

REPORT SUMMARY

REFERENCE NO - 16/502993/FULL			
APPLICATION PROPOSAL Demolition of existing buildings and construction of 18 new C2 Extra Care Retirement Homes, Club House, Car Ports, Bin Stores, Landscape Scheme and Access Road. Demolition of garage to rear of 70 Church Street and erection of new oak framed car port to rear garden			
ADDRESS Land To West Of 70 Church Street, Boughton Monchelsea ME17 4HN			
RECOMMENDATION: The Head of Planning and Development BE DELEGATED POWERS TO GRANT planning permission subject to the prior completion of a legal agreement and the imposition of the conditions:			
SUMMARY OF REASONS FOR RECOMMENDATION: The resolution previously made by Members for this application on 16 th March 2017 to grant permission for the development is no longer policy compliant owing to the adoption of the Local Plan in October 2017, specifically SP20(5) which excludes fully serviced residential care homes and nursing homes from a requirement for affordable housing provision. There have been no other material changes outside of the requirement for affordable housing provision, and as such, the previous committee resolution to grant subject to a legal agreement requires an amendment to remove the requirement for affordable housing provision from the legal agreement to make the decision compliant with local planning policy.			
REASON FOR REFERRAL TO COMMITTEE: Amendment to a previous committee resolution			
WARD Boughton Monchelsea And Sutton	PARISH/TOWN Boughton Monchelsea	COUNCIL	APPLICANT Country House Homes Ltd AGENT Country House Homes Ltd
DECISION DUE DATE 04/05/18	PUBLICITY EXPIRY DATE 212/17	OFFICER SITE VISIT DATE 24/06/2016	
RELEVANT PLANNING HISTORY (including appeals and relevant history on adjoining sites):			
App No	Proposal	Decision	Date
TPO/09.1997	Blanket TPO order on Nutplatt		
Exemption clearance	Agent confirmed tree removal through clause 14. (1) (a) (vi) of the Town and Country Planning (Tree Preservation) (England) Regulations 2012	n/a	19.1.16

MAIN REPORT

1.0 DESCRIPTION OF SITE

- 1.01 The site was formerly a cobnut plantation which was largely cleared in February /March 2016 and which is now bare ground across over two thirds of the site with an area of cobnut trees remaining to the west of the site. The site borders the village sports field to the south by an established hedgerow which is 3-4 metres in height and the remaining part of the cobnut plantation borders the western part of the site. The site also includes part of the garden of no.70 Church Street which will facilitate the widening of the access road which currently provides access to the site from the south east corner from Church Street. The gardens of the residential properties on

Church Street back onto the eastern boundary of the site which is bounded by a hedgerow and a further hedgerow lines along the northern boundary which borders a paddock to the north of the site. The site is relatively flat in topography and due to the boundary hedgerows is relatively well contained from the wider landscape. There are a collection of prefabricated structures including a mobile home which are; it is assumed, left over from the previous plantation use.

- 1.02 The site lies to the west of Church Street and to the north of Heath Road with the remainder of the village 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 and connect the site with the local social club, sports pitches, village shop and bus stops on Heath Road which connect to Maidstone and elsewhere within the borough.

2.0 PROPOSAL

- 2.01 The proposal for the construction of 18 C2 extra care units together with a communal club house building, associated car ports, access and parking/turning areas , was considered in full by the Planning Committee on 16th March 2017. Each unit will be 2 bedrooms and has been designed to accord with lifetime home/HAPPI (Housing our Aging Population Panel for Innovation) standards in order the units are able to adapt to the occupiers needs as their care needs change. The applicant is proposing to restrict occupancy in order that the use falls within the Class C2 use class by ensuring occupiers are subject to an initial care needs assessment and the need to sign up to a minimum care package as well as being restricted to persons over 55 years of age. The on-site club house building would be the central base for the on-site management and the site would also provide 24hr care for the occupants.
- 2.02 A copy of the Officers report is appended to this report.
- 2.03 The committee resolved approval of the application subject to the prior completion of a S106 legal agreement in such terms as the Head of Legal Partnership may advise. The 106 legal agreement was to include the provision of 20% affordable housing on site (with option for off-site contributions if a registered provider cannot be secured) in line with DM13.
- 2.04 Subsequent to consideration of the application, the Local Plan has been adopted. During the process of adoption, it was clarified that C2 uses are not liable to affordable housing contributions. As such, the committee resolution, and legal agreement are not compliant with planning policy. This needs to be rectified prior to the signing of the legal agreement and issue of the decision.
- 2.05 With regard to this application, there have been no other material changes outside of the requirement for affordable housing provision. This report therefore seeks a resolution from committee to agree the previous committee decision but omitting the requirement for affordable housing.

3.0 POLICY AND OTHER CONSIDERATIONS

The National Planning Policy Framework (NPPF)
National Planning Practice Guidance (NPPG)
Maidstone Borough Local Plan

4.01 It is of note that the previous recommendation was made on the basis of policies ENV28, ENV6, H25, H26 of the previous development plan, and policies SP11, SP12, SP17, DM1 DM3, DM12, DM13, DM15, DM22, DM27 of the emerging local plan.

4.02 These have now been superseded by the adopted Local Plan (2017). However with the exception of the matter under consideration, the policy framework remains the same with regard to the current application. The general policy emphasis has not changed, and, aside from the application of policy SP20 as will be considered in this report, there is no material planning reason for any change to the recommendation previously made.

4.0 LOCAL REPRESENTATIONS

4.01 N/a

5.0 CONSULTATIONS

5.01 N/a

6.0 APPRAISAL

6.01 In consideration of the application on 16th March 2017, members resolved the following:

'That subject to the prior completion of a S106 legal agreement in such terms as the Interim Head of Legal Partnership may advise to secure the following:

- *The provision of 20% affordable housing on site (with option for off-site contributions if a registered provider cannot be secured) in line with DM13;*
- *The restriction of the units to persons of 55 years of age and over and that occupants are subject to care need assessment and are required to commit to a minimum care package to be agreed with the Local Planning Authority; and*
- *A healthcare contribution of £15,163.20 (the Head of Planning and Development acting under delegated powers to investigate with the CCG whether the healthcare contribution can be used to deliver medical facilities in Boughton Monchelsea, and, subject to the outcome of those discussions, to finalise where it is to be spent),*

the Head of Planning and Development be given delegated powers to grant permission subject to the conditions set out in the report and the additional condition set out in the urgent update report with:

- *An additional condition regarding the cutting back of the hedge on the boundary with Church Street to maintain visibility splays, these splays to subsequently be maintained at all times (the precise wording of the additional condition to be finalised by the Head of Planning and Development acting under delegated powers); and*
- *An informative to the effect that the Ward Member should be involved in approval of details relating to landscaping (the precise wording of the informative to be*

finalised by the Head of Planning and Development acting under delegated powers).'

- 6.02 Subsequent to consideration of the application, the Local Plan has been adopted. Adopted policy SP20 states:

...5. The council has set a zero affordable housing rate for fully serviced residential care homes and nursing homes'

- 6.03 The proposal is for the construction of 18 C2 extra care units together with a communal club house building, associated car ports, access and parking/turning areas.
- 6.04 The application proposes a specialist type of housing which will be aimed towards the ageing population and those requiring care and can be considered to represent a type of accommodation known as extra care housing. The occupation restriction of the units to extra care housing would be secured through the use of an appropriate legal agreement which will restrict occupation to those over 55 years old and those who also commit to a minimum care package which will develop in line with the occupier's health needs. Therefore it is reasonable to consider the scheme separately from traditional housing schemes as the development will deliver a specialist housing type which will be intrinsically linked to the provision of care as well as that of the aging population. This was previously accepted by members in consideration of the application on 16th March 2017.
- 6.05 As a result of adoption of the local plan, including policy SP20(5), the committee resolution and legal agreement are no longer compliant with planning policy. This needs to be rectified by the removal of the section of the committee's previous resolution which states: '*The provision of 20% affordable housing on site (with option for off-site contributions if a registered provider cannot be secured) in line with DM13*';
- 6.06 All other matters would remain the same as previously considered. With regard to this application, there have been no other material changes outside of the requirement for affordable housing provision. This report therefore seeks a resolution from committee to agree the previous committee decision but omitting the requirement for affordable housing.

7.0 CONCLUSION

- 7.01 The resolution previously made by Members on 16th March 2017 is no longer policy compliant owing to the adoption of the Local Plan, specifically SP20(5) which excludes fully serviced residential care homes and nursing homes from a requirement for affordable housing provision.

- 7.02 There have been no other material changes outside of the requirement for affordable housing provision, and as such, the previous committee resolution requires an amendment to remove the requirement for affordable housing provision to make the decision compliant with local planning policy.

8.0 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 restriction of the units to persons of 55 years of age and over and that occupants are subject to care need assessment and are required to commit to a minimum care package to be agreed with the local planning authority
- Contribution of £15,163.20 to be provided to support one of the three GP Practices in the area including either Mote Medical Centre, Wallis Avenue and Grove Park surgeries

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. No building works above slab level shall commence until written details and samples of the materials to be used in the construction of the external surfaces of the buildings and hard surfaces 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;

Reason: To ensure a satisfactory appearance to the development.

3. The development shall not commence until details of the proposed slab levels of the buildings and 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.

4. Details of a "lighting design strategy for biodiversity" for the site shall 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 interest biodiversity protection and visual amenity.

5. Notwithstanding the junction design shown on the submitted plans, development shall not commence until details of a pedestrian priority junction between the proposed access road and the highway have been approved in writing by the Local Planning Authority. The development shall not be occupied until that junction has been constructed in accordance with the approved details.

Reason: In the interests of highway safety.

6. The development shall not be occupied until the parking areas and car ports, shown on the plan 500/KF/003B has been provided and that area shall not thereafter be used for any purpose other than the parking of vehicles for the development hereby approved.

Reason: In the interests of highway safety

7. No development shall take place before a construction method statement for the construction of the development hereby approved has been submitted to, and approved in writing by, the Local Planning Authority. Details submitted in respect of the method statement, incorporated on a plan, shall provide for wheelcleaning facilities during the demolition, excavation, site preparation and construction stages of the development. The method statement shall also include details of the means of recycling materials, the provision of parking facilities for contractors during all stages of the development (excavation, site preparation and construction), unloading and loading of construction vehicles and the provision of a means of storage and/or delivery for all plant, site huts, site facilities and materials. The construction works shall be carried out in accordance with the approved method statement

Reason: to maintain highway safety and amenities of adjacent properties during construction)

8. The clubhouse as approved shall only be used for the provision of care or for purposes ancillary to the use of the wider site and extra care units hereby approved

Reason: to prevent harm to the wider highway network and amenities of surrounding Occupiers

9. No development above damp proof course level shall take place until details of a scheme of landscaping based on the principles of submitted plan 500/KF/018C and 500/KF 019C, using indigenous 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, shall be submitted to and approved in writing by the Local Planning Authority.

The landscape scheme shall be designed using the principle's 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

10. The occupation of the development hereby permitted shall not commence 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

11. 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.

12. The development shall not commence until a Landscape and Ecological Design and Management Plan, which is based upon the principles set out on plans 500/KF/018C and 500/KF/19C, 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.

13. The development shall not commence until (including any demolition, ground works, site clearance) a Reptile mitigation strategy has been submitted to and approved in writing by the local planning authority. The content of the strategy shall include:

- a) Details of the timings for the establishment of the receptor site and triggers for when translocation can commence
- b) Identification of ecological impacts, informed by updated ecological surveys where necessary;
- c) Purpose and ecological objectives for the proposed works;
- d) Practical measures (both physical measures and sensitive working practices) necessary to achieve stated objectives (may be provided as a set of method statements);
- e) Extent and location of proposed works, shown on appropriate scale maps and plans;
- f) Timetable for implementation, demonstrating that works are aligned with the proposed phasing of construction;
- g) Persons responsible for implementing the works, including times when specialist ecologists need to be present on site to oversee works;

The works shall be carried out in accordance with the approved details, unless varied by a European protected species mitigation licence subsequently issued by Natural England. In the interests of securing the maximum benefit for biodiversity, any variation of the agreed mitigation required by Natural England must not result in the reduction of the quality or quantity of mitigation/compensation provided.

Reason: In the interest of ecology and biodiversity enhancement

14. The development shall not commence until details of measures to enhance biodiversity have been submitted to and approved in writing by the Local Planning Authority and shall include the following:

- a) Sparrow terraces within buildings
- b) Bird and bat boxes throughout the site
- c) Wildlife friendly gullies

The approved measures shall be in place prior to first occupation of the accommodation hereby approved.

Reason: To protect and enhance biodiversity

15. 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.

16. Prior to the commencement of development the applicant, or their agents or successors in title, will secure and implement:

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

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

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. The detailed drainage scheme shall be based on the preliminary strategy prepared by prepared by Country House Developments (April 2016) and 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.

19. None of the dwellings hereby permitted shall be occupied until details of the proposed means of foul water sewerage disposal have been submitted to, and approved in writing by, the Local Planning Authority in consultation with Southern Water and the approved details implemented.

Reason: In the interests of pollution and flood prevention pursuant to the National Planning Policy Framework 2012.

20. The development hereby permitted shall be carried out in accordance with the following drawings;

Site Layout plan 500/KF/003B, Plot 1-7 floorplans 500/KF/004B, Plot 1-7 elevation 500/KF/006B, Plots 8-16 500/KF/005A and 500/KF/007A, Landscape and Enhancement Plans 500/KF/018C and 500/KF/19C, 500/KF/003B, Car ports 500/CM/011A, Clubhouse 500/KF/009C, Bin stores 500/CM/014B, Tree and Hedgerow Protection Plan 500/KF/021, Preliminary Ecological Appraisal and Bat Surveys, Flood risk Assessment, Care Provision information, Design and Access Statement

Reason: For the purposes of clarity.

Case Officer: Joanna Russell

NB For full details of all papers submitted with this application please refer to the relevant Public Access pages on the council's website.