

REFERENCE NO - 20/503109/FULL		
APPLICATION PROPOSAL Erection of 24 no. new C2 extra care retirement homes, clubhouse, bin stores and landscape scheme.		
ADDRESS Land To West Of 70 Church Street Boughton Monchelsea Kent ME17 4HN		
RECOMMENDATION Application Permitted		
SUMMARY OF REASONS FOR RECOMMENDATION <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 in 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>Whilst some information/clarification on the KCC (H&T) objection is awaited from the applicant, 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.</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>		
REASON FOR REFERRAL TO COMMITTEE Contrary to the Development Plan on account of being located in the designated countryside Called into Committee by Boughton Monchelsea Parish Council		
WARD Boughton Monchelsea And Chart Sutton	PARISH/TOWN COUNCIL Boughton Monchelsea	APPLICANT Clarendon Homes AGENT Clarendon Homes
TARGET DECISION DATE 09/10/20		PUBLICITY EXPIRY DATE 26/08/20

Relevant Planning History

16/502993/FULL

Demolition of existing buildings and construction of 18 new C2 Extra Care Retirement Homes, Clubhouse, 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

19/502737/SUB

Submission of Details to Discharge Condition 7 - Construction Method Statement subject to 16/502993/FULL.

Approved Decision date: 03.07.2019

19/503990/SUB

Submission of details pursuant to Conditions 2: Details of materials, 5: Details of pedestrian priority junction, 13: Reptile mitigation strategy, & 16: Archaeological field evaluation/investigation (original application ref: 16/502993/FULL).

Part Permitted Part Refused Decision date: 30.10.2019
(refused in terms of conditions 2 and 5)

19/506162/SUB

Submission of details pursuant to conditions 2 (materials); 3 (slab levels); 5 (pedestrian priority junction); 9 (landscaping); 12 (landscape and ecological design and management plan); 14 (biodiversity enhancements); and 15 (arboricultural method statement) for 16/502993/FULL.

Part Permitted Part Refused Decision date: 06.02.2020
(refused in terms of conditions 2 (part); 9; 12; 15)

19/506227/SUB

Submission of details pursuant to condition 17 (sustainable surface water drainage strategy) of application 16/502993/FULL.

Refused Decision date: 06.02.2020

MAIN REPORT

1. DESCRIPTION OF SITE

- 1.01 The site lies to the west of Church Street and to the north of Heath Road with the remainder of the village of Boughton Monchelsea to the north and north east. The site occupies a relatively central location within the village as it is located between the village allotments, sports ground and pitches and residential properties. The site has access to pedestrian footpaths which run along the western side of Church Street.
- 1.02 The site was formerly a cobnut plantation which was largely cleared in February/March 2016 under exemptions of a TPO and which is now open ground across over the majority of the site with a smaller area of cobnut trees remaining to the western 30m of the site. Part of the site borders the village sports field to the south by an established hedgerow which is 3-4m in height and the remaining part of the cobnut plantation borders the western part of the site. The site includes a widened access road from the south east corner from Church Street that was formed from a 3m wide strip of former garden of no.70 Church Street. This has incorporated pedestrian priority to those using the footpath of Church Street.
- 1.03 The gardens of 4 residential properties on Church Street back onto the eastern boundary of the site which is bounded by a hedgerow. These dwellings are at distances from the common boundary ranging from 25 to 30m. A further hedgerow lies along the northern boundary which borders agricultural grazing land to the north of the site (which has been submitted as potential residential development site in the Call for Sites).
- 1.04 The application site is relatively flat in topography with just a gentle slope down from south to north and due to the boundary hedgerows, it is relatively well contained from the wider landscape.
- 1.05 The site lies in an Area of Archaeological Potential. The site is still subject to a TPO albeit there is no way to legally require the replanting of the Cobnut trees removed as exemption to the TPO.

2. PROPOSAL

- 2.01 The planning application is the subject of a Planning Performance Agreement and development proposals have been revised since a Member Briefing.
- 2.02 This 24 unit scheme is from a different applicant to who secured the 18 unit scheme but is effectively a revision of an extant planning permission ref 16/502993/FULL granted on 6 September 2018 for the construction of 18 x 2-bedroom C2 extra care units together with a communal clubhouse building. The total floor area was 2042 sqm with the units ranging from 83 sqm to 149 sqm. The on-site clubhouse building was to be the central base for the on-site management and would provide 24hr care for the occupants. That planning permission was granted subject to a s106 legal agreement with financial healthcare contributions and occupation 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 care package. The approved care package was: the managing agent to be Xtracare Ltd (registered with the Care Quality Commission) and being in receipt of a General Practitioner certificate stating a disability/medical condition or registered visually impaired and contracted to receive Personal Care for a minimum of 2 hours per week.
- 2.03 This revision proposes 24 units and a similar sized clubhouse and overall footprint but with the units generally being smaller and more evenly sized ranging from 74 sqm to 82.5 sqm. There are indicated to be 10 pairs of semi-detached bungalows with heights to the ridges of 6-7m and eaves of 2.5m high and 4 detached bungalows with heights to the ridges of 6-6.5m and eaves of 2.5m. Materials will be a red Multi stock brick, red clay roof tiles, dark brown coloured artificial timber effect boarding, pale render to some of the bay windows, white UPVC windows, soffits and fascias and black UPVC rain water goods.
- 2.04 There will be brick faced garden boundary walls to the most prominent side garden boundaries and cleft rail fencing elsewhere between gardens with timber rabbit fencing along the northern and southern hedgerows.
- 2.05 The clubhouse is still single storey and is now proposed behind no. 70 Church Street, nearest the entrance rather than in the centre of the site as in the extant scheme. The clubhouse scales at 5m in ridge height with a footprint of 123 sqm. It will be the location where communal events, visiting support services and activities can take place. The Clubhouse includes a reception and waiting area, function room, kitchen, consulting/treatment room, office for the visiting manager and disabled WC.
- 2.06 The site layout has changed radically from the 18 unit scheme, essentially the units are no longer all inward facing and there is less soft landscaping to the frontages and a greater overall level of hardstanding due to more parking/access being needed. However, three sets of car ports are no longer proposed and all the parking is on-plot open parking. Parking is 1 space per plot with 10 visitor spaces overall with the bays and the access way in block paving (charcoal and brindle colours) and footpaths in permeable resin bonded gravel.
- 2.07 A Transport Statement indicates that trip rates (both in and out) for this scale and type of use are:
- Morning peak = 4
 - Evening peak = 3
 - Daily average = 50 (7am to 7pm)
 - Average = 1 car movement every 14 mins (7am to 7pm).
- 2.08 Six communal bin stores are indicated to be in enclosures of timber hit and miss panels, sited adjacent to parking bays. Turning for refuse freighters is indicated to be possible within the site.

- 2.09 The scheme has been designed to have a traditional appearance of bungalows and a low physical profile whilst retaining the existing landscape structure including hedgerows with open space to the rear of the development in the form of retained cobnut trees covering approx 0.194ha.
- 2.10 A new Landscape and Visual Impact Assessment dated July 2020 concludes that the overall effect upon visual amenity is considered to be "Negligible to Minor" compared to its current state of an open field.
- 2.11 Lighting will be via PIR lantern style units to front and back doors and low height timber bollards with unidirectional lighting. Timber cycle stores/sheds will be sited in each rear garden.
- 2.12 Ecology benefits include 6 integral Sparrow Terraces and 4 integral Swift bricks plus 5 tree mounted bat boxes and 2 tree mounted owl boxes and several wood piles within the cobnut platt. The northern and southern hedgerow adjacent to the fields and rear of Church Street dwellings will be infilled with hornbeam, hawthorn and privet with 3 Beech trees being retained. The Cobnut coppice will be cleaned out and thinned prior to coppicing. Within the area of retained cobnut planting, a new footpath, gazebo, garden store and wildflower garden provide further communal space for the residents.
- 2.13 A 2016 reptile survey found no reptiles present. Dormice and Great crested newts are not expected to be present, nor signs of badgers or bats roosting sites. Nesting birds are likely to be present as are hedgehogs. Suggested biodiversity enhancements for the site could include the following: hedgehog nesting boxes and gaps in fencing; provision of bat roosting spaces within the new buildings; climbing plants on walls and other vertical structures; wildflower plug/bulb planting in amenity grassland; a wildlife pond. The agent has confirmed that most of the fences will be open style not close boarded and that a condition requiring biodiversity enhancements (eg also insect bricks) will be acceptable.
- 2.14 The application includes a SBEM assessment of the Clubhouse (in excess of a 15% saving in carbon dioxide emissions). There will be a total saving in carbon emissions of 12.9% site wide. Heating and hot water to each dwelling is to be provided via the air source heat pumps, there will be attention in the build to air permeability, thermal bridging, low energy lighting and low water usage.
- 2.15 In support of the new scheme, the applicant states:
- The Borough Council's evidence base supporting the Local Plan has an established a need of 960 new C2 Use Class dwellings during the Plan period
 - It meets central government policy to provide a range of homes suitable for an ageing population
 - The concept is for delivering care needs at a cost effective rate through providing an alternative freehold home, the style of living allows independence later into life
 - Lack of high service charges opens up the development to a wider range of people than the typical Retirement Village model.
 - Small scale of the development responds to its rural location
 - All dwellings are designed according to Lifetime Homes principles and are adaptable to the needs of the users.
 - The homes are purchased by qualifying occupiers aged over 55
 - Screening process to confirm eligibility from an existing care need: at least one person from each qualifying household will receive some form of care in

accordance with the basic minimum care package comprising at least 2 hours per week of personal care and support assistance.

- Residents may increase their care provision as and when required which reduces the pressure on having to move into a Care Home.
- The communal areas of the site shall be managed by the Management Company which could also include management of private gardens.
- The care that will be provided will be managed/operated by an organisation which is registered as a domiciliary care agency with the Care Quality Commission as a single cohesive community

3. POLICY AND OTHER CONSIDERATIONS

Maidstone Borough Local Plan 2017 Policies SS1; SP11; SP12; SP17; ID1;DM1; DM3; DM4; DM8; DM19; DM20; DM21; DM23; DM30;
Neighbourhood Plans Boughton Monchelsea Neighbourhood Plan (Submission Version)
Kent Minerals and Waste Local Plan 2016
Supplementary Planning Documents n/a
National Planning Policy Framework (NPPF)
National Planning Practice Guidance (NPPG)

4. LOCAL REPRESENTATIONS

Local Residents:

4.01 2 letters of support.

4.02 4 Objections received from local residents raising the following (summarised) issues

- overdevelopment of the site
- inadequate parking
- lack of a green buffer on the eastern side
- the clubhouse would be better positioned next to the communal space
- a big increase in traffic movements across the Church Street footpath used heavily by pedestrians including children, causing danger and accidents
- traffic volume Church Street increased from Lyewood Farm (earmarked for 25 dwellings on the Local Plan, but now standing at 85)
- danger to cyclists
- parking problems in Church Street, hindering emergency and refuse vehicles
- Regular high number of serious accidents on Heath Road
- Poor bus services to Coxheath
- Bus service to Maidstone is too slow compared to driving.

5. CONSULTATIONS

(Please note that summaries of consultation responses are set out below with the response discussed in more detail in the main report where considered necessary)

Parish Council

Support C2 use of the site but objects as follows:

- Over-development
- Parking inadequate
- More visitor parking needed
- Such a large communal space is unnecessary- prefer a looser layout and a green buffer on the east of the site rear of Church Street.
- Clubhouse location will affect amenity of Church Street properties.
- Clubhouse should be adjacent the communal space
- Highway impact of another 6 properties across the Church Street footpath

Environment Agency

5.01 No Comments

Kent and Medway CCG

5.02 s106 contributions of £17,280 needed as there will be demand on primary healthcare.

Kent Police

5.03 More site specific designing out crime measures are needed.

KCC (Flood and Water Management)

5.04 No objection: additional ground investigation will be required to support the use of infiltration. Note permeable paving is proposed: foul sewers should be routed outside of areas of permeable paving or cross it in dedicated service corridors, particularly where sewers will be offered for adoption. Conditions are needed.

Southern Water

5.05 Initial investigations indicate that Southern Water can provide foul sewage disposal to service the proposed development.

KCC (Highways)

5.06 A holding objection:

- Junction of B2163 Heath Road / Church Road / Church Hill: as the development proposals will route trips through this junction, these needs to be investigation to see if there is a safety consideration that may be exacerbated by the proposals.
- Spur road for units 1-7. Drawings need to illustrate collection from the bin store and access by fire tender and pantechnican.
- Communal bin stores: some appear to be some distance from properties, which may be a problem for the more elderly residents.
- Clubhouse parking is not adequate if serves the wider area.
- More details of cycle parking are needed, including for clubhouse.
- Car parking exceeds the standard of 1 space per 2 units for this use class.
- The trip generation needs to be reviewed: TRICS using 'Retirement and Care Community' may be more appropriate. The high provision of car parking and more mobile residents referred to in the Transport Statement will likely lead to higher trip numbers and there could be commuting trips from this site.

KCC Ecology

5.07 A reptile survey has been undertaken as part of condition 13 (19/503990/SUB) of planning permission 16/502993/FUL and the conclusions of the survey detailed that reptiles are considered likely absent, and as the grassland has been left unmanaged

for less than year we accept that it is unlikely that reptiles will have re-established on site.

- 5.08 Suggest informative on mitigation for breeding birds. Information is needed confirming the numbers and location of the integrated bat boxes within the buildings. Condition suggested for a management plan to be produced and implemented to ensure that the open space in the site can be benefit biodiversity.

KCC Archaeology

- 5.09 No response

Parks & Open Spaces

- 5.10 As the application documents do not indicate any publicly accessible on-site open space, it is requested that a contribution of £1,575 per property is made for off-site improvements or maintenance to existing open space. 24 units x £1,575 per unit = £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.

Environmental Protection

- 5.11 Condition suggested for EV Charging Points.

6. APPRAISAL

Main Issues

- 6.01 The key issues for consideration relate to:

- Principle of Development
- The Extant Planning Permission
- Design and Layout
- Residential Amenity
- Highways and Parking

Principle of Development

- 6.02 Policy SS1 of the MBLP is the spatial strategy for development and states that protection will be given to the rural character of the borough. The main part of the site lies outside but abutting the development boundary for Boughton Monchelsea which is a larger village, subject to Policies SP11 and SP12 in the MBLP. Whilst the context to the site includes adjoining residential development, sports pitches and allotments to 3 of its boundaries and is also in central village location, the site is nevertheless designated as a countryside area in policy terms. Such an area is subject to policy SP17 which restricts development of this type and requires development to preserve or enhance the character of the countryside.
- 6.03 Policies SP11 and SP12 seek to focus new development within the settlement boundaries: Boughton Monchelsea being a larger village where limited growth could support local services and facilities.
- 6.04 Therefore, in locational terms, the development would be a departure from the Development Plan. Planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise.

- 6.05 It is the case that the scheme approved in 2018 under ref 16/502993/FULL was similarly contrary to the same adopted Development Plan so it is necessary to re-assess whether the same mitigating material considerations still apply and if they continue to outweigh the harm to the countryside or any other harm.
- 6.06 The scheme approved in 2018 was intrinsically linked to care provision with proximity to public transport, shopping, community and adequate access for residents and health providers. The legal agreement restricted the use and occupier type such that it was distinct from traditional housing schemes as it would deliver a specialist housing type, intrinsically linked to the provision of care as well as that of the aging population. This was considered to meet the needs identified by the Strategic Market Housing Assessment (SHMA) as well as the wider range of benefits of such provision including reducing pressure on social and health services, freeing up larger homes (as the older population typically under occupy their existing homes) and allowing the opportunity for older people to retain their independence into old age. These considerations continue to apply to the revised scheme.
- 6.07 It is still the case that MBC has considered extra care as a C2 use and that the units at Ledian Farm were approved outside the development boundary for Leeds village so there remains a similarity- Ledian Farm was actually of a much larger scale and Leeds is not a "larger village" under SP11. It is still the case that it is a material consideration that there is a significant unmet existing and future need for such accommodation and that there is no policy mechanism to deliver identified need for C2 with any certainty. The Council is still solely dependent on windfall sites coming forward (ideally within the settlement boundaries) to meet the aforementioned significant need. Planning permission 16/502993/FULL was a windfall development for 18 units towards the target and permitting the current application would add a further 6 windfall units towards the total without any expansion of the size of the application site.

The Extant Planning Permission

- 6.08 An additional material planning consideration in favour of the scheme is the extant planning permission in terms of whether it represents a "fallback" with a genuine realistic prospect of being implemented. In this case, the access has been built in accordance with the approval and there have been applications to discharge some of the conditions on the planning permission, albeit not all of the pre-commencement conditions have been approved (specifically the hardstanding materials, soft landscaping, the LEMP, the Arboricultural Method Statement and the SuDS scheme). I do consider that those conditions do not go to the heart of the planning permission and could be approved within the time limits without having been prejudiced by the first part of the access road having been already constructed. Hence I am of the opinion that the fallback is a genuine option for the developers and so a comparison of the 2 schemes is necessary to attribute a weight to the fallback as a material consideration.
- 6.09 The extra units in the current scheme would be achieved without an increase in harm to the appearance and character of the area when viewed from outside the site because the extra built form is in the central area of the development and there is only a minor increase in harm to the appearance and character of the countryside once viewed from within the centre of the site itself. Moreover, it could be argued that the change in the layout of the units on the northern boundary to make them perpendicular not parallel to it, introduces large gaps to the roofline and so overall reduces the visual impact compared to the continuous roof ridgeline of the approved scheme from the countryside to the north. The current application also has a layout of units on the northern edge that takes more account of the need to have reduced proximity to 3 Beech trees which are being retained. Only one of the Beech trees is shown to be in a private rear garden location whereas in the approved layout, all 3 are in private rear gardens. On balance, I am of the view that

there is no material difference in harm on the character and appearance of the countryside between the 2 schemes.

- 6.10 In terms of the detail of the development, the built form remains restricted to single storey with the use of pitched roofs but still relatively low rise. It was accepted that the access road would afford views from Church Street, but that was from a built context and was not considered to cause significant harm to the character of the countryside. The same conclusions are reached in the latest LVIA.
- 6.11 The site still lies within the village context of Boughton Monchelsea and is located near to village amenities and residential properties and is within walking distance of the village shop and facilities such as the social club, the allotments and bus stops on Heath Road. It will be less than 2km from the new GP surgery planned at Linton/Coxheath which is specifically to have good access by non car modes as part of its planning permission. The site remains well related to the village in a geographical sense and is considered a relatively sustainable location in access terms. It therefore has a role in complying with Policy SP12 of the MBLP which does state that key services in Boughton Monchelsea will be supported.
- 6.12 The development is also considered to still accord with the NPPF which requires the relationship between travel and development to have regard to other policies within the framework, including rural areas, which refers to the role of new housing in supporting the ongoing vitality of rural communities and local facilities. Whilst this development is not housing in the normal sense, it provides similar benefits.

Design and Layout

- 6.13 The remaining part of the cobnut plantation will act as a buffer between the units and the western boundary to the site along with further landscaping along the boundaries including tree planting. This western part of the site will be laid out as open space with footpath route through this from the housing units. This was originally to reference the former use of the site and the continuation of that is supported.
- 6.14 The revisions made since the Member Briefing include a change in the balance of private open space from being mostly in rear gardens to more generously sized front gardens and this visually softens the development, as well as encouraging more engagement between residents.
- 6.15 The development incorporates elements of traditional architecture with use of pitched clay tile roofs, cladding and stock brick. The development is single storey throughout and architectural variation is achieved by projected and recessed elements such as bay windows and front feature gables. One element of the design which did not initially respond to pre-application advice was that a number of the units on corner plots were not adequately dual aspect (plots 7, 8 and 24). The applicant has now amended them to add kitchen windows to make these visually prominent flanks more interesting as well as improve the interior of the dwellings and provide better surveillance of the main access.
- 6.16 Having regard to the extant permission, I consider the scheme would represent an appropriate scale of development within the site in relation to its edge of village location.
- 6.17 The individual units will be designed to meet the Building for Life principles and Lifetime Homes standards. The units represent adaptable homes which are considered to achieve the balance between independence and the future care needs of the occupiers including the potential to accommodate live-in carers in future years.

- 6.18 In summary it is considered the scheme on the whole, represents an acceptable standard of design that has taken account of its immediate environs and the wider village and thus will accord with policies DM1 and DM30 of the MBLP.

Residential Amenity

- 6.19 The site abuts 4 rear gardens of dwellings in Church Street which are approximately 25-30 metres in length and back onto the eastern boundary of the site which currently has a hedgerow of around 1.2m high with a number of trees along the boundary. It is the case, as pointed out by the PC and some of the objectors that this scheme does have a closer relationship with that boundary.
- 6.20 However, the development is single storey and the nearest units to the neighbouring gardens are plots 1-4 which only have ground floor windows facing. The proposals will include new planting on this boundary and it would be possible to impose a condition to require fencing/landscaping to prevent views into the adjacent gardens, although the roofs will be visible. The length of the adjoining gardens and the single storey nature of the development would also ensure there would be no impact of way of adverse outlook caused by the new built form.
- 6.21 The Clubhouse is shown to be approx. 5m from the rear boundaries of 68 and 70 Church Street but this building is only 5m to the ridge and would be a total of over 30m from both of these neighbouring houses. Whilst it is appreciated that having these buildings set further from Church Street would be preferable to those occupiers, I do not consider that there is any need for a "buffer" and consequent reduced area of Cobnut platt. The scheme before Members has to be judged as to whether it would cause harm to neighbouring residential amenities and it is my view that it does not.
- 6.22 I do not share the PC's concern that the clubhouse will be noisy for a use of this nature. A condition is suggested to ensure that there is no external use or hiring out to non-residents.
- 6.23 In terms of the impact of the access road on adjacent properties, there is a relatively low frequency of trips related to such use such that there would not be an adverse impact on the amenities of the adjoining properties.
- 6.24 Overall, Policy DM1 of the MBLP is complied with in terms of residential amenities with the imposition of relevant conditions.

Highways and Parking

- 6.25 Paragraph 109 of the NPPF states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.
- 6.26 Policy DM1 of the MBLP requires the safe accommodation of the vehicular and pedestrian movement generated by the proposal on the local highway network and through the site access. Policy DM 21 requires development proposals to demonstrate that the impacts of trips generated to and from the development are accommodated, remedied or mitigated to prevent severe residual impacts. Policy DM 23 on parking standards requires that vehicle parking for non-residential uses should not exacerbate on street car parking to an unacceptable degree.
- 6.27 The applicant has been notified of the KCC (H&T) objection and any response or further clarifying information will be reported in an update.
- 6.28 The extant planning permission had 3 carports of 6 spaces each and each had driveway spaces making potentially 36 private spaces and 7 visitor spaces. There were no KCC objections to that level of provision. This scheme has no driveway

spaces so the total number of spaces is less. Hence it is not a justifiable concern that this scheme has excessive parking. Members will note that there is concern from local residents that Church Street should not take any overflow parking from this site so under provision of on-site parking would also be a concern.

- 6.29 The submission indicates that there will be sheds in each of the 24 rear gardens that can accommodate storage for cycles. Bearing in mind that the clubhouse is for on-site use (which will be conditioned), I am of the view that there does not need to be more parking for external visitors. There is scope however to provide a cycle rack for use by staff near to the clubhouse.

Other Matters

- 6.30 A development of this scale is clearly likely to place extra demands on local services and facilities and it is important to ensure that the development can be assimilated within the local community. As such suitable financial contributions to make the development acceptable in planning terms can be sought in line with policy ID1 of the Local Plan in terms of Open Space and NHS monies (this form of development is not subject to CIL). The applicant has agreed these 2 requests to be in a s106 legal agreement.
- 6.31 The site is located within Flood Zone 1 which is at the lowest risk of flooding. The Flood Risk Assessment and Surface Water Management Plan show that SuDS could be incorporated into the design as the site also has a low risk from contamination. This is proposed to be achieved through the use of soakaways and storage crates. This information has been reviewed by KCC Drainage and they are generally content with the approach and methodology in principle but require further investigation and an assurance that foul drainage is not compromised. Conditions are suggested.
- 6.32 An informative on designing out crime is suggested to take account of the representations made by Kent Police. The site lies in an AAP but an archaeological evaluation has taken place in connection with the extant planning permission and fifteen evaluation trenches were excavated with no significant archaeological features or deposits encountered.
- 6.33 As detailed above, there are no particular ecological issues that cannot be dealt with by the imposition of a condition for biodiversity net gain. Tree protection measures also need to be subject of a condition bearing in mind the need to protect the screening function of trees and hedgerows to ensure the conclusions of the LVIA are met.
- 6.34 A condition needs to be imposed for ensure there are enough EV charging points.

PUBLIC SECTOR EQUALITY DUTY

- 6.35 Due regard has been had to the Public Sector Equality Duty, as set out in Section 149 of the Equality Act 2010. It is considered that the application proposals would not undermine objectives of the Duty.

7. CONCLUSION

- 7.01 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 in 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.

- 7.02 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.
- 7.03 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.
- 7.04 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.
- 7.05 Whilst some information/clarification on the KCC (H&T) objection is awaited from the applicant, 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.
- 7.06 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 would justify the departure from the development plan.

8. 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 care package to be approved by the Local Planning Authority

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 Bird and Bat Box Plan; 20-1091 PL16 Refuse Strategy Plan; 20-1091 PL17 Foul Drainage Strategy Plan; 20-1091 PL18 Soft Landscaping Plan, 1; 20-1091 PL19 Soft Landscaping Plan, 2; 20-1091 PL20 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 cycle stores on drawing 20-1091 PL20 have been provided.

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.

Reason: To prevent harm to the amenities of surrounding occupiers.

- 12) Notwithstanding drawing 20-1091 PL18 and PL19, 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

Planning Committee Report
24 September 2020

- 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 for adoption.
- 3) You are advised to contact Kent Police's Designing Out Crime Officer to discuss site specific designing out crime measures.

Case Officer: Marion Geary