

### Minutes of the planning committee meeting 16 March 2017:

All Members stated that they had been lobbied.

The Committee considered the report and the urgent update report of the Head of Planning and Development.

Mr Edmunds, an objector, Councillor Martin of Boughton Monchelsea Parish Council, and Mr Osborne (for the applicant)/Mr Unwins (in support) addressed the meeting.

**RESOLVED:** 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).

Voting: 7 – For 6 – Against 0 – Abstentions

Councillor Munford requested that his dissent be recorded.

### REPORT SUMMARY

<b>REFERENCE NO - 16/502993/FULL</b>
<b>APPLICATION PROPOSAL</b> 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
<b>ADDRESS</b> Land to west of 70 Church Street Boughton Monchelsea ME17 4HN
<b>RECOMMENDATION</b> Approval subject to conditions and S106

### SUMMARY OF REASONS FOR RECOMMENDATION

The land occupies a central village location which is considered to have good access to amenities and which is relatively well contained in landscape terms. Whilst the site lies outside the development boundary for the village, the development will deliver a type of accommodation that is required over the plan period by contributing to meeting the needs of the ageing population and specialist care need in a manner which is considered to have a limited landscape impact. The development will be of a traditional design and form which will be set within a landscaped context which includes existing and proposed planting which limits any impact on the wider countryside character. Whilst, it is noted the majority of the previous Cobnut plantation was removed under an exemption to the Tree Preservation Order, there is no legal requirement to replant, and there is no evidence to suggest the previous removal of trees is linked to this application. As such, this matter is not considered sufficient to warrant refusal of the application. The development is considered acceptable in all other regards including ecology, drainage, highways and residential amenity.

### REASON FOR REFERRAL TO COMMITTEE

- Represents a departure from the development plan on account of its location outside the development boundary
- Contrary to the views of Boughton Monchelsea Parish Council

**WARD** Boughton  
Monchelsea And Chart  
Sutton

**PARISH/TOWN COUNCIL**  
Boughton Monchelsea

**APPLICANT** Country House  
Homes Ltd  
**AGENT** Country House Homes  
Ltd

### DECISION DUE DATE

28/07/16

### PUBLICITY EXPIRY DATE

28/07/16

### OFFICER SITE VISIT DATE

24.6.2016

### 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

- 1.1 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.

- 1.2 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**

- 2.1 The development proposals relate to the construction of 18 C2 extra care units together with a communal club house building, associated car ports, access and parking/turning areas. Each unit will be 2 bedrooms and has been designed to accord with lifetime home/HAPPI 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 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.
- 2.2 The scheme has been designed to have a traditional appearance and a low physical profile whilst retaining the existing landscape structure including hedgerows with open space to the development. Further landscaping and ecological enhancements are proposed within the site and to its boundaries and parking and turning spaces will be provided within the central part of the site by way of car ports and parking spaces.
- 2.3 The applicant provided further detail on how the development would operate in relation to securing the care provision and the management of the wider site. The applicant has confirmed the development would be built out by a company who specialise in care/retirement facilities and would be managed by a registered care provider who will take on the care provision relating to the site and a management company would carry out maintenance to the wider site and buildings including rear gardens. The care provider is an experienced care provider, Xtracare Ltd, who has been undertaking a search for a new site for many years in the Maidstone area and is a local company registered with the Care Quality Commission (CQC). The eligibility of occupiers would be restricted to age and care needs and would involve a criteria selection and assessment by Xtracare to ensure the occupant/purchaser has sufficient care requirements both currently and into the future. The applicant is proposing such a use can be secured by legal agreement.
- 2.4 The application has been amended and further information has been submitted during the application process but this was either minor design alterations to the original plans or further information in respect of care provision, ecology, trees and drainage which sought to clarify points made in the original application submission.

This information was subject to consultation with the relevant authorities such as KCC Drainage and ecology and MBC Housing. However, in February 2017, the applicant submitted further landscaping plans to retain the cobnut trees to the west of the site. On the basis the cobnut plantation formed a central part of local concerns, it was considered appropriate to undertake a further round of consultation and further comments have been received on these new documents.

### 3.0 PLANNING CONSTRAINTS

Outside the adopted development boundary for Boughton Monchelsea TPO no.9 1997 in respect of remaining cobnut trees

### 4.0 POLICY AND OTHER CONSIDERATIONS

The National Planning Policy Framework (NPPF)  
National Planning Practice Guidance (NPPG)  
Development Plan: Policy ENV28, ENV6, H25, H26  
Emerging Maidstone Local Plan 2011-2031 SP11, SP12, SP17, DM1 DM3, DM12, DM13, DM15, DM22, DM27

### 5.0 LOCAL REPRESENTATIONS

Neighbour consultations were sent out on the 4<sup>th</sup> May 2016 and a site notice was placed at the site on the 8<sup>th</sup> June 2016

The application has attracted 61 responses from members of the public.

The comments (14) made in support of the application can be summarised as;

- Support the Borough's ageing population and meet unmet needs of communities
- Good design
- Low traffic use and suited to area
- Allow people to stay in the village in their communities
- Promote independence and reduce reliance on social care
- Provide jobs in local area through suppliers and medical services
- Low density which is suitable to area

The comments made (47) against the development can be summarised as;

- Increased traffic/congestion/lack of parking and Church Street unsuitable
- Access is unsuitable
- Drainage issues
- Outside village envelope, not in emerging plan and contrary to policy relating to C2 uses
- Loss of plantation
- Adverse impact on views and privacy of adjoining residents
- Existing sheltered housing underused
- Represents normal residential development
- Is surrounded in middle of village and therefore access is poor
- Ecology issues have not been addressed properly
- Disagrees with large village designation, lack of infrastructure, no doctors
- Backland development

Following the consultation exercise in February 2017 further comments<sup>19</sup> have been made in respect the applications;

Those against the development (18) commented on the following matters;;

- Original comment still stand and revised plans do not overcome original objections
- Pedestrian safety and access
- Infrastructure
- Not suitable for retirement
- Should be agricultural land

Those in support of the development (1) commented on the following matters;

- Former parish resident who states it would allow elderly person to remain in the village and would free up other housing

## 6.0 CONSULTATIONS

**Boughton Monchelsea Parish Council** – Objects to the application on the following grounds;

- Not part of the emerging plans or considered suitable for C2 in SHLAA
- Site is outside village envelope. Emerging Policy DM15 states C2 uses should be contained within village envelopes
- Not a sustainable location due to lack of services or public transport
- Church Street is narrow and unsafe for new access, additional traffic
- Will be visually intrusive and affect amenity of adjoining residents
- Out of character with village and Church Street and backland development
- Effectively dwellinghouses rather than C2 use and no affordable provision

### Further comments

- Original comments and objection still stands
- Poor services in village – not sustainable
- Outside village envelope
- Highway-pedestrian safety

**KCC Highways** – No Objections subject to conditions relating to parking, construction management plan, access plan and surface water

- Agrees with the applicant's lower trip rate outside of peak times
- Acknowledges parked cars on Church Street but points to no injury crashes in last 10 years

**NHS Property Services**- No objections subject to contributions

**Environmental Health**- No objections

**KCC Flood Risk Officer**- No objections subject to conditions

- Agree with recommendations of submitted surface water strategy

- Provide recommendations which should be dealt as part of information submitted for conditions

**Southern Water-** No Objections

**KCC Archaeology-** No Objections subject to conditions requiring further investigation

**Upper Medway IDB-** No objections

**UK Power Networks-** No Objections

**KCC Ecology**

Confirm sufficient information has been provided and suggest conditions in relation to mitigation method statement and enhancements.

Further comments

As site has no ecological constraints, there have no further comment to make

**MBC Landscape/Trees**

Whilst they do not support the application due to loss of the previous Nutplatt, they acknowledge that legal advice has confirmed there is no requirement to replant in this instance and there is no evidence to suggest the Nutplatt was removed for the proposed development. In terms of the detail, they suggest a condition to require details of a arboricultural method statement and a robust landscaping plan which should have a 10 year protection condition applied.

Further comments

Generally happy with the revised landscaping scheme but would like more information on long term management of cobnuts including coppicing programme and translocation of cobnuts.

**7.0 BACKGROUND PAPERS AND PLANS**

*Application forms*

*Design and Access Statement*

*Existing site plan*

*Proposed site plan*

*1-7 Floorplans and Elevations*

*8-16 Floorplans and Elevations*

*17-18 Floorplans and Elevations*

*Car ports floorplans and Elevations*

*Bin and Garden Store Elevations*

*Landscape and Ecology Enhancement Plan (as amended)*

*Arboricultural Statement and appendices*

*Tree and Hedgerow Protection Plan*

*External Lighting Plan*

*Ecological Appraisal and Bat Surveys*

*Care Provision Info*

*Drainage Layout*

*Flood Risk Assessment and Drainage report*

**8.0 APPRAISAL**

### **Background**

- 8.1 The site was formerly a Nutplatt plantation that is subject to a Tree Protection Order (TPO No.9 of 1997) and was cleared under an exemption to the legislation following consultation with the council's landscape department in early 2016 with this being complete in March 2016. At this time the landowner advised the council that the clearing was permitted on account of the losses made by the cobnut business and thus they were permitted to be cleared under part (1)(a)(vi) of the Town and Country Planning (Tree Preservation)(England) Regulations 2012. On this basis and having taken legal advice, the council confirmed they could not object to the works. It is understood the clearance works was complete in early March 2016
- 8.2 At the time when the planning application was submitted on the 28<sup>th</sup> April 2016, the site was an area of cleared ground with a remaining area of cobnut trees to the west of the site. Having regard to the limited time between the clearance works and the submission of this application, further legal advice was sought in respect of this matter and whether the tree works were still lawfully permitted under the above act. However, it has been advised that there is insufficient evidence to link the removal of the trees with the intention to redevelop the site. Therefore there is no requirement or power to require any replanting of the trees in accordance with the regulations, to reinstate the plantation or that any further action can be taken in relation to the site. Thus, whilst the removal of the trees is unfortunate, there is no legal recourse to secure replanting and thus the site is for the purposes of this application is an undeveloped site within the centre of the village adjacent to the development boundary and which has to be considered on its own merits.

### **Principle of Development**

- 8.3 The access to the site lies within the development envelope of the village but the main part of the site lies outside but abutting the development boundary for Boughton Monchelsea which is designated by the Maidstone Local Plan 2000. Whilst the context to the site includes adjoining residential development, sports pitches and allotments to its boundary and is also in central village location, the site would be designated as a countryside area in policy terms. Such an area would be subject to policy ENV28 which restricts development in such areas to specific development types which does not include the development such as the application proposals and requires development to preserve or enhance the character of the countryside. Therefore, in locational terms, the development would be as a matter of principle, contrary to ENV28.
- 8.4 The Submission version of the Maidstone Local Plan 2011-2031, hereafter known as the 'emerging plan', has been subject of a recent examination in late 2016 and the Inspectors interim findings were released in December 2016 which on the whole upheld the council's approach to its objectively assessed need and wider policy approach to the future development of the Borough. Thus the plan can be given significant weight in decision making. In respect of the emerging plan, the site also lies beyond the development boundary in the emerging plan and would also be contrary to the emerging Local Plan in respect of the countryside policy SP17 and those relating to larger villages, Policy SP11 and that relating to Boughton Monchelsea, Policy SP12. This latter policy seeks to focus development within the settlement boundaries. Of relevance to this application is that the examination Inspector considered the status of Boughton Monchelsea as a larger village to be justified in that limited growth could support local services and facilities.
- 8.5 The site (along with land to the north) was previously considered under the council's SHLAA process (HO2-172) and was considered a potentially suitable site in relation

to its location and relationship with the wider settlement although it is accepted at this time the cobnut was still in existence and the access point had not been confirmed. However, this site was eventually discounted as part of the local plan process in preference of other sites. However, it is recognised this document is not a policy document but was just an assessment of the site as to whether it was potentially suitability.

- 8.6 The council also consider it can demonstrate a five year housing supply and thus its policies can be considered to be up-to-date. Housing land supply monitoring is undertaken at a base date of 1 April each year. The Council's five-year supply position includes dwellings completed since 1 April 2011, extant planning permissions, Local Plan allocations, and a windfall allowance from small sites (1-4 units). The methodology used is PPG-compliant in that the past under-supply of dwellings against objectively assessed housing need is delivered in future years; it applies a discount rate for the non-implementation of extant sites; and a 5% buffer is applied. The position is set out in full in the Housing Topic Paper, which demonstrates the Council has **5.12 years**' worth of deliverable housing sites at 1 April 2016 against its objectively assessed need of 18,560 dwellings for the Plan period.
- 8.7 The Inspector issued a report on his 'Interim Findings from the Examination of the Maidstone Borough Local Plan' on 22 December 2016 (examination document reference ED110). In addition to confirming that it is reasonable to apply a 5% buffer to the borough's five-year housing land supply in accordance with paragraph 47 of the NPPF, the Inspector is recommending two key changes to the Council's housing land supply position.
- 8.8 First, the Inspector did not consider that the 5% market signals uplift set out in the SHMA would have the desired effect of boosting housing supply, nor that it was justified, particularly given the overall increase in past building rates that is expected as a result of the Local Plan allocations. Consequently, the borough's objectively assessed housing need is proposed to be reduced by 900 units to 17,660 dwellings for the period 2011 to 2031.
- 8.9 Second, the Inspector recommends the use of a 'Maidstone hybrid' method for the calculation of the borough's five-year housing land supply, which would deliver past under-supply over the next 10 years (as opposed to the next 5 years as set out in the Housing Topic Paper). This would result in a smoother and more realistic rate of delivery of dwellings over the Local Plan period.
- 8.10 The Inspector's interim report proposes additional modifications relating to the deletion or amendment of allocated sites, or to the phasing of allocated sites and broad locations. The report does not identify a need for further housing site allocations. In advance of public consultation on the formal modifications to the Local Plan, the interim findings have been applied to the borough's 20-year and five-year housing land supply tables which were set out in the Housing Topic Paper. The updated tables (examination document reference ED116) reveal a strengthened five-year supply position as at 1 April 2016, from 5.12 years to 6.11 years. The figures are not definitive because of the need for consultation on modifications in respect of the reduced housing need and proposed amendments to specific allocated sites, but they reaffirm a robust five-year housing land supply position and justify the assumptions being made.

- 8.11 Therefore the council's housing policies are not out-of-date and can be given full weight. Therefore due to the position of the site beyond the development boundary, this application would represent a departure from the development plan.
- 8.12 Whilst the scheme before members is not a care home development or sheltered accommodation, as it will be intrinsically linked to care provision, it is also pertinent to reflect upon the approach of the 2000 plan to meeting the needs of the elderly. Policy H25 of the 2000 plan relates to sheltered housing and whilst such housing does not incorporate care provision it is perhaps the closest to the application scheme in terms of character and type of occupants. This policy states the council will take into account the proximity of the site to public transport, shopping, community and adequate access for residents and doctors. Policy H26 of the 2000 plan refers to nursing and residential care homes and requires a development to provide amenity space, is appropriate to the character of the area and that it is well related to public transport and community facilities. The emerging plan does not contain a policy relating to sheltered or extra care housing with the only policy relating to care or elderly accommodation being policy DM15 which states the council will permit care homes within the boundaries of settlements subject to a set policy criteria.
- 8.13 As the scheme is not technically classified as sheltered housing or a nursing home, it would remain a departure from the development plan but it is useful to reflect upon the approach to similar accommodation, namely the council would use access to local facilities and public transport as key considerations in such applications. Thus the key question is whether there are any material considerations that would justify this departure from the development plan and whether there would be any harm resulting from the development.

### **Need**

- 8.14 The application proposes a specialist type of housing which will be aimed towards to 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 is proposed to 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 separate 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.
- 8.15 The Strategic Market Housing Assessment (SHMA) recognises a significant need for such accommodation 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. The need within Maidstone was assessed as part of the Council's Strategic Housing Market Assessment (SHMA) which examined the potential requirement for specialist housing accommodation including those for older people and those with specialist care needs over the plan period. The SHMA states there is a current requirement for specialist housing (including sheltered and extra care) of some 708 units and an additional 2912 units will be needed by 2030 with some 130 homes per annum. This need is made up of market and affordable sheltered accommodation and extra care housing units.

- 8.16 This need can be seen in the context by the projected increase in persons over 55 within the Borough by 24% by 2021 and the projected increase in illnesses among older people living with dementia (up by 105%) and an 84% increase in people with mobility issues. The SHMA then seeks to break down the above need into sheltered housing and extra care and then further into affordable and market need. The updated SHMA 2014 estimates a total need of 483 affordable extra care units over the plan period including a current need of 223 homes. The SHMA also estimates a need for 792 market extra care/sheltered housing by 2030. Therefore it is clear there is a significant unmet need within the Borough for the type of housing need proposed by this application and with the projected increase in the elderly population, the need will more than double over the plan period.
- 8.17 It is pertinent to acknowledge that the council has considered extra care housing with similar type of units at Mote Park under application 10/0748 and at Ledian Farm under 12/2046 which were approved with the requirement for occupiers to commit to a minimum care provision and that the units were age restricted. Furthermore, the extra care units which were approved at Ledian Farm at Leeds, were also located outside the development boundary for Leeds suggesting that sites beyond the development are not in principle unacceptable.
- 8.18 In terms of care provision, the emerging plan considers care provision in terms of bedspaces and in terms of current supply, the Council's Annual Monitoring Report 2016 and the Housing Topic Paper dated May 2016 states that at 1<sup>st</sup> April 2016, the council had approved 389 bed places since 2011. Of this, 73 units have been completed with 316 bed spaces remaining by way of extant planning permissions. These planning permissions can be split into the following;
- Care homes or specialist centres- 260 bed spaces
  - Extra care units- 56 bed spaces

It is a notable point that a number of these schemes have not commenced and are due to expire in the coming year and it is evident that a large number of these are specialist care units for occupiers with particular health conditions and higher dependency patients rather than those units which would deal specifically with the ageing population or the general population. It is therefore clear that there is a significant unmet existing and future need that exists for such accommodation.

- 8.19 In recognising such a level of need, it is necessary to consider how such this need is planned to be met over the coming year or the likelihood of this need being met. This is necessary in order one can determine how much weight should be afforded to this need in the planning balance of this application. However, it is noted that there is no direct policy within the local plan which proactively deals with the issue of care or the elderly population other than that relating to care and nursing homes which is covered by emerging policy DM15. However, from its wording this appears to be focused on traditional care home type development rather than specialist housing and is largely aimed towards occupiers with a high degree of dependence rather than specialist housing such as extra care or sheltered housing. Even if this policy was considered relevant to the proposals, it is noted this policy does not allocate any particular sites and is a general policy which states such facilities will be permitted within the development boundaries of settlements, including larger villages, if they come forward (subject to a policy criteria). Therefore, there is no current policy mechanism which can deliver this identified need with any certainty and thus the council is solely dependent on windfall sites coming forward within the settlement boundaries to meet the aforementioned significant need.

- 8.20 This identified need set out in the SHMA is recognised by the Council's housing team which will be generated by the significant increase in the elderly population and care requirements. When this need is set against the high degree of uncertainty in this need being met over the plan period, it is considered the contribution of the development in providing such accommodation holds significant weight in this application. This is particularly so as the development will contribute 14 market units and 4 affordable units which will contribute to meeting the existing market and affordable need identified above.

### **Visual Impact**

- 8.21 Due to the housing supply position, ENV28 can be given full weight, which requires development to preserve or enhance the character of the countryside and this is a principle that is consistent with the core principles of the NPPF. Due to the location of the site beyond the development boundary, the site is subject to such policy aims which are also continued under policy SP17 of the emerging plan.
- 8.22 It is considered the site is a relatively well contained location having regard to its mature boundaries, adjoining land uses and relatively central location in the village. The site is adjoined by the playing fields to the south, the allotments to the west and residential properties on Church Street to the east. Whilst the site falls outside the development boundary for the village, the site can reasonably be considered to fall within the village context of Boughton Monchelsea which is defined as a larger village in the local plan. This point was recognised in the SHLAA report whereby the site was considered a potentially suitable site (as part of a larger site) and its location being considered appropriate in relation to the wider settlement pattern.
- 8.23 The site is bounded by a relatively high hedge of between 3 -4 metre in height to its southern boundary which is supplemented by a row of mature trees on the sports field edge. Such screening largely restricts views, particularly in summer, of the site from Heath Road and the playing fields themselves and to the north there is further mature hedgerow boundary to the north although this not as consistent as the southern boundary. The western part of the site is part of the former cobnut plantation that remains from the clearance works in early 2016. The applicant is seeking to provide additional landscaping to strengthen this existing landscape structure, where necessary, through further hedgerow planting and native tree planting and this can be secured by a planning condition. Thus in light of this existing and proposed planting, the site has a relatively contained landscape context which is considered to limit any landscape impact as a result.
- 8.24 In terms of the detail of the development, the built form is restricted to single storey with the use of pitched roofs, which reduces the impact of the building nearest the boundaries which will be relatively low eaves heights of around 2.3 metres. The ridge heights of the buildings range from 4 metres nearest to the southern boundary at its minimum to around 6 metres in height within the central part of the site. The site is relatively flat both internally within the site and in relation to the adjoining land. Therefore, due to the aforementioned level of existing and proposed planting and this lower profile, views of the development from the sports pitch and from Heath Road, will be limited. These public views towards the site are the principle views but due to the design and context of the site, the built form will largely be unseen with only glimpses of roof tops being visible. The development will retain the established hedgerows and supplement these with further planting and as the new planting scheme matures, it is likely the development will be largely invisible in long and short

range views from the south. From the northern paddock, the hedgerow will again be retained and strengthened through new planting which will in time largely mitigate any visual impact and the hedgerow with the rear boundaries of the properties to Church Street will also be retained and strengthened. The retention of part of the nutplatt to the western part of the site provides containment to the site and ensures the site will not be visible from the village allotments which are located to the west of the site. The site is accessed via a long access road which will be widened and landscaped to create an acceptable means of access. This is considered to only afford limited views from Church Street and bearing in mind such views will be from a built context, it is not considered to cause significant harm to the character of the countryside.

- 8.25 Concerns have been raised by local residents and others regarding the loss of the cobnut plantation and thus have argued the impact of this loss has had a significant adverse impact on the character of the area. Whilst, this may be the case and is unfortunate, these trees were removed under a specific legal exemption set out in the TPO regulations and there is no legal recourse for these trees to be replanted or evidence to suggest these were removed to facilitate this development. Further information is provided in the relevant section below. Therefore, the existing context of the site is the context in which such an assessment in relation to countryside impact needs to be made and whilst the TPO status still remains in place, the visual impact of the development must be considered against the current site appearance which is a barren field largely well contained from wider views.
- 8.26 Taking the above into account, it is considered the development will not have a significant adverse impact on the character of the countryside due to its contained location, its existing and proposed level of screening and the single storey scale of the development. Subject to a suitable long term landscaping and management plan, it is considered the development will not cause significant conflict with the aims of the development plan in terms of protecting the character of the countryside including that of ENV28 and SP17 of the emerging plan.

### **Accessibility/Sustainability**

- 8.27 The site lies within the village context of Boughton Monchelsea which is located near to village amenities and residential properties and is within walking distance of the village shop and other amenities such as the social club, the allotments and bus stops on Heath Road. Three GP services are located within 2 km of the site. The settlement of Boughton Monchelsea is defined as a larger village within the emerging local plan which states such settlements are suitable for limited new housing development that will support village facilities and services. The village has a shop, post office, village hall and public transport connections to Maidstone which include 3 services each way between the village and Maidstone. The site is well related to the village in a geographical sense and is considered a sustainable location in access terms. It is notable that the Local Plan Inspector, in his interim report, considered the status of Boughton Monchelsea as a larger village to be justified. Bearing in mind the type of occupiers that will occupy this development, it is considered such the bus service would provide a suitable alternative to the private car.
- 8.28 There have been concerns raised by local people regarding the lack of Doctors surgeries in the village but the site has 3 doctors surgeries located within 2km which include Mote Medical Centre, Wallis Avenue and Grove Park surgeries and on account of the integral care provision provided for occupiers of these units, it is not considered this would be a factor that should count against the development. The

provision of specialist accommodation such as this would allow people to receive care in their homes thus reducing the need to travel and the club house would be used by medical professionals to administer care to the residents alongside care provision within the individual units.

- 8.29 Based on the size of the development, 18 units, it is considered this development would comply with the hierarchical approach to new development within the Borough and would have adequate access to village facilities, healthcare and the social fabric of the community. The development is also considered to accord with paragraph 34 of 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.

### **Highway/Parking**

- 8.30 The development provides some 18 parking spaces for residents and 7 visitor spaces and is accessed via an existing access onto Church Street. KCC Highways have been consulted on the application and have no objections subject to conditions relating to parking, construction management and drainage which are outlined fully in the consultation response. KCC highways consider the use to be low key in term of vehicle trips which would not regularly take place during peak times and therefore it has no objections to the new use. They also recognise the access is an existing access and that there have been no injury crashes on Church Street over the last 10 years. Whilst they acknowledge the presence of parked cars on Church Street, no objection is raised to the use of the access to serve the development although KCC suggest a pedestrian priority junction rather than that shown on the plan. The parking provision meets the standards for both C2 uses as well as residential uses and therefore is also considered to be acceptable in relation to parking provision. Thus subject to the appropriate conditions, including detail of the access, there are no highway issues which fall against the scheme.

### **Trees/Tree Protection Order**

- 8.31 The site is subject to TPO order no.9 1997 which covers the whole site on account of the nutplatt plantation that previously existed on site. However, around  $\frac{3}{4}$  of the plantation was cleared under an exemption contained with clause 14. (1) (a) (vi) of the Town and Country Planning (Tree Preservation) (England) Regulations 2012. On the 18 January 2016, the landowner, via his arboricultural consultant, consulted the council and provided information that the plantation was not viable, was making a loss and therefore made the case that it was justified to be cleared under the above relevant exemption. The landowner presented such evidence and on the basis of the information provided there was no legal basis in which to object to the removal of the trees. The clearance works were undertaken in February/March 2016. This planning application was submitted towards the end of April 2016 by the applicant and therefore there is no evidence the trees were cleared to make way for the development. The council's legal department have also been consulted and they confirmed that there is no legal recourse to require the trees to be replanted. Therefore the legal status of the site and its future condition is that which exists currently, essentially a cleared site. The trees to the west of the site remain protected by the TPO.

- 8.32 In legal terms, the TPO status remains in place on the site and thus is capable of being a material consideration in this application. However, whilst this is the case, the lack of any legal requirement to replant means such status is considered to hold limited weight in the overall assessment of the application as essentially it is a TPO in name only. The western part of the site which does retain trees remains protected by the TPO. Therefore due to the exemption under the regulations having been engaged by the landowner which permitted the removal of the trees, and the fact there is no legal basis for requiring the replanting of any trees, it is not considered this TPO status would justify the refusal of the application. The council's landscape department have reviewed the application and whilst they do not support the application on the basis of the plantation which previously existed on the site, they acknowledge there is no requirement to replant and advise that a comprehensive landscaping scheme is submitted to compensate with sufficient long term management built in.
- 8.33 The applicant submitted an initial landscaping and ecology plan which involved the removal of further cobnut trees in this area to create open space but on further reflection the applicant has submitted an amended ecology and landscaping plan which seeks to retain this remaining cobnut (with footpaths) to create an area of open space to serve the development. Further planting will take place across the site including new tree and hedgerow planting and soft landscaping within the communal areas to create new habitat and landscape benefits. The applicant is content with the additional maintenance period suggested by MBC Landscape and is proposing the site is managed and maintained by a management company to ensure this proposed landscape framework is maintained into the future.
- 8.34 In terms of the detailed arboricultural information, the council's landscape team have reviewed the submitted arboricultural statement and hedgerow and tree protection plan and the aforementioned landscaping/ecological enhancement plan, including the revised landscaping scheme submitted in February 2017. They state that they are generally happy with the landscaping proposals but require further information on landscape management, they advise that a planning condition should be imposed to require an arboricultural method statement, including for translocation of trees and a management strategy. They also consider there to be sufficient evidence to suggest, with the appropriate protection and approach to construction, that the buildings and proposed development are compatible with existing trees and hedgerows and proposed planting over the course of the development. The landscape team also recommend a condition to secure a comprehensive landscaping scheme and this can be secured by the appropriate planning condition to ensure long term management including methodology and establishment.
- 8.35 Therefore, on the basis of the replacement planting scheme, the legal position in respect of the wider TPO and on the basis of the imposition of the appropriate planning conditions, the development would accord with policy ENV6 which requires important features such as hedgerows and trees to be retained as part of new development and DM3 of the emerging plan which refers to the natural environment.

## Ecology

- 8.36 The application has been subject to a Phase 1 ecology survey which identified potential reptiles to the site boundaries and potential for bat foraging which has been assessed by a further bat survey which showed bat activity on the site. KCC Ecology has reviewed the information and they consider that sufficient information has been submitted to allow a decision to be made. They also recommend a condition is

placed to require a suitable mitigation plan to ensure no negative impact is caused to any protected species. KCC Ecology have also reviewed the landscape and enhancement plan and has recommended that a planning condition is imposed to secure these enhancements.

- 8.37 It is considered the site has been subject to an appropriate appraisal of the potential for protected species and there is sufficient certainty any species can be protected over the course of the development. The development proposes a suite of ecological enhancements as part of the scheme in accordance with paragraph 118 of the NPPF and policy DM3 of the emerging plan. It is recommended a planning condition is imposed to require details of the landscape and ecology plan (including long term management and implementation), requirement for sparrow terraces within buildings and wildlife friendly boundary treatments. Whilst the reference from residents are noted in respect of the clearance works earlier in the year and its effects on ecology, the implications of ecology can only be considered in respect of the application and the proposed development not what may have occurred in the past. If there was any previous breach of the relevant Wildlife Acts then that is a criminal matter to which the police should be informed but at the time of writing the council has no evidence that any such breach has occurred.

### **Design and Layout**

- 8.38 The site will be accessed via the existing access to the south east corner which will be widened by the inclusion of a strip land currently part of the garden to no.70 Church Street. This will be landscaped along the route of this access which will run westwards into the site. A new car port will be constructed to the rear of no.70. Directly in front of the access will be two semi-detached units (plots 17-18) with the main part of the complex laid out along the northern boundary with gardens to the front and rear which will be landscaped with post and rail fencing and planting. At the western end of this complex, the building will continue southwards to the southern boundary, creating a L shape footprint. The remaining part of the cobnut plantation will act as a buffer between these units and the western boundary to the site along with further landscaping along the boundaries including tree planting of native varieties. This western part of the site will be laid out as open space with footpath route through this from the housing units. The communal building is located along the southern boundary amongst further landscaping and number of car ports and parking spaces are located through the development with the communal building (with managers office) located along the southern boundary.
- 8.39 The development incorporates traditional architecture with use of pitched clay tile roofs, weatherboarding and stock brick elevations and timber fenestrations and doors. The development is single storey throughout, with the main complex using a range of gables and roof pitches to create interest within the roofscape of the development and a variation in the building line is achieved by projected and recessed elements will serves to break up the bulk of the complex. The density of the development, whilst a variation to the linear form of Church Street is not so indifferent to the development to the east of Church Street which are laid out in cul-de-lac arrangements or higher density modern estates. The development would be around 15 dph and when it is considered that allocated sites within the emerging plan require 25 dph it can be said the development would represent an appropriate scale of development within the site in relation to its edge of village location.
- 8.40 Whilst the units will have small private gardens to sit out in, these will remain open to their boundaries and the frontage to the units will be landscaped and will create an inward facing community that will reflect and reinforce the care aspect of the

development. The development will be set out on one level and the relationship between the communal areas and the individual units will enable efficient care provision to be provided and managed. The provision of additional native planting to the boundaries, the southern boundary and to the western open space area will provide a natural context to the development in accordance with ENV6 and DM3 of the emerging plan.

- 8.41 The individual units will be designed to meet the building for life principles, Lifetime Homes and HAPPI as advocated by the MBC housing officer and would provide 18 x 2 bedroom units which represent adaptable homes which are considered to achieve the balance between independence and the future care need of the occupier including the potential to accommodate a live in carer in future years.
- 8.42 In summary it is considered the site represents a good standard of design that has taken account of its immediate environs and the wider village and thus will accord with policy DM1, ENV6 and Section 7 of the NPPF.

### **Residential Amenity**

- 8.43 The site abuts the rear gardens of Church Street which are approximately 25 metres in length and back onto the eastern boundary of the site which currently has a hedgerow of around 1.1m and 1.2 metres with a number of trees along the boundary. As set out above, the development is set over single storey and the nearest plots to the gardens are plots 1 and 2 which have a bathroom window (obscure glazed) and French doors to a bedroom on the elevation facing Church Street but these will at ground floor level. The proposals will include new planting on this boundary and it would be possible to impose a condition to require fencing to prevent views into the adjacent gardens along with further planting to avoid overlooking or a loss of privacy occurring. 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.
- 8.44 In terms of the impact of the access road in terms of increased vehicular access on adjacent properties, the development involves the widening of the access road and new landscaping along the boundaries of the access. KCC Highways refers to the relatively low frequency of trips related to such use and quantum of development and it is considered this together with the increased access width, would ensure there would not be an adverse impact on the amenities of the adjoining occupiers.
- 8.45 In terms of the future occupiers, the occupiers would have a good standard of accommodation with access to garden areas (which would be maintained by a management company) and the inclusion of community facilities would enable a well connected and inclusive community.

### **Flood Risk/Drainage**

- 8.46 The site is located within Flood Zone 1 which is at the lowest risk of flooding and thus would meet the sequential approach of the NPPF in locating development in areas at the lowest risk of flooding. As the development is located on a site larger than 1 hectare and is in excess of 10 units, the applicant submitted a Flood Risk Assessment and Surface Water Management Plan to show the scheme could incorporate SUDS into the scheme. This is proposed to be achieved through the use of soakaways or storage crates depending on the results of ground soakage testing.

This information has been reviewed by KCC Drainage and they are generally content with the approach and methodology. They suggest a planning condition to require details of the SUDS scheme which would be based on the requirement to investigate further site condition which would inform the scheme.

### **Affordable Housing/Infrastructure**

- 8.47 As per the policy DM13 of the emerging plan, the development will be required to secure 20% affordable provision which will equate to 4 units within the development. Due to the size of the provision, the housing officer has stated the units would not likely prove attractive to a registered provider but thus advises that the equivalent financial contribution is paid to be put towards provision off-site in lieu of on-site provision. However, it is considered the appropriate approach would be that provision is provided on-site as the preferred approach but flexibility is built into the legal agreement to allow off-site contributions if a registered provider cannot be found post application and this approach would be consistent with emerging policy DM13. It is understood from the housing team that this approach has been used on other applications. The exact amount of the equivalent off-site contribution will be provided in time for the committee. This affordable provision will contribute towards the need of 483 units which are identified within the council's SHMA.
- 8.48 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 contributions to make the development acceptable in planning terms can be sought in line with policy CF1 of the Local Plan and the Council's Open Space DPD.
- 8.49 However, any request for contributions needs to be scrutinised, in accordance with Regulations 122 and 123 of the Community Infrastructure Levy (CIL) Regulations 2010. This has strict criterion that sets out that any obligation must meet the following requirements: -
- It is:
- (a) necessary to make the development acceptable in planning terms;*
  - (b) directly related to the development; and*
  - (c) fairly and reasonably related in scale and kind to the development.*
- \*And
- A planning obligation ("obligation A") may not constitute a reason for granting planning permission to the extent that —*
- (a) obligation A provides for the funding or provision of an infrastructure project or type of infrastructure; and*
  - (b) five or more separate planning obligations that—*
    - (i) relate to planning permissions granted for development within the area of the charging authority; and*
    - (ii) which provide for the funding or provision of that project, or type of infrastructure have been entered into before the date that obligation A was entered into.*
- 8.50 \*This section came into force on 6<sup>th</sup> April 2015 and means that planning obligations cannot pool more than 5 obligations of funding towards a single infrastructure project or type of infrastructure (since April 2010).

- 8.51 The following contributions have been sought:
- 8.52 The application has also be reviewed by the NHS who request a figure 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
- 8.53 A legal agreement will be required to secure the above infrastructure and also secure the use of the units to ensure they are strictly related to age and uptake of a minimum care package.

## 9.0 CONCLUSION

- 9.1 The site is a cleared area of land which although was part of a wider TPO cobnut plantation, has no requirement to be returned to its former land use. The site occupies a central location within the village which adjoins the sports pitch, allotments and residential development. The site also is considered to be well contained in a landscape perspective with a strong landscape structure and located well in connection with the grain of the village and its facilities.
- 9.2 The housing provided by this application is proposed on the basis that the occupation is strictly limited in relation to age and which is care related and it is considered the significant current and future need for such accommodation and the lack of provision for meeting such need, lends significant weight to this application. Furthermore, the existing and proposed landscape structure and its well contained location close to village amenities means the site will have limited impact on the wider countryside character. For these reasons, it is considered this need and the lack of landscape harm when taken together is considered to outweigh the in principle objection by reason of its location outside the development boundary.
- 9.3 Subject to the completion of a suitable worded S106 regarding the occupation of the units and other infrastructure, it is considered the departure from the development plan is justified in this instance and the matters of need and lack of other harm would represent material considerations which would justify the departure from the development plan.

## 10.0 RECOMMENDATION

**Subject to the prior completion of a legal agreement, in such terms as the Head of Legal Services may advise, to provide the following:**

- The provision of 20% affordable housing on site (with option for off-site contributions if a registered provided 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
- 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

**The Head of Planning and Development BE DELEGATED POWERS TO GRANT planning permission subject to the imposition of the conditions 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;

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) until 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

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 pre-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.

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

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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.  
21.

Case Officer: Ashley Wynn

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