

REFERENCE NO - 20/503109/FULL		
APPLICATION PROPOSAL Erection of 24 no. new C2 extra care retirement homes, club house, bin stores and landscape scheme with associated works including roadways, parking, cycles stores, gazebo and maintenance store.		
ADDRESS Land To West Of 70 Church Street Boughton Monchelsea ME17 4HN		
RECOMMENDATION Grant (S106)		
SUMMARY OF REASONS FOR RECOMMENDATION Additional information and details lodged in terms of levels, EV charging points, integral insect bricks, construction management plan and tree protection that have been submitted since the Planning Committee's resolution to grant permission (but before the decision was issued) are all acceptable in terms of relevant policy considerations and hence those conditions should be amended accordingly into ones that simply require compliance with the relevant details. Changing the time triggers for submission of details for non-integral biodiversity net gain measures, the landscape scheme and the LEMP are reasonable, still comply with national policy on planning conditions and strike an appropriate balance in terms of facilitating development commencing without prejudicing proper consideration by the LPA of certain details, albeit later in the development programme. The removal of "wildlife pond" as required for biodiversity net gain is acceptable in this context. Requested changes other resolved conditions are therefore acceptable except in relation to surface water drainage which should remain as a pre-condition.		
REASON FOR REFERRAL TO COMMITTEE The applicant has submitted additional details and also requested changes to the wording of some conditions which were resolved to be approved by the Planning Committee of 22 October 2020.		
WARD Boughton Monchelsea And Chart Sutton	PARISH/TOWN COUNCIL Boughton Monchelsea	APPLICANT Clarendon Homes AGENT Clarendon Homes
TARGET DECISION DATE 18/12/20		PUBLICITY EXPIRY DATE 14/10/20

Relevant Planning History

16/502993/FULL

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

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

Approved Decision Date: 06.09.2018

MAIN REPORT

1. BACKGROUND

1.01 Following a deferral from 24 September 2020, the Planning Committee of 22 October 2020 resolved to permit the application subject to:

- the prior completion of a legal agreement with the amendment of the off-site open space contribution for Salts Farm or other natural/semi-natural areas of accessible public open space within 3 km (rather than 1 km) of the

development and that occupation of the units shall be by persons of 55 years of age and over

- the conditions and informatives set out in the report with an additional condition requiring the submission of a construction management plan; and the amendment of condition 12 to specify that the landscaping scheme shall exclude the planting of Sycamore trees.

1.02 The s106 was completed in accordance with the resolution on 2 December 2020.

1.03 Since the October Planning Committee, whilst the legal agreement was being finalised, the applicants indicated that they need to start on site in January 2021 due to the impact on the business from the Covid 19 pandemic. They requested amendments to the some of the suggested conditions to allow for more details being approved up front and to push back time triggers on other conditions. This is aimed at facilitating their need for a prompt start on site whilst allowing more time for certain details to be properly formulated and then assessed by the Council. The applicant has also advised by their ecologist that they do not intend to install a wildlife pond, which is mentioned in resolved condition 4.

1.04 The previous reports and urgent updates are appended.

2. PROPOSAL

2.01 Extra information has been submitted up front on:

- proposed slab levels of the buildings and roadways relative to the existing site levels
- details and locations of EV charging points
- integral insect bricks
- construction management plan
- tree protection methodology

2.02 The levels drawing indicates all FFLs to be slightly higher than existing ground levels. There is no significant proposed dig down or build up of the slabs. On the eastern boundary to rear gardens in Church Street, the existing levels are 102.81mOD (NE) rising to 103.75mOD (SE) with FFLs of 103.00mOD and 103.85m OD respectively. ie the FFL on the plots nearest residential properties are only 10-19 cm higher than existing ground levels. Roadway/parking proposed levels also correlate closely with existing land levels.

2.03 A total of 25no. Point Solo single phase universal car charging points have been indicated.

2.04 The proposed integral insect bricks number 6, predominantly on the south and west side of buildings, at a minimum of 1 metre height from ground level, following best practice guidance. Integral bat and bird bricks have already been submitted and resolved to be approved by the Planning Committee in October.

2.05 The Construction Management Plan is similar to that approved for the extant planning permission and includes the provisions related to school times which was mentioned in the debate by the October Planning Committee.

2.06 An Arboricultural Report (BS5837 Tree Survey Tree Protection Method Statement & Specification) has been submitted to deal with the requirements of resolved condition 16 for an Arboricultural Method Statement.

- 2.07 Submission triggers requested to be altered relate to biodiversity net gain, landscape scheme, the LEMP (Landscape and Ecological Design and Management Plan) and surface water drainage.
- 2.08 They wish to remove the reference to "wildlife pond" as part of potential biodiversity net gain in condition 4 as it is stated to inappropriate to their ecological approach for this site.

3. POLICY AND OTHER CONSIDERATIONS

Maidstone Borough Local Plan 2017 DM1; DM3; DM6; DM30
NPPG

4. CONSULTATIONS

PC: Any response will be included in an Urgent Update

Arboricultural Officer: Any response will be included in an Urgent Update

5. APPRAISAL

Main Issues

- 5.01 Members are reminded of the policy tests for a planning condition in the NPPF are that it be necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable.

Levels

- 5.02 The proposed levels of buildings and roadways are comparable with existing ground levels and are thus acceptable in terms of visual and residential amenities and accord with policies DM1 and DM30 of the MBLP 2017. They match the street scene drawings assessed by Committee in October and the layout has not changed from that resolved to be approved, ie the relationship of the proposed buildings to existing is identical. The proposed levels are therefore acceptable should be approved as part of the decision on the planning application.

EV Charging

- 5.03 The provision of 25 EV charging points, in effect one per unit plus the communal /management building, is acceptable in terms of minimising air pollution in accordance with policy DM6 of the MBLP 2017 and should be approved as part of the decision on the planning application.

Biodiversity Net Gain.

- 5.04 The extra details in terms of measures integrated into the buildings are acceptable in terms of ecology and accord with policy DM3 of the MBLP 2017 and should be approved as part of the decision on the planning application. The rest of the condition is discussed below (regarding other measures for biodiversity net gain and in terms of the time trigger for submission).

Construction Management Plan

- 5.05 The Construction Management Plan now submitted is the same as was approved for the extant planning permission and includes the restrictions related to school hours which was mentioned in the debate by the Planning Committee. I therefore consider it is acceptable and should be approved as part of the decision on the planning application.

Arboricultural Method Statement

- 5.06 The Arboricultural Report and Appendices submitted has been drawn up in accordance with BS 5837 and includes the information normally required in an Arboricultural Method Statement such that it should be approved as part of the decision on the planning application.

Other Conditions

- 5.07 Changes that have been discussed with the applicant are summarised below:
- 5.08 Condition 4 (biodiversity net gain)- The resolved trigger for submission of details and proposed timetable to secure biodiversity net gain was "no development above slab level". However, details of those biodiversity measures that are integral to the buildings (insect, bat and bird bricks) have now all been received and are acceptable. I am satisfied that this allows the trigger on submission of details of other biodiversity measures and the proposed timetable for implementation to be reasonably amended to be "approved before first occupation". There is an expectation that the timetable for implementation will be prompt as practicable after first occupation and that can be the subject of an additional informative.
- 5.09 It is accepted that their ecologist has advised that a "wildlife pond" is not appropriate to their ecological approach for this site and it is considered that these words can be removed from condition 4 without causing non-compliance with policy DM3.
- 5.10 Condition 12 (Landscape Scheme)- The resolved trigger for submission of details was "damp proof course level". However I am satisfied that a revised trigger of "roof plate level" is reasonable subject to specification of no removal of trees/hedgerows indicated to be retained prior to that trigger being reached. The condition for the implementation of the approved scheme is as normally imposed and is unchanged from that resolved by the October Planning Committee (condition 13).
- 5.11 Condition 15 (LEMP)- The resolved trigger for submission of details was "slab level". However I am satisfied that a revised trigger of "roof plate level" is reasonable and aligns with what is recommended on the landscape scheme condition discussed above.
- 5.12 Condition 17 for submission of a strategy for sustainable drainage is recommended to remain as resolved because SuDS schemes generally have to be approved before commencement as they very frequently have to be amended or additional information provided that can have implications for the layout or the extent or type of hard/soft surfacing etc. The applicant was advised that they should have a separate pre-application meeting with KCC (F&WM) to best ensure that KCC will be satisfied with the details when they are formally submitted to MBC to be discharged. It is understood that meeting has taken place and positive feedback has been received. This should help to speed up the process of subsequent formal approval of the SuDs details and so better align with their desired development programme.

PUBLIC SECTOR EQUALITY DUTY

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

6. CONCLUSION

- 6.01 Additional information and details lodged in terms of levels, EV charging points, integral insect bricks, construction management plan and tree protection that have

been submitted since the Planning Committee's resolution to grant permission (but before the decision was issued) are all acceptable in terms of relevant policy considerations and hence those conditions should be amended accordingly into ones that simply require compliance with the relevant details.

- 6.02 Changing the time triggers for submission of details for non-integral biodiversity net gain measures, the landscape scheme and the LEMP are reasonable, still comply with national policy on planning conditions and strike an appropriate balance in terms of facilitating development commencing without prejudicing proper consideration by the LPA of certain details, albeit later in the development programme. The removal of "wildlife pond" as required for biodiversity net gain is acceptable in this context.
- 6.03 Requested changes other resolved conditions are therefore acceptable except in relation to surface water drainage which should remain as a pre-condition.

7. RECOMMENDATION

GRANT planning permission (s106 already completed) subject to the following conditions:

- 1) The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
Reason: In accordance with the provisions of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
- 2) The development hereby permitted shall be carried out in accordance with the following drawings:
 - PL01 Rev H Proposed Site Layout Plan
 - PL02 Rev H Proposed Site Plan
 - PL03 Rev E Proposed Street Elevations/Site Sections
 - PL04 Rev A Proposed Bungalow Type A Plan and Elevations
 - PL05 Rev C Proposed Bungalow Type B Plan and Elevations
 - PL06 Rev A Proposed Bungalow Type C Plan and Elevations
 - PL07 Rev A Proposed Bungalow Type D Plan and Elevations
 - PL08 Rev C Proposed Bungalow Type E Plan and Elevations
 - PL09 Rev B Proposed Community Club House Plan and Elevations
 - PL10 Rev A Bin Store Plan and Elevations
 - PL11 Rev A Hard Landscaping Proposed Site Plan
 - PL12 Rev A Boundary Treatment Plan
 - PL13 Rev A Tree Protection Site Plan
 - PL14 Rev A External Lighting Site Plan
 - PL15 Rev C Bat and Bird Box Details Site Plan
 - PL16 Rev A Refuse Strategy Site Plan
 - PL17 Rev A Foul Drainage Strategy Site Plan
 - PL18 Rev A Soft Landscaping Site Plan Sheet 1

- PL19 Rev B Soft Landscaping Site Plan Sheet 2
- PL20 Rev B Bicycle Storage Details
- PL21 Rev A Air Source Heat Pump Details
- PL23 Rev A Soft Landscaping Strategy Site Plan
- 14562-T01 Rev P3 Refuse Freighter Tracking
- 14562-T02 Rev P3 Pantechnican Tracking
- 14562-T03 Rev P3 Fire Engine Tracking
- 1091-C(0)101 rev B Levels and EV Points
- CS/TPP/1680-02A Tree Protection Plan
- CS/TSP/1680-01 Tree Survey Plan

Reason: For the avoidance of doubt.

- 3) No unit shall be occupied until a minimum of one electric vehicle charging point has been installed to serve the relevant property as approved on drawing 1091-C(0)101 rev B which shall thereafter be retained for that purpose.

Reason: In the interests of air pollution control.

- 4) The integral bird, bat and insect bricks shall be installed as approved on drawing PL15 Rev C. No unit shall be occupied until details and a timetable to secure additional biodiversity net gain have been submitted to and approved in writing by the Local Planning Authority. The measures must be implemented as approved thereafter. The measures will be expected to result from investigation of scope for boxes for birds and bats; gaps under boundary treatments; log piles, hedgehog nesting boxes; climbing plants on walls and other vertical structures; wildflower plug/bulb planting in amenity grassland; insect hotels.

Reason: In the interests of ecological enhancement.

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

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

b) Show how and where external lighting will be installed (through the provision of appropriate lighting contour plans and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent bats using their territory or having access to their breeding sites and resting places.

c) Include measures to reduce light pollution and spillage.

All external lighting shall be installed in accordance with the specifications and locations set out in the strategy, and these shall be maintained thereafter in accordance with the strategy.

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

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

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

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

- 7) The development shall be completed strictly in accordance with the approved levels on drawing 1091-C (0)101 rev B.

Reason: In the interests of visual and residential amenities.

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

Reason: In the interests of highway safety.

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

Reason: In the interests of highway safety.

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

Reason: In the interests of sustainable travel.

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

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

- 12) There shall be no removal of any trees/hedgerows shown to be retained on drawing PL23 Rev A. Notwithstanding drawings 20-1091 PL18 rev A and PL19 rev B, no development above roof plate level shall take place until details of a scheme of landscaping using native species which shall include indications of all existing trees and hedgerows on the land, and a programme for the approved scheme's implementation and long term management, have been submitted to and approved in writing by the Local Planning Authority. The landscape scheme shall not include the planting of any Sycamores and shall be designed using the principles established in the Council's adopted Landscape Character Assessment 2012 and shall include details of the repair and retention of existing hedgerows and tree lines within the site. The implementation and long term management plan shall include long term design objectives, management responsibilities and maintenance

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

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

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

Reason: To ensure a satisfactory landscaped setting for the development

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

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

a) Purpose and conservation objectives for the proposed habitat creation and enhancements;

b) Detailed design to achieve stated objectives;

c) Extent and locations of proposed works on appropriate scale plans;

d) Timetable for implementation demonstrating that works are aligned with the proposed phasing of development;

e) Description and evaluation of features to be managed;

f) Aims and measurable objectives of management;

g) Appropriate management prescriptions for achieving aims and objectives; h) Preparation of a work schedule for the duration of the plan;

i) Ongoing habitat and species monitoring provision against measurable objectives;

j) Procedure for the identification, agreement and implementation of contingencies and/or remedial actions where the monitoring results show that the objectives are not being met;

k) Details of the body/ies or organisation/s responsible for implementation of the plan.

l) Details of interpretation boards to be incorporated in to the development site to inform residents of the sites management.

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

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

- 16) To ensure all retained trees can be successfully integrated within the permitted scheme, the development shall be carried out in accordance with the Arboricultural Report in regard of an Arboricultural Method Statement complying with the current edition of BS 5837 in regard of working methodology/phasing for operations with the Root Protection Area (RPA) of any retained tree; 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. 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: In the interests of visual amenity and biodiversity.

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

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

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

i) A timetable for its implementation, and

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

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

- 19) Development shall take place in accordance with the construction management plan (Construction Method Statement Dec 2020) hereby approved.

Reason: In the interests of highway safety and amenity.

INFORMATIVES

- 1) The Local Member is to be consulted on submission of details relating to landscaping.
- 2) Foul sewers should be routed outside of areas of permeable paving or cross it in dedicated service corridors, particularly where sewers will be offered
- 3) You are advised to contact Kent Police's Designing Out Crime Officer to discuss site specific designing out crime measures
- 4) The applicant is reminded that, under the Wildlife and Countryside Act 1981, as amended (section 1), it is an offence to remove, damage or destroy the nest of any wild bird while that nest is in use or being built. Planning consent for a development does not provide a defence against prosecution under this act. Trees, scrub, hedgerows and buildings are likely to contain nesting birds between 1st March and 31st August inclusive. Vegetation is present on the application site and is to be assumed to contain nesting birds between the above dates, unless a recent survey has been undertaken by a competent ecologist to assess the nesting bird activity on site during this period and has shown it is absolutely certain that nesting birds are not present.
- 5) In regard of condition 4, there will be an expectation that the timetable for implementation of non-integral biodiversity net gain measures will be as prompt as practicable after first occupation.

Case Officer: Marion Geary