

REFERENCE NO - 21/506208/FULL		
APPLICATION PROPOSAL Erection of 39 no. units for assisted living (Class C2) as Phase 3 of Ledian Gardens continuing care retirement community development with associated substation and ancillary buildings, open space, landscaping, parking and vehicular access via Phase 1 with additional 8 off-street parking spaces for Upper Street residents		
ADDRESS Ledian Farm Upper Street Leeds Kent ME17 1RZ		
RECOMMENDATION Approve subject to S106		
SUMMARY OF REASONS FOR RECOMMENDATION The specific location of the site adjoining the village of Leeds and the existing Care Village at Ledian Gardens and landscaped boundaries means that the development would only have a relatively limited harm to the short range views the site and there is limited harm to the character and appearance of the countryside in terms of Policy SP17. The services and minibus transport offered in the draft legal agreement would be adequate to make the development sufficiently environmentally sustainable notwithstanding the non-compliance with policy SS1 of the MBLP. Moreover, there are potential gains for the sustainability of the village due to facilities being provided for use by the local community. There is a current deficit in supply of Extra Care units in the Borough against a backdrop of growing need and this outweighs the harm from the breach of policies SP17 and SS1. Whilst there is harm to heritage assets as per policy DM4 of the MBLP, there is clear and convincing justification, and it is less than substantial harm in both respects. There is a significant public benefit of the provision of supported housing for the elderly and some affordable housing that weighs in favour of the development proposed. There are no other concerns with the scheme that cannot be dealt with by the legal agreement or appropriate planning conditions.		
REASON FOR REFERRAL TO COMMITTEE The development does not accord with the Development Plan.		
WARD Leeds	PARISH/TOWN COUNCIL Leeds	APPLICANT Senior Living (Ledian Farm) Ltd AGENT DHA Planning
CASE OFFICER: Marion Geary	VALIDATION DATE: 21.12.2021	DECISION DUE DATE: 10.06.2022
ADVERTISED AS A DEPARTURE: YES		

Relevant Planning History

20/502746/NMAMD Non Material Amendment for alteration to description of development to amend the description of development to include confirmation that the approved proposals relate to two C2 Assisted Living Units as per the approved plans subject to 19/504579/FULL.
Approved 10.08.2020

19/506387/FULL

Erection of 44no. Assisted Living Units (Class C2) with associated parking and landscaping (Amendment to outline permission MA/12/2046 and Reserved Matters consent MA/17/501933/REM)
Approved 28.04.2020

19/504579/FULL Demolition of existing Bay Tree Cottage and the erection of a replacement C2 Assisted Living Unit (with intervening temporary use for car parking associated with adjacent care village marketing suite).
Approved 16.12.2019.

17/501933/REM

Approval of Reserved Matters for the erection of 38 Assisted Living Units following Hybrid application MA/12/2046 (Landscaping, Layout, Scale and Appearance being sought).
Approved 27.07.2017

18/503361/FULL

Section 73 application (MMA) to amend approved plans condition of Hybrid planning application MA/12/2046 (as amended by MA/17/500896/NMAMD) for the redevelopment of Ledian Farm to provide a Continuing Care Retirement Community scheme (C2 Use Class) amending the unit types and adding a wellness suite/swimming pool extension to north elevation and minor elevational changes including ridge height changes
Approved 22.11.2018

12/2046

Hybrid planning application for the redevelopment of Ledian Farm to provide a Continuing Care Retirement Community scheme (C2 Use Class) Detailed planning application for the demolition of existing buildings and erection of 16 Assisted Living Units, conversion of Ledian Oast to form 2 Assisted Living Units, erection of Village Centre building comprising 36 Care Bedrooms, 25 Close Care Units, 16 Assisted Living Units, Wellness centre, ancillary shop (open to the public), restaurant, cafe, bar, library, craft room, laundry, kitchen and administration areas, with alteration to existing access and creation of new pedestrian and vehicular accesses to Upper Street, access roads, parking and landscaping. Outline application with access to be determined and all other matters reserved for future consideration for the erection of 38 Assisted Living Units.
Approved 16.04.2014

MAIN REPORT

1. DESCRIPTION OF SITE

- 1.01 The application site is in the countryside and includes part of the existing Care Village of which phase 1 is due to open at the end of May 2022 and phase 2 is expected to commence in November 2022.
- 1.02 The 1.7ha site measures approx. 94m deep by 190m wide. It slopes down from southwest to north east, dropping 4.1m over 210m.
- 1.03 It is grazed pasture with boundaries of a low stock and mesh fence to the east (rear garden boundaries of the Upper Street Conservation Area). To the north is private land belonging to a Grade II listed property- Tower House with trees within its boundary. To the west is the long rear garden of Tower House. To the south is the northern boundary of Phases 1 and 2 of the continuing care retirement community, the "Care Village" called Ledian Gardens. The latter will total 116 units in C2 Extra Care use.
- 1.04 To the south of Phases 1 and 2 is a Public Footpath KH245, some 90m away from the main part of the application site. . It lies in Flood Zone 1 and is in an Area of Potential Archaeological Importance. In the Regulation 19 Local Plan Review, the site lies in the Leeds-Langley Relief Road safeguarding area.

2. PROPOSAL

- 2.01 The application is the subject of a Planning Performance Agreement and has been the subject of Member meetings.
- 2.02 When the Ledian Gardens development was approved by Committee in 2013, Phase 1 was in the village confines of Leeds under the MBLP 2000. However, Phase 2 was in the countryside and justification for supporting the scheme was based on general need, jobs, facilities and high quality design (being of 'Kentish vernacular').
- 2.03 The current application is to add 39 Assisted Living Care units (for rent or sale). It will share vehicular access and communal facilities (the Village Core) of Phase 1 which is nearing completion. There would be 24/7 staff presence on site providing safety and security to residents. Up to 20 and 25 staff are likely to be on-site at any one time during peak periods.
- 2.04 A courtyard of 8 parking spaces is also to be provided for use by residents of Upper Street with vehicular access through Phase 1 and pedestrian access control to their rear gardens. These are in the SW corner of the site and intended to be under the passive surveillance of the Care units in the converted oast in Phase 1.
- 2.05 The mix of units is 2 x 3-bed units; 25x 2-bed units and 12 x 1-bed units in Class C2 (the provision of care for those in need of care). The primary occupants have Care needs assessed and must sign up to a minimum package of care. They are fully self-contained which some older people will strongly prefer and where an individual within a couple has greater care needs than the other, this can be better provided for in an Extra Care unit. The applicants advise that over 60% of their properties tend to be single occupiers, with the remainder being couples. Whilst being older is not a requirement per se for C2 use, Ledian Gardens will require the primary occupant to be at least 65..
- 2.06 Whilst not a policy requirement, 4 affordable units are being offered which will be 80% of market sale or rent: these are likely to be 1-bed units.
- 2.07 The design will reflect that of Phases 1 and 2 with a vernacular appearance including timber joinery, stock facing bricks, clay roof and hanging tiles, boarding on all units and areas of ragstone plinths and sections of ragstone boundary walling on the outer edges of the proposal (ie. on approximately half the units). The majority will be two storeys (generally lower than the buildings on phase 1) and there will be single storey and chalet style buildings at the peripheries, ie there will be a gradual reduction in bulk. Finished floor levels will correspond with the natural ground levels as far as practicable.
- 2.08 The development would remove 2 Field Maples and a short section of an overgrown hedgerow. The landscape strategy with extensive new planting will set the buildings away from the north-western boundary by 19m, from all of the northern boundary by 13m and from the eastern boundary by a 48m wide buffer, the latter to be informally landscaped as wood pasture. Mounds are shown along the boundary but these are out of character so would not be expected to be in the detailed landscaping scheme.
- 2.09 The wide buffer is aimed to provide both distance and a landscaped screen for the development from impacting harmfully on the setting of the Conservation Area (CA) of Upper Street and listed buildings within it.
- 2.10 The Care Unit proposed nearest to the listed building of Tower House to the NW of the application site is 1.5 storeys and would be over 50m from the listed building of Tower House itself.
- 2.11 A draft legal agreement has been submitted which includes the following:
 - Criteria for C2 use

- Qualifying person to be 65 or over
- Communal Facilities being provided: hair salon, meeting space, shop, café, restaurant and open space. Access will be free for the wider community in principle.
- Wellbeing facilities (swimming pool, gym and fitness studio) also to be used by the local community, subject to qualifying criteria and membership and being 55 or over (under-55s at discretion) (estimated monthly charge of £55 with some classes “pay as you go”).
- Minibus(es) for residents/carers and a booking system (electronic) allowing for local community patronage if there is spare capacity, if 60 or over, has their only or principal home in the Local Area; is a Wellness Member or has personal mobility difficulties, or does not have access to their own transport.
- Community access to open space and landscaped areas
- No future built form within the proposed landscape buffer
- NHS contributions

3. POLICY AND OTHER CONSIDERATIONS

Maidstone Borough Local Plan 2017 SS1, SP17, DM1. DM2, DM3, DM4, DM14, DM21, DM23, DM30
Kent Minerals and Waste Local Plan 2013-30 as amended by Early Partial Review (2020)
National Planning Policy Framework (NPPF)
National Planning Practice Guidance (NPPG)
Regulation 19 Local Plan Review: LPRSP5(A); LPRSP8; LPRSP9; LPRHOU7

4. LOCAL REPRESENTATIONS

Local Residents:

- 4.01 23 representations received from local residents
- 4.02 1 letter of support: Village need development to support a village shop and the long overdue by-pass.
- 4.03 The 22 objections are summarised as follows:
- Countryside/greenfield site outside the village
 - Did not form part of the original masterplan for the development considered in outline form in 2009: 'phased' approach to this development has been misleading
 - Departure from the adopted Local Plan and contrary to Local Plan Review.
 - Leeds Village is not as an area for growth due to lack of services and facilities and poor existing public transport
 - Large deviation from development envelope of the village.
 - phases 1 and 2 dominate historic core of the village skyline, dwarf existing properties and changed the character of the village.
 - large bulky dwellings and residential paraphernalia
 - Close to a conservation area and listed buildings
 - Contrary to Landscape character guidelines
 - There is no demand for extra care, especially in Leeds area.

- Phases 1 and 2 are struggling to sell, unaffordable for locals
- Harm to wildlife, inadequate ecology surveys
- Carers visiting means more cars
- Extra traffic on Upper Street already suffering congestion, altercations between drivers and damage to property due to regular accidents.
- Vehicle damage not reported as it is impossible to find the culprits.
- Refuse lorries/emergency vehicles cannot get through the village
- Inadequate parking provision
- Bypass is needed
- Traffic lights needed on Upper Street.
- The traffic management plan and parking levels of Phase 1 & 2 remains untested.
- Most people of retirement age continue to drive.
- A few parking spaces offered to a fraction of the houses on Upper Street will not alleviate existing issues
- until Phase 1 and 2 facilities are in place, it is impossible to determine the overall impact on the Village and its residents
- proposers cannot be trusted to stick to their plans re shop and to gym facilities
- Loss of outlook
- Overlooking, noise, disturbance
- May encourage further development outside the historic village envelope
- GP cannot cope with more patients
- No economic benefit the surrounding community
- For financial gain only
- Appeal cases cited are more urban areas
- Security risk
- Current construction has caused problems including damage to the utilities and services
- No benefit being offered to the village itself
- No travel plan included
- Timing of the application just before Christmas feels calculated and cynical
- Covid restrictions minimising public meetings and opportunity to oppose
- Might impede on Leeds Langley Safeguarding Area

Issues in regard of timing of the application, Covid restrictions and the development being for financial gain are not material planning considerations and therefore cannot be taken into account in the determination of this application. The other matters raised by neighbours and other objectors are discussed in the detailed assessment below.

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

- 5.01 No objections subject to age 65 and over; proper transport service is required; parking needs to cover residents, visitors, and staff, especially as some of the spaces in Phase 1 have been lost due to the access road. Leeds Parish Council would like to be consulted on the how the construction work for Phase 3 would be carried out, all construction vehicles should access the site via Phase 1 and 2.

NHS

- 5.02 No objections subject to £26,064 required towards refurbishment, reconfiguration and/or extension of Langley, Bearsted, Sutton Valence Group Practice, Mote, The Medical Centre Group and/or Len Valley Practice and/or towards new general practice premises development in the area.

Southern Water

- 5.03 The site includes an existing public foul sewer. The exact position of the public apparatus must be determined on site by the applicant. It might be possible to divert the sewer, so long as this would result in no unacceptable loss of hydraulic capacity

Historic England

- 5.04 No comments

KCC Archaeology

- 5.05 No objection subject to archaeological field evaluation works condition.

MBC Conservation Officer

- 5.06 No objections: The effect on views into the conservation area will be very limited and are already affected by earlier phases. Overall minimal effect on the character of the conservation area at the lower end of less than substantial harm.
- 5.07 Views of Tower House will be interrupted and will erode its setting as a semi-rural property. Views out from Tower House and Tower House Cottage will no longer be a rural landscape. However, there is stepping down of the heights and reduced density of buildings close to the affected boundary and landscaping on key boundaries. Overall, the harm is less than substantial.
- 5.08 There is a significant public benefit provided (the provision of much needed supported housing for the elderly) and tips the balance in favour of an approval.

KCC Biodiversity

- 5.09 No objections: If the boundary vegetation is retained, the majority of the landscaping consists of native species and the area to the east is established as 'wood pasture, orchard and wildflower grassland', biodiversity net-gain can likely be achieved. Suggest a 'Landscape and Ecological Management Plan' is submitted. Condition needed on sensitive lighting design for biodiversity

KCC Highways

- 5.10 No objections: Acceptable Access priority junction from Upper Street. A minibus is available to take residents to local service centres, which mitigate the requirement for car use, plus the development has many leisure amenities on the site. Visitor parking is available for relatives to use.
- 5.11 CrashMap does not show any issues with personal injury collisions on the highway network.

- 5.12 42 larger configuration spaces are proposed for phase 3, with 4 spaces ready for Electric Vehicle Charging Points. Cycle store will be provided, as well as integrated scooter charging points.

MBC Landscape Officer

- 5.13 The submitted LVIA is an addendum to the original site Landscape Statement and the principles appear acceptable. The buildings are set in a relatively open green landscape bordered by wood pasture. The outline schedule of soft landscape materials includes strategic information, but landscape conditions will be required.
- 5.14 Concerns about the quantity of ornamental planting shown - where ornamental planting is necessary, it should be attractive to pollinators; not in favour of 'garden-style ornamental' planting to the SuDs rain gardens; mounding is not in keeping with local landscape character should not be used to screen the development from properties on Upper Street.

KCC PROW

- 5.15 No objection but Public Rights of Way KH245 footpath should have an upgraded surface as there will be more use with the extra residents.

KCC (Flood & Water Management)

- 5.16 No objections: The Drainage Strategy would primarily compose of soakaways and attenuation basins that would attenuate and allow for infiltration into the underlying geology. Condition needed on further infiltration testing.

Kent Police

- 5.17 The DAS addresses some of our previous comments. A number of issues still need to be addressed. We welcome a discussion with the applicant/agent about site specific designing out crime.

Environmental Protection

- 5.18 No objections subject to suggested conditions on contamination, lighting, EV charging

6. APPRAISAL

Main Issues

- 6.01 The key issues for consideration relate to:

- Countryside Location
- Sustainability
- Need
- Heritage Assets
- Highways and Parking

Countryside Location

- 6.02 Paragraph 170 of the NPPF recognises the intrinsic character and beauty of the countryside. The site and the village of Leeds lie in the countryside and Policy SP17 applies: development must accord with other policies in the plan and not result in harm to the character and appearance of the area.

- 6.03 The proposal would breach SP17 as it will inevitably erode the openness of the countryside and cause unacceptable visual harm to the character and appearance of the area by virtue of the direct loss of green fields in open countryside. The openness and undeveloped nature of the area would be eradicated.
- 6.04 However, the impact on mid and long-range views of the development are more minimal owing to screening by mature planting on the northern and western boundaries curtailing those more distant viewpoints from the wider open countryside. The majority of the eastern boundary is screened from public areas of Leeds village due to the line of properties in Upper Street. There will be short-range glimpses of the Phase 3 development from the south-east corner where a driveway from Upper Street would allow a view of part of it. Visibility of the site from the southern boundary is reduced by the earlier phases of Ledian Gardens itself. The earlier phases of Ledian Gardens also screen the development from the nearest Public Right of Way in the vicinity.
- 6.05 The specific location of the site with the village of Leeds and neighbouring Ledian Gardens means that the development of the application site has a relatively limited harm on the character and appearance of the wider countryside. The main visual impact is on the private neighbouring gardens of Upper Street and Tower House.
- 6.06 It is the case that the development is at depth and expands the village envelope beyond the historic ribbon development. However, that has already occurred by the grant of planning permission for Phase 2 and phase 3 goes no further west than Phase 2 will. Phase 3 is proposed at a much lower density and height and scale than the earlier phases.
- 6.07 Therefore Policy SP17 is breached and the proposal would not comply with the Development Plan as required by section 38(6) of the Planning and Compulsory Purchase Act 2004. However, analysis of the degree of harm to the landscape and to the character and appearance of the countryside is relatively restricted and potentially could be outweighed by other material considerations as discussed below.

Sustainability

- 6.08 This is an extension to an existing care village complex so development in this location has already been accepted.
- 6.09 The spatial hierarchy Policy SS1 of the MBLP requires new development to be delivered at the most sustainable towns and villages where employment, key services and facilities, together with a range of transport choices are available. New residential development in the countryside should be considered sequentially after the defined urban area, then rural service centres and larger villages.
- 6.10 Policy DM14 refers to Nursing and Care homes rather than Extra Care but it does not support C2 in principle in the countryside, instead directing the use to the identified main settlements which have the best levels of accessibility, being places of work as well as residences.
- 6.11 Leeds is not a settlement in the hierarchy and is clearly not a sustainable settlement due to the lack of services and limited public transport by which staff could travel to work and residents could visit local services elsewhere. This stance is continued in the Regulation 19 LPR which has not accepted any promoted development in Leeds due to its lack of locational sustainability.

- 6.12 The lack of sustainability would have also applied to the earlier phases of Ledian Gardens which was permitted in 2014. The facilities within that phase secured by legal agreement would have provided some on-site services (café, hair salon, shop, gym, community and craft rooms, Open Space) and a minibus service to Maidstone and supermarkets. These would continue to be offered but are intended to be expanded and refined in the draft legal agreement submitted by the applicant as detailed above. The offer of these facilities is a recognition that without such provision, accessibility/sustainability would be a harm in the planning balance.
- 6.13 The measures offered in the draft legal agreement are adequate to make the development sufficiently environmentally sustainable notwithstanding the non-compliance with policy SS1 of the MBLP and the spirit of policy DM14. Moreover, by the applicant being agreeable to allowing more of the communal facilities and Village Transport Service for non-residents, there are potential gains for the sustainability of existing Leeds villagers.

Need

- 6.14 The NPPF requires that the size, type and tenure of housing needed for different groups in the community should be assessed and reflected in planning policies, including for older people and people with disabilities whose housing needs can encompass accessible, adaptable general needs housing through to the full range of retirement and specialised housing for those with support or care needs. The need for specialist accommodation for the elderly is recognised to be growing. The NPPG states that the “need to provide housing for older people is critical”.
- 6.15 The NPPF **encourages** but does not require LPAs to allocate land for C2 development and this is reflected in the policy context in the adopted MBLP which does not allocate land for C2 use with an expectation that they will arise from speculative applications/windfalls that comply with all other policies in the local plan.
- 6.16 County-wide C2 need is in KCC’s Adult Social Care Commissioning Market Position Statement 2021-2026. Demand for older person’s residential and nursing care has been falling steadily since 2016, both in Kent and nationally and there has recently been a much greater emphasis on (self-contained) extra care housing being an alternative to (communal) residential care for a proportion of older people. KCC expect to see a future increase in demand for all forms of C2 Care with population increases and people living longer with more complex health conditions.
- 6.17 6.17 The Strategic Housing Market Assessment (SHMA) 2021 Update is a key material consideration and a care village is classified as ‘extra care’. It indicates a Borough requirement of 803 Extra Care/Assisted Living units over the 18 year period 2019-2037 which would average at 45 pa. There was a good record of supply of this type of C2 prior to 2019 (eg Audley House at Mote Park and Thomas Place near the new KCC Library). From analysis of previous development, relatively large numbers of units have been provided intermittently on relatively few sites.
- 6.18 There is no national or local policy requirement that the C2 supply over time must be broadly equivalent to the annual average or that there needs to be the equivalent of a “5-year supply” in the same way as conventional housing. However, there is a current undersupply adding completions and pipeline supply: there are likely to be 140 units from April 2019 to the end of March 2023 (24 units at Boughton Monchelsea and 116 units at Ledian Gardens) against a cumulative need over that period of 223. Hence the undersupply in this 5 year period is in the region of 83 units. Beyond this time frame I am not aware of any allocations nor extant permissions.

- 6.19 Draft LPR policy LPRHOU7 (to which main Modifications more accurately break down the quantity of need by type of facility) would allow C2 uses outside but adjoining settlements in principle. If the policy were to progress through to adoption, then more windfall sites would be likely and this would increase the rate of meeting the overall target in the latter part of the period. However, at the current point in time and in the current policy context, there is a deficit in supply against a backdrop of growing need in the context of national planning policy that requires a positive approach to older persons' housing need in the light of the overall social and housing benefits that arise. Much weight is attached by inspectors to need at appeal.
- 6.20 Notwithstanding the above, the applicant is aware of the policy expectation that C2 uses should be located within the settlement boundaries and according with the spatial distribution of Policy SS1. They have responded:
- An extension to an existing facility must be in Leeds
 - 39 units would not be viable or deliverable in isolation
 - Overall need will require a number of unallocated sites providing a range of accommodation types
 - No suitable, available and deliverable sites were identified in Headcorn, Staplehurst, Coxheath, Maidstone, Thurnham, Harrietsham, Detling or Lordswood.
 - No sites according with SS1 have been put forward through the Local Plan Review or Call for Sites exercise
 - The lack of LPR allocations indicates that the Council has been unable to identify better alternatives.
- 6.21 The applicant also refers to their competitive disadvantage for land purchase in settlement compared to conventional housebuilders from:
- a lower amount of saleable space
 - Large sites necessary to be financially viable
 - extra care units are larger, bespoke designs
 - Extra Care villages require higher service charges
 - Higher construction costs
 - Void costs
- 6.22 The applicant's own commissioned Needs Assessment claims a shortfall greater by an extra 50%.
- 6.23 Icenl are experienced in the field of SHMAs for the Borough and I am satisfied that they have robustly assessed the C2 need and are aware of home ownership rates in Maidstone. Icenl do recommend that "housing with care" need should be treated as a minimum and not as a definitive assessment or an upper cap.
- 6.24 There is a current and clear C2 need and weight should be given to that as a material planning consideration. In this specific case, the breach of policy SP17 is relatively limited and that the site can be made acceptably sustainable despite its location not according with policy SS1.
- 6.25 A benefit of this particular scheme is that by being a third phase, the buildings in an area of restraint would fully contribute to helping to meet the C2 need as there is no necessity for any communal buildings on the application site as would be the case if this were a standalone C2 use.

Heritage Assets

- 6.26 The NPPF requires identification and assessment of the particular significance of any heritage asset and its setting affected by development. There should be avoidance or minimisation of any conflict between conservation and the proposal. It goes on to say that great weight should be given to the asset's conservation relative to its importance in regard of all levels of harm and any harm from development within its setting should require clear and convincing justification. Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this should be weighed against the public benefits of the proposal.
- 6.27 One of the heritage assets potentially affected is the middle western section of the Upper Street Conservation Area which is a large CA which spans both sides of Upper Street for a north-south distance of 540m overall. The abutment of the application site to the CA is for a distance of 90m along the rear garden boundaries of its western side.
- 6.28 There will clearly be an erosion of the rural context to the CA but the effect of the development on it will be very limited and it is already affected by the 2 earlier phases. It is the rear gardens of a relatively small section of some of the properties in the Conservation Area that are affected, not the principal elevations that front Upper Street itself and are the main contributors to its character and appearance.
- 6.29 The layout of the scheme introduces mitigation of a wide buffer of wood pasture of approx. 48m width along most of the common boundary with the CA which minimises the conflict with conservation although the proposed residents' car park does negate that buffer for the settings of the listed buildings at the Old Post Office and the Oasts south of Tower Cottage. Overall, there is minimal effect on the significance of the Conservation Area, judged to be at the lower end of less than substantial harm.
- 6.30 Other heritage assets affected by the development would be the settings 7 of listed buildings (all Grade II) within the CA and also Tower House to the NW of the site which is listed Grade II. Views of the listed buildings across the application site will be interrupted and the development will erode their settings as semi-rural properties. Views out will no longer be a rural landscape. However, in mitigation there is stepping down of the heights and reduced density of buildings close to the affected boundaries especially the wood pasture buffer to the east and also proposed landscaping on the northern and on most of the western boundaries. Overall, the harm to the significance of all listed buildings is less than substantial.
- 6.31 Therefore whilst there is harm to the significance of heritage assets, it is less than substantial. Furthermore, there is clear and convincing justification. As per the NPPF, there is a significant public benefit provided (the provision of supported housing for the elderly) and I consider that weighs in favour of the development proposed and in accordance with para 202 NPPF, harm identified has been outweighed.

Highways and Parking

- 6.32 Whilst these issues are raised by a considerable number of objectors, KCC Highways concur with the submitted Transport Statement that the development is not of a type that will increase peak traffic flows and they are also satisfied on the parking provision at a rate of 1.04 parking space per unit. All parking will be communal not allocated, which will ensure the most efficient usage and better allow carer staff to be able to park near the residents they are visiting.

- 6.33 Four bays will be provided with 'active' 7KW fast charging facilities. All remaining bays will be developed with 'passive' capabilities.

Other Matters

- 6.34 The distance, intervening landscaping and form of the development means that there are no residential amenity concerns, and the scheme complies with policy DM1 of the MBLP.
- 6.35 The design and materials are acceptable to accord with policies DM1 and DM30 relating to good design and countryside design respectively.
- 6.36 The applicant has agreed to make financial contributions as requested by the NHS as they are not a CIL liable development but would impact on health infrastructure by use of local GP services.
- 6.37 The site falls within the proposed Leeds-Langley safeguarding corridor in the Regulation 19 LPR policy LPRSP5(A) applies. However, the applicants have not provided the masterplan required by that draft policy, saying the location of the site abutting the village on 3 sides means that it is unlikely that this development will hinder or affect the potential future delivery of the road. I accept this argument but it is clearly contrary to this safeguarding policy simply because it is within it. It is not a departure in terms of LPR policy LPRSP5(A) because the LPR does not form the development plan.
- 6.38 In terms of demonstrating they are aimed at meeting downsizing aspirations for older persons in Maidstone and thus releasing local family housing as a cited benefit, the applicant advises that prices are estimated to start (based on Phase 1 sales per sq ft) at £394,953, the most expensive on phase 3 being the 3 bed cottages estimated at £878,384. Four affordable units are being offered (notwithstanding no policy requirement) at 80% (approx. £316,000). The annual service charge is £8000 and care costs are approx. £25 per hour. Wellness centre membership is free for residents.
- 6.39 Some of the objectors refer to slow sales of the existing phase 1 units, claiming there is no local need. However, it must be remembered that the units are not permitted to be conventionally marketed but must be reserved by residents over 65 who also have to demonstrate that they are in need of Care and there is a marketing cascade prioritising local connections. All of these requirements would be expected to slow the rate of reservations. As of May 2022, 25 units within Phase 1 have been reserved which exceeds the company's experience. The site is subject to preferential local marketing and 38% have a Maidstone connection as defined within the s106 agreement and 75% live within 30 miles of the site.
- 6.40 The scheme will meet the requirements of the Future Homes Standard in respect of Fabric performance and overall Carbon Emissions targets; Electric Heat Pumps, provision of infrastructure for Electric Vehicle Charging to all car park spaces. The company do use of solar PV, where possible, without detriment to the development's design standards. The scheme will comply with policy DM2 on sustainable design.
- 6.41 Preliminary Ecological Appraisal carried out by BWB Consulting in September 2018, with an updated survey carried out on 8th June 2020. It concluded no further surveys were recommended with the main development site being improved grassland which did not contain any rare or notable botanical species.
- 6.42 There will be significant Biodiversity Net Gain from new tree planting, retained lowland mixed deciduous woodland and mixed scrub, some permanently wet or damp SuDS, most native hedgerow within the site will be planted and managed. Fence styles will allow for hedgehog corridors. A LEMP can be required by condition.

The scheme will accord with policy DM3 of the MBLP relating to the Natural Environment.

- 6.43 The applicant is amenable to improving the PROW and will liaise with KCC as to the most appropriate mechanism to do so.
- 6.44 The applicant has surveyed the line of the foul sewer and the development layout avoids the need to divert it.
- 6.45 The drainage strategy is geocellular tanks; filter drains; permeable paving; rain gardens; attenuation basins. This can be refined at detailed submission stage to ensure that above ground measures are maximised for aesthetic and ecological benefits.
- 6.46 The draft Regulation 19 LPR has policies LPRSP8 and LPRSP9 which relate to Small Villages and Countryside respectively. Whilst the LPR is a material consideration, the draft policies do not alter the weight to be attached to the current MBLP policies on these same issues.

CIL

- 6.47 The Council adopted a Community Infrastructure Levy on 25 October 2017 and began charging on all CIL liable applications approved on and from 1 October 2018. The actual amount of CIL can only be confirmed once all the relevant forms have been submitted and relevant details have been assessed and approved. Any relief claimed will be assessed at the time planning permission is granted or shortly after.

PUBLIC SECTOR EQUALITY DUTY

- 6.48 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 The proposal is an extension to an existing care village.
- 7.02 The specific juxtaposition of the application site with the village of Leeds and neighbouring Ledian Gardens means that the development would have a relatively limited harm on the character and appearance of the countryside in terms of Policy SP17.
- 7.03 The services and minibus transport offered in the offered in the draft legal agreement would be adequate to make the development sufficiently environmentally sustainable notwithstanding the non-compliance with policy SS1 of the MBLP. Moreover, there are potential gains for the sustainability of the village due to facilities being provided for use by the local community.
- 7.04 There is a current deficit in supply of Extra Care units in the Borough against a backdrop of growing need and this outweighs the harm from the breach of policies SP17 and SS1.
- 7.05 There is harm to heritage assets, breaching policy DM4 of the MBLP. However, as per the NPPF, there is clear and convincing justification, and it is less than substantial harm in both respects. There is a significant public benefit of the provision of supported housing for the elderly elderly and affordable housing (which is not mandatory for this scheme) that weighs in favour of the development proposed.

- 7.06 There is conflict with the draft LPR in that it is clearly within the safeguarded area for the proposed Leeds/Langley relief road corridor but I attach little weight to this as this is yet to be examined and there is no actual route identified. There are no other material concerns with the scheme that cannot be dealt with by the legal agreement or appropriate planning conditions.

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):

- the prior payment of s106 monitoring fees of £3060
- Criteria for C2 use by Qualifying person
- Qualifying person to be aged 65 years or over
- Communal Facilities being provided and access by the wider community
- Wellbeing facilities and qualifications for membership by the wider community
- Minibus for residents/carers and qualifications for use by the wider community
- Community access to open space and landscaped areas
- No future built form within the proposed landscape buffer
- NHS contributions £26,064 required towards general practice premises development in the area

and the imposition of the conditions as set out below:

- 1) The development hereby permitted shall be begun before the expiration of three years from the date of this permission;
Reason: In accordance with the provisions of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans:
303 A Ledian Farm Phase 3 Context Masterplan; 2222_014_Ph3_G Site Location Plan for Phase 3 ; 2714_PH3_117 A Phase 3 Site Sections ; 2714_PH3_119A Phase 3 Block Plan Incl Boundaries ; 2714_PH3_201 Phase 3 Plant Room and Enclosure ; 2714_PH3_202 A Phase 3 Electrical Sub-Station ; 2714_PH3_B11_3110 D Block 11 - Floor Plans ; 2714_PH3_B11_3111 C Block 11 Elevations ; 2714_PH3_B12_3120 D Block 12 - Floor Plans ; 2714_PH3_B12_3121 C Block 12 - Elevations ; 2714_PH3_B13_3130 B Block 13 - Floor Plans ; 2714_PH3_B13_3131 B Block 13 - Elevations ; 2714_PH3_B14_3140 C Block 14 - Floor Plans ; 2714_PH3_B14_3141 D Block 14 Elevations ; 2714_PH3_B15_3150 C Block 15 - Floor Plans ; 2714-PH3-B15-3151 Rev C Block 15 Elevations ; 2714_PH3_B16_3160 C Block 16 - Floor Plans ; 2714-PH3-B16-3161 Rev D Block 16 Elevations; 2714_PH3_B17_3170 A Block 17 - Floor Plans ; 2714-PH3-B17-3171 Rev B Block 17 Elevations; 2714_PH3_B18_3180 E Block 18 - Floor Plans ; 2714_PH3_B18_3181 C Block 18 - Elevations ; 2714_PH3_B19_3190 D Block 19 -

Floor Plans ; 2714_PH3_B19_3191 B Block 19 - Elevations;
2714_PH3_B20_3200 B Block 20 - Floor Plans ; 2714_PH3_B20_3201 B Block
20 - Elevations ; 2714_Ph3_B21_3211 A Block 21 - Elevations;
2714_PH3_B21_3210 C Block 21 - Floor Plans;

Reason: To clarify which plans have been approved.

- 3) Above ground construction work on the approved buildings of the development shall not commence until, written details and samples of the materials to be used in the construction of the external surfaces of the buildings hereby permitted have been submitted to and approved in writing by the Local Planning Authority and the development shall be constructed using the approved materials. The submitted details shall include timber joinery, stock bricks, clay roof and hanging tiles, timber boarding and coursed ragstone plinths and sections of ragstone walling to accord with the approved elevation drawings.

Reason: To ensure a satisfactory appearance to the development.

- 4) Prior to the commencement of above ground construction works, full details of the following matters shall be submitted to and approved in writing by the Local Planning Authority:-

a) new external joinery in the form of large scale drawings.

b) details of eaves and roof overhangs in the form of large scale drawings

c) details of balconies, projecting bays and porch canopies

d) details of window headers and cills and door headers

Reason: To ensure an appropriate design and appearance for the development.

- 5) The development hereby approved shall not commence above slab level until sample panels of ragstone demonstrating the colour, texture, bond and pointing of have been constructed on site which shall be approved by the Local Planning Authority. The development shall be carried out in accordance with the approved details. The sample panels shall be retained on site until development using the relevant material is completed.

Reason: To ensure the quality of the development is maintained.

- 6) The approved details of the parking/turning areas shall be completed before the first occupation of the buildings hereby permitted and all spaces related to the Care Use shall thereafter be kept available for such use on a communal basis. No development, whether permitted by the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that Order, with or without modification) or any other statutory provision, shall be carried out on the areas indicated or in such a position as to preclude vehicular access to them

Reason: Development without adequate parking/turning provision is likely to lead to parking inconvenient to other road users and in the interests of road safety.

- 7) The development shall not be occupied until 8 secure and covered cycle parking spaces have been provided in accordance with the drawings hereby approved and they shall be retained thereafter.

Reason: In the interests of sustainable travel

- 8) The BREEAM Travel Plan in Appendix D of the Transport Statement hereby approved shall be updated to include Phase 3 as detailed in the Transport

Statement prior to first occupation and shall be implemented thereafter.

Reason: In the interests of sustainable travel.

- 9) Prior to the commencement of works, a Landscape and Ecological Management Plan (LEMP) shall be submitted to and approved by, the local planning authority. The content of the LEMP will be based on figure 3 of the Biodiversity Net-Gain Assessment letter (Applied Ecology November 2021) and will 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 prescriptions for achieving aims and objectives;
 - e) Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period);
 - f) Details of the body or organisation responsible for implementation of the plan, and;
 - g) Ongoing monitoring and remedial measures.

The LEMP shall also include details of the legal and funding mechanism 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 approved plan will be implemented in accordance with the approved details.

Reason: In the interest of long term ecological and landscape enhancement.

- 10) The development hereby approved shall not commence above slab level until details of a scheme for biodiversity net gain of at least 10% on the site have been submitted to and approved in writing by the Local Planning Authority. The scheme shall consist of the enhancement of biodiversity through integrated methods (such as swift bricks, bat tubes and bee bricks) and through the provision within the site (such as bird boxes, bat boxes, bug hotels, log piles, wildflower planting and native hedgerow corridors) and use of hedgehog friendly boundary treatments. The development shall be implemented in accordance with the approved details prior to first occupation and all features shall be retained thereafter.

Reason: To enhance the ecology and biodiversity on the site.

- 11) The development shall not continue above slab level until details of hard landscape works have been submitted to and approved by the local planning authority and the development shall be carried out in accordance with the approved details before the first occupation of the building.

Reason: To ensure a satisfactory appearance to the development

- 12) The development hereby approved shall not commence above slab level until a landscape scheme designed with predominantly native species in accordance with the principles of the Council's landscape character guidance and generally based upon the drawing 1564 L 302 C has been submitted to and approved in writing by the local planning authority. The scheme shall show all existing trees, hedges and blocks of landscaping on, and immediately adjacent to, the site and indicate whether they are to be retained or removed, provide details of onsite replacement planting to mitigate any loss of amenity and biodiversity value and include a planting specification, a programme of implementation and a management plan.

Reason: In the interests of landscape, visual impact and amenity of the area and to ensure a satisfactory appearance to the development.

- 13) The approved landscape details shall be carried out during the first planting season (October to February) following first occupation of the development. Any seeding or turfing which fails to establish or any trees or plants which, within five 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: In the interests of landscape, visual impact and amenity of the area and to ensure a satisfactory appearance to the development.

- 14) Above ground construction work on the approved buildings shall not commence until, details of all ramps, fencing, walling and other boundary treatments have been submitted to and approved in writing by the Local Planning Authority and the development shall be carried out in accordance with the approved details before the first occupation of any of the buildings in Phase 3 and maintained thereafter. These shall reflect the details approved for phase 1 and 2 and all post and rail fencing shall be rivened/cleft type.

Reason: To ensure a satisfactory appearance to the development.

- 15) The development shall be carried out in full accordance with the hereby approved Arboricultural Implications Assessment received on 07 Apr 2022 in relation to tree and hedgerow protection measures and specifically Appendix 3 (Tree Protection Drawing J38.82/07 Rev A) and Appendix 4 (Fencing Specification and Signage).

Reason: to ensure the protection of existing trees as part of the development.

- 16) Development shall not begin until a detailed sustainable surface water drainage scheme for the site has been submitted to (and approved in writing by) the local planning authority. The detailed drainage scheme shall be based upon the principles contained within the Flood Risk Assessment report (September 2021, Revision P1) and Proposed Drainage Strategy drawing (LF3-BWB-DDG-XX-DR-C-0500- Revision P2) with a maximum incorporation of above ground wet SuDS features such as filter drains, rain gardens and wet attenuation basins. The submission shall also demonstrate that the surface water generated by this development (for all rainfall durations and intensities up to and including the climate change adjusted critical 100 year storm) can be accommodated and disposed of within the curtilage of the site without increase to flood risk on or off-site. The drainage scheme shall also demonstrate (with reference to published guidance):

- that silt and pollutants resulting from the site use can be adequately managed to ensure there is no pollution risk to receiving waters.
- appropriate operational, maintenance and access requirements for each drainage feature or SuDS component are adequately considered, including any proposed arrangements for future adoption by any public body or statutory undertaker.

The drainage scheme shall be implemented in accordance with the approved details.

Reason: To ensure the development is served by satisfactory arrangements for the disposal of surface water and to ensure that the development does not exacerbate the risk of on/off site flooding. These details and accompanying calculations are required prior to the commencement of the development as they form an intrinsic

part of the proposal, the approval of which cannot be disaggregated from the carrying out of the rest of the development.

- 17) No building on any phase (or within an agreed implementation schedule) of the development hereby permitted shall be occupied until a Verification Report, pertaining to the surface water drainage system and prepared by a suitably competent person, has been submitted to and approved by the Local Planning Authority. The Report shall demonstrate the suitable modelled operation of the drainage system where the system constructed is different to that approved. The Report shall contain information and evidence (including photographs) of details and locations of inlets, outlets and control structures; landscape plans; full as built drawings; information pertinent to the installation of those items identified on the critical drainage assets drawing; and, the submission of an operation and maintenance manual for the sustainable drainage scheme as constructed.

Reason: To ensure that flood risks from development to the future users of the land and neighbouring land are minimised, together with those risks to controlled waters, property and ecological systems, and to ensure that the development as constructed is compliant with and subsequently maintained pursuant to the of the National Planning Policy Framework.

- 18) Where infiltration is to be used to manage the surface water from the development hereby permitted, it will only be allowed within those parts of the site where information is submitted to demonstrate to the Local Planning Authority's satisfaction that there is no resultant unacceptable risk to controlled waters and/or ground stability. The development shall only then be carried out in accordance with the approved details.

Reason: To protect vulnerable groundwater resources and ensure compliance with the National Planning Policy Framework

- 19) The development hereby approved shall not exceed the indicative spot levels and finished floor levels as shown on drawing no. 156_L 305 and the proposed ground levels of the gardens, roadways and car parking areas shall be in accordance with details that have been submitted to and approved in writing by the Local Planning Authority, such submitted details clearly showing existing site levels.

Reason: In order to secure a satisfactory form of development having regard to the topography of the site.

- 20) Prior to the commencement of development the applicant, or their agents or successors in title, will secure:

(i) archaeological field evaluation works in accordance with a specification and written timetable which has been submitted to and approved by the Local Planning Authority; and

(ii) further archaeological investigation, recording and reporting, determined by the results of the evaluation, in accordance with a specification and timetable which has been submitted to and approved by the Local Planning Authority;

(iii) programme of post excavation assessment and publication.

Reason: To ensure that features of archaeological interest are properly examined, recorded, reported and disseminated.

- 21) Prior to occupation, a lighting design plan for biodiversity should be submitted to and approved by the Local Planning Authority. The plan will show the type and locations of external lighting, demonstrating that areas to be lit will not disturb bat

activity. All external lighting will be installed in accordance with the specifications and locations set out in the plan and will be maintained thereafter. This scheme shall take note of and refer to the Institute of Lighting Engineers Guidance Notes for the Reduction of Obtrusive Lighting, GN01, dated 2021 (and any subsequent revisions) and shall include a layout plan with beam orientation and a schedule of light equipment proposed (luminaire type; mounting height; aiming angles and luminaire profiles) and an ISO lux plan showing light spill. The colour temperature of the lighting shall be at the red end of the spectrum. No lighting shall be installed except in accordance with the approved scheme which shall be retained thereafter.
Reason: In the interests of biodiversity and rural amenity.

- 22) The development hereby approved shall not be occupied until at least four bays have been provided with 'active' 7KW fast charging facilities. All remaining bays will be developed with 'passive' capabilities. The electric scooter charging points shall be installed prior to occupation of the building to which they relate. All charging points shall thereafter be retained.
Reason: To promote the reduction of CO2 emissions through the use of low emissions vehicles.

- 23) The development shall not commence above slab level until details of how decentralised and renewable or low-carbon sources of energy will be incorporated into the development hereby approved have been submitted to and approved by the local planning authority. Measures shall include:

- Details of Heat Pumps
- Provision of solar PV compatible with the character of the scheme.

The approved details shall be installed prior to first occupation and maintained thereafter. Any PV panels that are or become defective shall be replaced as soon as is reasonably practicable.

Reason: In the interests of sustainable and energy efficient form of development

- 24) The internal areas of the development shall conform to Lifetime Homes standards.
Reason: To ensure the development is compatible with its intended care use.

INFORMATIVES

- 1) The landscape details will be expected to minimise non-native ornamental planting and any justified should be attractive to pollinators; the SuDs rain gardens should not have ornamental planting; mounding is not in keeping with local landscape character should not be used to screen the development from properties on Upper Street.
- 2) You are advised that delivery routing for large construction vehicles shall use the existing access for phases 1 and 2 and only via A274 at the junction with The Plough PH then Willington Street to A20.
- 3) 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.

- 4) You are advised to liaise with Kent Police for Secured by Design advice.
- 5) An approval for the connection to the public foul sewer should be submitted under Section 106 of the Water Industry Act.