways was submitted before the last Committee and is summarised as follows:

- A pedestrian priority vehicle crossover access has been commenced as per the approval under 16/502993/FULL
- The clubhouse is intended for the use of residents and their guests only and not for wider public use
- Vehicle tracking to show suitable access to the spur road for units 1-7 for pantechnican, fire and refuse vehicles.
- It is considered that the proposed bin store locations are acceptable, given that on-street collection by the refuse vehicle is also possible for residents that may choose not to utilise them regularly
- One parking space per unit for residents is an increase over the KCC maximum standards for this use to cater for the more independent occupants who may still own and use vehicles.
- In total, the development provides 34 parking spaces (24 residential, six visitor and 4 for the clubhouse, eg, visiting health workers, administration, maintenance etc). The previously-consented planning application (16/502993/FULL) provided a total of 43 spaces for 18 dwellings (36 residential and 7 visitor), with no objection raised by KCC H&T.
- 4 parking spaces are proposed for the clubhouse. A maximum of 4 part-time staff will be employed who will not all be on site at the same time
- Only residents and their visitors will make use of the clubhouse, with the residential parking and additional visitor parking being able to accommodate the likely limited usage of this facility.

- The proposed parking bay sizes are 2.5m by 5.0m, with mobility impaired parking receiving 1.2m clearance to one side and at ends
- Adequate cycle parking will be provided within the curtilage of each property and the clubhouse
- There has not been a review of trip generation: the withdrawn planning application (19/504144/FULL) for an increase in unit numbers to 24 received the following response from KCC:

*It is accepted that such types of development typically generate lower trip rates than traditional housing developments, with peak trip generation also being concentrated outside of the highways peak hours of operation (08:00-09:00 and 17:00 to 18:00). Consequently, it is not anticipated that the traffic generated from the 6 additional units proposed will be significant and therefore have an impact of the local highway network that could be described as 'severe.'*

2.02 On 30 September 2020, the Applicant's Transport Consultants submitted details of local crash records for the 3 years before December 2019:

- 3 incidents were recorded, 2 of which were classified as 'slight' in severity and the other as 'serious'. All occurred in light, fine and dry conditions and appear to have been the result of human error, with road users not paying due care and attention when undertaking manoeuvres.

2.03 The applicant has stated that a relocation of the clubhouse is possible in a submitted alternative layout but they consider it gives a poorer quality development:

- The alternative clubhouse would be more within the site, rather than at the entrance to the site, occupying an area much bigger than it needs to.
- The comings and goings of staff, deliveries and service providers now take place within the site, rather than at the entrance to it.
- Plots 6 & 7 previously benefitted from west facing gardens. Now they have small north facing gardens (just like the extant scheme which we aimed to design out)
- Previously, the clubhouse bordered only plot 1, now it shares borders with plots 5, 8 and 9.
- The repositioning of the clubhouse building is to the detriment of the development and future residents. The request to move the building comes from the PC and one resident. Notably, the owners of the properties adjacent to the clubhouse have not objected. At the nearest point, the clubhouse is some 32 metres away from the houses. Amenity is a planning matter and has been properly considered by the planning officer.
- The communal building is for residents of the new development only as a space where residents can participate in social activities; where residents can receive treatments. It will not be for hire by the general public and not licenced for the sale of alcohol
- The communal building is for residents only and does not in any way compete with the Parish Hall and its functions.
- We believe the Committee should debate the pros and cons of each scheme to permit the one they find the best.

### **3. CONSULTATIONS**

3.01 PC: No response at the time of writing the report, this will be included in an Urgent Update.

3.02 KCC (H&T): Raise no objection, but make the following observations:

- Turning movements can be achieved within the site; however vehicles, including refuse trucks, would not be able to turn within the site without some overhang onto the footways. As the internal roads are proposed to remain private and not be adopted as public highway, these safety concerns do not necessarily impact on highway safety.
- These proposals do not represent design conducive to encouraging healthy, active travel modes due to over-provision of parking spaces for both residents and staff (based on a C2 Residential Care Home parking standards)
- Lack of access to public transport and no provision to improve that.
- No indication of EV charging facilities.
- Adequate parking for people with impaired mobility:
- Suitable provision for cycle parking
- For a development of this scale and type, it is not expected that trip generation levels would be high enough to generate a significant impact in terms of highway capacity.
- It is important that the proposed arrangements for access to and from the highway are suitable for the rates of vehicular movements utilising that access so restrictions are needed for C2 use; residents aged 55 or over; Clubhouse for resident use only and not be available for functions or hire external to the development.
- No objections subject to conditions including a Construction Management Plan.

#### 4. APPRAISAL

- 4.01 The last Planning Committee asked for consideration of the loss of the clubhouse but that would go against what is considered as a key feature of this type of use Class being C2 (over and above controls on age and care needs to be specified in the legal agreement). In a recent appeal decision for a C2 site near Staplehurst, the Inspector said the following:

*"The need for additional extra care housing in the borough within Use Class C2 is not disputed by the Council and a unilateral undertaking intended to ensure such housing is provided has been submitted.....Equally important to ensure a C2 .... use is the nature and use of the on-site communal facilities".*

- 4.02 I therefore would strongly advise the Committee **not** to seek the removal from the scheme of the communal building referred in the application as the "clubhouse" which is envisaged would be a space where residents would participate in social activities, receive treatments and where centralised administration of the care packages could take place.
- 4.03 In terms of the suggested alternative layout relocating the communal building, this does result in a poor cramped siting of 2 semi-detached bungalows in place of the clubhouse. It should be borne in mind that a scheme needs to be considered on its own merits rather than compared to any other scheme not before Members for determination. I remain of the view that the clubhouse being sited at the front of the site is acceptable in terms of neighbouring residential amenities. I consider there is no necessity in planning terms for inclusion of a "buffer" when the intervening distances between buildings are well over 30m and the new development is low rise single storey.
- 4.04 The detailed restrictions in the use of the clubhouse as described by the applicant and also requested by KCC (H&T) can be encompassed in a suggested revised condition 11.

- 4.05 In terms of highways issues, KCC no longer objects. The crash data now submitted for them to review does not cause them concerns in regard to this planning application.
- 4.06 The increase in 6 units compared to the extant fallback scheme of 18 units would not justify a refusal of the proposal in highway safety terms nor due to any severe residual cumulative impacts on the road network.
- 4.07 The request of KCC (H&T) and Environmental Protection for a planning condition for EV charging is included. A Construction Management Plan is not considered reasonable in this size of scheme set well back from the public highway but the need for considerate construction is included in a suggested detailed informative.
- 4.08 The concerns of KCC that 30 parking spaces on the site is over-parking is in contrast to the concerns of the PC and local residents detailed in the previous report, which suggest that there is inadequate on site car parking. I am satisfied that the C2 use proposed for Extra Care Bungalows likely to be occupied by couples is not reasonably likened to parking required for a more traditional "Care Home" and the right balance has been struck.

## **5. CONCLUSION**

- 5.01 In addition to the conclusions made previously, it is considered that a communal building for social/medical /care administrative functions is key to the C2 use of the development and should be retained. The scheme as presented to the 24 September Planning Committee remains acceptable and is recommended for approval in preference to the alternative draft scheme which relocates the clubhouse from the site entrance to being more within the site.

## **6. RECOMMENDATION**

The Head of Planning and Development BE DELEGATED POWERS TO GRANT planning permission subject to the prior completion of a legal agreement to provide the following (including the Head of Planning and Development being able to settle or amend any necessary terms of the legal agreement in line with the matters set out in the recommendation resolved by Planning Committee):

- Contribution of £17,280 towards NHS healthcare
- Contribution of £37,800 off-site Open Space contribution to be spent at Salts Farm or other Natural/semi-natural areas of accessible public open space within 1km of the development.
- Maintenance of the remainder of the cobnut platt, to be retained in perpetuity as communal amenity
- Occupation only within Class C2 by those aged over 55 with at least one occupant of each unit being subject to a care need assessment and commitment to a minimum 2 hour per week care package which is to be approved by the Local Planning Authority
- MBC s106 Monitoring Fees of £1000 for the first and then £500 for each additional planning obligation.

and the imposition of the conditions as set out below:

- 1) The development hereby permitted shall be begun before the expiration of 3 years from the date of this permission.

Reason: To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 (as amended).

- 2) The development hereby permitted shall be carried out in accordance with the following drawings;

20-1091 PL01 G Proposed Site Layout; 20-1091 PL02 Rev G Proposed Site Plan; 20-1091 PL03 Rev D Proposed Street Elevations/Site Sections; 20-1091 PL04 A Type A Plans and Elevations; 20-1091 PL05 Rev C Proposed Bungalow Type B Plan and Elevations; 20-1091 PL06 A Type C Plans and Elevations; 20-1091 PL07 A Type D Plans and Elevations; 20-1091 PL08 Rev C Proposed Bungalow Type E Plan and Elevations; 20-1091 PL09 B Community Club House; 20-1091 PL10 A Bin Stores Plans and Elevations; 20-1091 PL11 Proposed Hard Landscaping Plan; 20-1091 PL12 Boundary Treatment Plan; 20-1091 PL13 Tree Protection Plan; 20-1091 PL14 External Lighting Plan; 20-1091 PL15 Rev A Bird and Bat Box Plan; 20-1091 PL16 Refuse Strategy Plan; 20-1091 PL17 Foul Drainage Strategy Plan; 20-1091 PL18 Rev A Soft Landscaping Plan Sheet 1; 20-1091 PL19 Rev A Soft Landscaping Plan Sheet 2; 20-1091 PL20 Rev A Bicycle Storage Details; 20-1091 PL21 Air Source Heat Pump Details; 20-1091 PL23 Soft Landscaping Strategy;

Reason: For the purposes of clarity.

- 3) No development above slab level shall take place until details of plots where electric vehicle charging points can be installed have been submitted to and approved in writing by the Local Planning Authority for that phase. The approved plots shall not be occupied until a minimum of one electric vehicle charging point has been installed on each property, and shall thereafter be retained for that purpose.

Reason: In the interests of air pollution control.

- 4) No development above slab level shall take place until details and a timetable to secure biodiversity net gain have been submitted to and approved in writing by the Local Planning Authority. The measures must be implemented as approved thereafter. The measures will be expected to result from investigation of scope for both boxes and integral bricks for birds and bats; insect bricks; gaps under boundary treatments; log piles, hedgehog nesting boxes; climbing plants on walls and other vertical structures; wildflower plug/bulb planting in amenity grassland; a wildlife pond.

Reason: In the interests of ecological enhancement.

- 5) No lighting shall be placed or erected within the site except in accordance with details hereby approved on drawing 20-1091 PL14. Any additional lights shall require details of a "lighting design strategy for biodiversity" for the site to be submitted to and approved in writing by the local planning authority prior to the occupation of the development. The strategy shall:

a) Identify those areas/features on site that are particularly sensitive for bats and in which lighting must be designed to minimise disturbance, and;

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 bats using their territory or having access to their breeding sites and resting places.

c) Include measures to reduce light pollution and spillage. 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.

Reason: In the interests of rural amenity and ecological interest.

- 6) Above ground construction work on the approved buildings shall not commence until full details of the following matters in the form of large scale drawings (at least 1:20 scale) have been submitted to and approved in writing by the Local Planning Authority
- a) New external joinery
  - b) Details of eaves and roof overhangs
  - c) Details of projecting bays and porch canopies
  - d) Details of door and window headers and cills.

The development shall be carried out in accordance with the approved details.

Reason: To ensure a high quality appearance in the rural area.

- 7) The development shall not commence until details of the proposed slab levels of the buildings and roadways relative to the existing site levels have been submitted to and approved in writing by the Local Planning Authority and the development shall be completed strictly in accordance with the approved levels.

Reason: In order to secure a satisfactory form of development.

- 8) The hedge on the boundary with Church Street shall be maintained at less than 1m in height to maintain visibility splays. The splays shall be maintained as such thereafter.

Reason: In the interests of highway safety.

- 9) The development shall not be occupied until the approved parking areas have been provided and that areas shall not thereafter be used for any purpose other than the parking of vehicles for the development hereby approved. The 10 designated visitor spaces shall be retained for visitors only thereafter.

Reason: In the interests of highway safety.

- 10) The development shall not be occupied until a cycle rack has been installed to serve the clubhouse in accordance with details that have been submitted to and approved by the Local Planning Authority and until the individual residents cycle stores have been provided in accordance with the drawings hereby approved.

Reason: In the interests of sustainable travel.

- 11) The clubhouse as approved shall only be used for the provision of care or for purposes ancillary to the use of the extra care units hereby approved such as social activities for residents and their guests or administration related to the C2 use of the development. It shall not be used or hired out to the general public and not licenced for the sale of alcohol.

Reason: To prevent harm to the amenities of surrounding occupiers and to reflect the low level of visitor parking.

- 12) Notwithstanding drawing 20-1091 PL18 A and PL19 A, no development above damp proof course level shall take place until details of a scheme of landscaping using native species 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 during the course of development in the form of a Tree Protection Plan undertaken by an appropriately qualified party in accordance with BS5837:2012

and a programme for the approved scheme's implementation and long term management, have been submitted to and approved in writing by the Local Planning Authority.

The landscape scheme shall be designed using the principles established in the Council's adopted Landscape Character Assessment 2012 and shall include details of the repair and retention of existing hedgerows and tree lines within the site.

The implementation and long term management plan shall include long term design objectives, management responsibilities and maintenance schedules for all landscape areas, other than small, privately owned domestic gardens. The landscaping of the site and its management thereafter shall be carried out in accordance with the approved details over the period specified;

Reason: To safeguard existing trees and hedges to be retained and ensure a satisfactory external appearance to the development and a high quality of design

- 13) There shall be no occupation of the development hereby permitted until all planting, seeding and turfing specified in the approved landscape details has been completed. All such landscaping shall be carried out during the planting season (October to February). Any seeding or turfing which fails to establish or any trees or plants which, within ten years from the first occupation of a property, commencement of use or adoption of land, die or become so seriously damaged or diseased that their long term amenity value has been adversely affected shall be replaced in the next planting season with plants of the same species and size as detailed in the approved landscape scheme unless the local planning authority gives written consent to any variation.

Reason: To ensure a satisfactory landscaped setting for the development

- 14) All existing hedges or hedgerows shall be retained, unless shown on the approved drawings as being removed. All hedges and hedgerows on and immediately adjoining the site shall be protected from damage for the duration of works on the site. Any parts of hedges or hedgerows removed without the Local Planning Authority's prior written consent or which die or become, in the opinion of the Local Planning Authority, seriously diseased or otherwise damaged within ten years following contractual practical completion of the approved development shall be replaced as soon as is reasonably practicable and, in any case, by not later than the end of the first available planting season, with plants of such size and species and in such positions as may be agreed in writing with the Local Planning Authority.

Reason: In the interests of visual amenity and biodiversity.

- 15) The development shall not commence above slab level until a Landscape and Ecological Design and Management Plan has been submitted to and been approved in writing by the local planning authority. The Landscape and Ecological Design and Management Plan shall include the following:

- a) Purpose and conservation objectives for the proposed habitat creation and enhancements;
- b) Detailed design to achieve stated objectives;
- c) Extent and locations of proposed works on appropriate scale plans;
- d) Timetable for implementation demonstrating that works are aligned with the proposed phasing of development;



- e) Description and evaluation of features to be managed;
- f) Aims and measurable objectives of management;
- g) Appropriate management prescriptions for achieving aims and objectives; h) Preparation of a work schedule for the duration of the plan;
- i) Ongoing habitat and species monitoring provision against measurable objectives;
- j) Procedure for the identification, agreement and implementation of contingencies and/or remedial actions where the monitoring results show that the objectives are not being met;
- k) Details of the body/ies or organisation/s responsible for implementation of the plan.
- l) Details of interpretation boards to be incorporated in to the development site to inform residents of the sites management.

The Landscape and Ecological Design and Management Plan shall also include details of the legal and funding mechanism by which the short and long-term implementation of the management Plan will be secured by the developer with the management body responsible for its delivery. The approved Plan will be implemented in accordance with the approved details.

Reason: To ensure a high quality design, appearance and setting to the development, and to protect and enhance biodiversity.

- 16) The development shall not commence until an Arboricultural Method Statement (AMS) in accordance with the current edition of BS 5837 has been submitted to and approved in writing by the local planning authority. The AMS shall incorporate details appropriate to the construction operations being undertaken and shall include, but not be limited to, a working methodology/phasing for operations with the Root Protection Area (RPA) of any retained tree; consideration of the location and installation of services and drainage; a programme of site monitoring and arboricultural supervision if appropriate; a detailed schedule of re-commencement tree works and; a Tree Protection Plan showing the design and location of fencing and/or ground protection necessary to ensure all retained trees can be successfully integrated within the permitted scheme. No equipment, machinery or materials shall be brought onto the site prior to the erection of approved barriers and/or ground protection except to carry out pre commencement operations approved in writing by the local planning authority. These measures shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed, nor fires lit, within any of the protected areas. No alterations shall be made to the siting of barriers and/or ground protection, nor ground levels changed, nor excavations made within these areas without the written consent of the local planning authority.

Reason: To ensure a satisfactory external appearance to the development.

- 17) Development shall not commence until a detailed sustainable surface water drainage strategy been submitted to (and approved in writing by) the local planning authority. It shall demonstrate that the surface water generated by this development (for all rainfall durations and intensities up to and including the climate change adjusted critical 100yr storm) can be accommodated and disposed of within the curtilage of the site.

Reason: To ensure the proper integration of sustainable urban drainage within the development

- 18) No building hereby permitted shall be occupied until details of the implementation, maintenance and management of the approved sustainable drainage scheme have been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented and thereafter managed and maintained in accordance with the approved details. Those details shall include:

- i) A timetable for its implementation, and
- ii) A management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public body or statutory undertaker, or any other arrangements to secure the operation of the sustainable drainage system throughout its lifetime.

Reason: To ensure that the principles of sustainable drainage are incorporated into this proposal and to ensure ongoing efficacy of the drainage provisions.

#### INFORMATIVES

- 1) The Local Member is to be consulted on submission of details relating to landscaping.
- 2) Foul sewers should be routed outside of areas of permeable paving or cross it in dedicated service corridors, particularly where sewers will be offered
- 3) You are advised to contact Kent Police's Designing Out Crime Officer to discuss site specific designing out crime measures.
- 4) 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, hedgerows and buildings are likely to contain nesting birds between 1st March and 31st August inclusive. Vegetation is 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) You are advised to adhere to a Construction Management Plan as follows:
  - Provision of construction vehicle loading/unloading and turning facilities prior to commencement of work on site and for the duration of construction.
  - Provision of parking facilities for site personnel and visitors prior to commencement of work on site and for the duration of construction.
  - Provision of measures to prevent the discharge of surface water onto the highway.
  - Provision of wheel washing facilities prior to commencement of work on site and for the duration of construction.
  - Provision and permanent retention of the vehicle parking spaces shown on the submitted plans prior to the use of the site commencing.
  - Provision and permanent retention of the vehicle loading

Case Officer: Marion Geary