

**MC/21/1703**

Date Received: 7 June 2021  
Location: Land Adjacent To Balancing Pond St Andrews Park  
Halling Kent  
Proposal: Variation of condition 12 (affordable provision) on planning permission MC/19/0994 to allow for a change in the percentage of affordable units to be provided on site from 50 units (56%) to 22 units (25%)  
Applicant Agent: John Collins c/o dha planning  
DHA Planning  
Mr John Collins  
Eclipse House  
Eclipse Park  
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ME14 3EN  
Ward: Cuxton And Halling Ward  
Case Officer: Hannah Gunner  
Contact Number: 01634 331700

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**Recommendation of Officers to the Planning Committee, to be considered and determined by the Planning Committee at a meeting to be held on 10th November 2021.**

**Recommendation - Approval with Conditions**

- 1 The development hereby permitted shall be begun before the expiration of three years from the date of the planning permission ref: MC/19/0994, that date being 12 May 2020.

Reason: To comply with Section 91 of the Town and Country Planning Act 1990 (as amended).

- 2 The development hereby permitted shall be carried out in accordance with the following approved plans:

Received 12 April 2019:

18-0595 Dwg 1 of 2  
18.093 -001 Rev A  
18.093 -002 Rev A

18.093 -003 Rev A  
18.093 -004 Rev A  
18.093 -007 Rev A  
18.093 -008 Rev A  
18.093 -009 Rev A  
18.093 -010 Rev A

Received 14 February 2020:

18.093 -011 Rev A

Received 20 March 2020:

18.093 -005 Rev B  
18.093 -006 Rev B

Reason: For the avoidance of doubt and in the interests of proper planning.

- 3 No development above slab level shall take place until details of all materials to be used externally have been submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved details.

Reason: To ensure that the appearance of the development is satisfactory and without prejudice to conditions of visual amenity in the locality, in accordance with Policy BNE1 of the Medway Local Plan 2003.

- 4 No development above foundation level shall take place until full details of all hard and soft landscaping, boundary treatment and any artefacts to be located within external areas have been submitted to and approved in writing by the Local Planning Authority.

Hard landscaping works shall include all decking, paving and external hard surfacing material. Minor artefacts and structures shall include seating, refuse receptacles, planters, tree grilles and any other decorative feature(s).

Soft landscape works shall include details of planting plans, written specifications (including cultivation and other operations associated with grass and plant establishment and aftercare, schedules of plants, noting species, plant sizes and proposed numbers/densities where appropriate. All planting, seeding and turfing comprised in the approved scheme of landscaping shall be implemented during the first planting season following first occupation of the buildings or completion of the development, whichever is the earlier. Any trees or plants which within 5 years of planting are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species, unless the Authority gives written consent to any variation.

The boundary treatment details shall include a plan indicating the positions, design, materials and type of boundary treatment to be erected. The boundary treatment shall be completed before the buildings are first occupied and shall thereafter be retained. The development shall be carried out in accordance with the approved details.

Reason: Pursuant to condition 197 of the Town and Country Planning Act 1990 and to protect and enhance the appearance and character of the site and locality and afford residents good levels of amenity in accordance with policies BNE1, BNE2 and BNE6 of the Medway Local Plan 2003.

- 5 A landscape management plan, including long term design objectives, management responsibilities and maintenance schedules for all landscape areas including the roof garden, shall be submitted to and approved in writing by the Local Planning Authority prior to the first occupation of the development. The landscape management plan shall be carried out as approved.

Reason: Pursuant to condition 197 of the Town and Country Planning Act 1990 and to protect and enhance the appearance and character of the site and locality in accordance with Policies BNE1 and BNE6 of the Medway Local Plan 2003.

- 6 No development above foundation level shall take place until details of all external lighting has been submitted to and approved in writing by the Local Planning Authority. The details of the lighting shall include design, the exact position, light intensity and spillage and be illustrated on the associated landscaping plans for that phase or sub phase.

The design plan should also include a plan for biodiversity that will:

- Identify those areas/features on site that are particularly sensitive for bats and that are likely to cause disturbance in or around important routes used to forage and commute;
- Show where external lighting will be installed so that it can be clearly demonstrated that areas to be lit will not disturb bat activity.

The lighting shall be installed in accordance with the approved details prior to the first occupation of any part of the development to which it relates. The approved lighting shall be retained in accordance with the approved details.

Reason: To ensure a satisfactory external appearance and biodiversity sensitivity and to ensure the provision of lighting does not result in glare or light overspill to surrounding properties in accordance with Policies BNE2 and BNE5 of the Medway Local Plan 2003.

- 7 Prior to first occupation of the development hereby approved, details of how the development will enhance biodiversity shall be submitted to, and approved in writing by, the local planning authority. This will include the implementation of recommendations in section 6 within the Preliminary Ecological Appraisal (Greenspace Ecological Solutions December 2018). The approved details will be implemented prior to first occupation or in accordance with an implementation plan agreed as part of the submission pursuant to this condition and thereafter retained.

Reason: To ensure a satisfactory development that is in alignment with paragraph 180 of the NPPF.

- 8 No development shall take place until a scheme showing details of the disposal of surface water, based on sustainable drainage principles, including details of the design, implementation, maintenance and management of the surface water drainage scheme have been submitted to and approved in writing by the Local Planning Authority.

Those details shall include:

timetable for its implementation, and  
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 scheme throughout its lifetime.

No surface water drainage infiltration into the ground is permitted.

Reason: To manage the risks of flooding pre and post construction and for the lifetime of the development and to ensure that the development does not contribute to, or is not put at unacceptable risk from, or adversely affected by, unacceptable levels of water pollution caused by mobilised contaminants in line with paragraph 180 of the NPPF.

- 9 Prior to any part of the permitted development being occupied a verification report demonstrating the completion of works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to, and approved in writing, by the local planning authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met.

Reasons To ensure that the site does not pose any further risk to human health or the water environment by demonstrating that the requirements of the approved verification plan have been met and that remediation of the site is complete. This is in line with paragraph 170 of the National Planning Policy Framework.

- 10 If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until a remediation strategy detailing how this contamination will be dealt with has been submitted to and approved in writing by the Local Planning Authority. The remediation strategy shall be implemented as approved.

Reasons: To ensure that the development does not contribute to, or is not put at unacceptable risk from, or adversely affected by, unacceptable levels of water pollution from previously unidentified contamination sources at the development site in line with paragraph 180 of the NPPF. The design of SuDS appropriate to this location, in conjunction with the wider agreed site strategy is acceptable .

- 11 Prior to the first occupation of the development a mechanism demonstrating how 22 units will be delivered as affordable housing (50:50 split shared ownership and affordable rent) shall be submitted to and approved in writing by the Local Planning Authority. The affordable homes shall be delivered as approved and thereafter maintained as such.

Reason: To ensure provision of affordable homes on site in accordance with Policy H3 of the Medway Local Plan 2003.

- 12 No development shall take place until a Construction Environmental Management Plan (CEMP) that describes measures to control, amongst other matters, hours of working, parking of operatives vehicles, deliveries to the site, noise, dust and lighting and the effect on wildlife and habitats arising from the construction phase of the development has been submitted to and approved in writing by the Local Planning Authority. The construction works shall be undertaken in accordance with this approved plan.

Reason: Required before commencement of development in order to minimise the impact of the construction period on the amenities of local residents, the countryside, wildlife and habitat and with regard to Policies BNE1 and BNE2 of the Medway Local Plan 2003.

- 13 No dwelling and/or building shall be occupied until details of secure private cycle parking provision in the form of individual lockers for have been submitted to and approved in writing by the Local Planning Authority. The cycle parking shall be implemented in accordance with the approved details before any dwelling and/or building is occupied and shall thereafter be retained.

Reason: To ensure the provision and permanent retention of bicycle spaces in accordance with Policy T4 of the Medway Local Plan 2003.

- 14 No development shall take place above ground floor slab level until details of the provision of 3 electric vehicle charging points have been submitted to and

approved in writing by the Local Planning Authority. Details shall include the location, charging type (power output and charging speed), associated infrastructure and timetable for installation. The development shall be implemented in accordance with the approved details and shall thereafter be maintained.

Reason: In the interests of sustainability in accordance with paragraph 111E of the NPPF.

- 15 No part of the development shall be occupied until a Parking Management Plan has been submitted to and approved in writing by the Local Planning Authority. The Parking Management Plan shall contain details of how the parking spaces within the development are to be managed and preserved for use by future residents and their visitors as well as retail customers. The Parking Management Plan shall be implemented in accordance with the approved details prior to the first occupation of the development and shall thereafter be retained.

Reason: To ensure satisfactory off-street parking in accordance with Policy T13 of the Medway Local Plan 2003.

- 16 No part of the development shall be occupied until the refuse storage and collection areas for both the extra care unit and the retail unit have been completed in accordance with dwg no: 18.093 -005 Rev B, 18.093 -006 Rev B - received 20 March 2020 and a waste management plan has been submitted to and approved in writing by the Local Planning Authority.

Reason: to ensure satisfactory refuse storage and collection facilities are provided in accordance with Policy BNE2 of the Medway Local Plan 2003.

- 17 No part of the development shall be occupied until the area shown on the submitted layout as vehicle parking space/garaging has been provided, surfaced and drained in accordance with details that have been submitted to and approved in writing by the Local Planning Authority. Thereafter it shall be kept available for such use and no permanent development, whether or not permitted by the Town and Country Planning (General Permitted Development) Order 2015 (or any order amending, revoking or re-enacting that Order) shall be carried out on the land so shown or in such a position as to preclude vehicular access to this reserved parking space/ garaging.

Reason: Development without provision of adequate accommodation for the parking of vehicles is likely to lead to hazardous on-street parking and to accord with Policy T13 of the Medway Local Plan 2003.

- 18 The retail unit hereby permitted shall only operate between the hours of 06:00 to 22:00 Mondays to Sundays inclusive of Sundays and Public Holidays.

Reason: To ensure that the development does not prejudice the amenities of neighbouring property in accordance with Policy BNE2 of the Medway Local Plan 2003.

- 19 No servicing or deliveries to the retail unit shall take place on the premises between the hours 18:00 to 06:00 Mondays to Saturdays inclusive and shall not take place on Sundays and Public Holidays.

Reason: To ensure that the development does not prejudice the amenities of neighbouring property in accordance with Policy BNE2 of the Medway Local Plan 2003.

- 20 The development shall be carried out in compliance with the details approved pursuant to conditions 9, (Phase 2 Site Investigation Report) of planning application MC/19/0994 and approved under ref MC/21/1532.

Reason: To ensure the development is carried out in accordance with the approved condition details, and in compliance with paragraphs 180 and 181 of the NPPF.

**For the reasons for this recommendation for approval please see Planning Appraisal Section and Conclusions at the end of this report.**

## **Proposal**

This application is for the variation of condition 12 (affordable provision) on planning permission MC/19/0994 to allow for a change in the percentage of affordable units to be provided on site from 50 units (56%) to 22 units (25%). The permission was subject to conditions.

Condition 12 currently reads:

Prior to the first occupation of the development a mechanism demonstrating how 50 units will be delivered as affordable housing (50:50 split shared ownership and affordable rent) shall be submitted to and approved in writing by the Local Planning Authority. The affordable homes shall be delivered as approved and thereafter maintained as such.

Reason: To ensure provision of affordable homes on site in accordance with Policy H3 of the Medway Local Plan 2003.

It is proposed to vary the wording to read:

*Prior to the first occupation of the development a mechanism demonstrating how 22 units will be delivered as affordable housing (50:50 split shared ownership and affordable rent) shall be submitted to and approved in writing by the Local Planning Authority. The affordable homes shall be delivered as approved and thereafter maintained as such.*

## Relevant Planning History

**MC/21/1532** Details pursuant to condition 9 (Phase 2 Site Investigation Report) on planning application MC/19/0994 for the construction of an extra care facility comprising of thirty six 1-bedroom and fifty two 2-bedroom apartments with communal facilities including restaurant, offices and a separate retail unit (Class A1) with associated landscaping, access, parking and infrastructure

**Decision** Condition Discharged

**Date** 19 July 2021

**MC/19/0994** Construction of an extra care facility comprising of thirty-six 1-bedroom and fifty-two 2-bedroom apartments with communal facilities including restaurant, offices and a separate retail unit (Class A1) with associated landscaping, access, parking and infrastructure

**Decision** Approved with Conditions

**Date** 12 May 2020

## Representations

The application has been advertised on site and in the press and by individual neighbour notification to the owners and occupiers of neighbouring properties.

**Six** letters have been received raising the following objections:

- Reducing the number of affordable homes is not acceptable
- This is all about profit
- Medway needs affordable provision
- There is a lack of affordable homes in this area
- This will put pressure on temporary housing
- It is difficult for young people to get on the property ladder – this is a betrayal to young people.

**Dickens' Country Protection Society** have commented stating that in their view, Condition 12 as originally drafted is reasonable.

## Development Plan

The Development Plan for the area comprises the Medway Local Plan 2003 (the Local Plan). The policies referred to within this document and used in the processing of this application have been assessed against the National Planning Policy Framework 2021 and are considered to conform.



## **Planning Appraisal**

### *Background*

The original application for the Extra Care facility along with a separate retail unit was approved in May 2020. During the application process, discussion was had in relation to the provision of affordable housing on site. Note that this was for a percentage of the extra care units to be affordable and was not for provision of general affordable housing

The Council requested 25% affordable provision on site to comply with Policy. However, the applicant was hopeful that with Council support an application for Government funding (Grant) would enable a greater percentage of the proposed extra care units to be made available for affordable housing and stated their desire to provide 50 of the 88 units to be affordable (at a split of 50/50 shared ownership and affordable rent). This desire was supported by the Planning Authority and an appropriate condition was imposed.

The condition was agreed to by the then applicant 'Rapport Housing and Care and A N Development' as they considered that funding would be provided by Central Government, to assist with the intended level of affordable housing.

However, the then intended occupiers, Rapport Housing Ltd, were unable to get the required Government Funding and this was then further complicated by delays due to covid. As a result of that Rapport Housing Ltd were not able to make the proposal viable with that level of affordable housing i.e without grant funding. The applicants, St Andrews Commercial Land Ltd re-marketed the site with the condition as imposed requiring 56% extra care affordable provision but were unable to secure any interest with the level of affordable housing required by condition.

The applicants have confirmed that they have an interested purchaser of the site and the approved scheme, but only on the basis of a Policy compliant affordable housing provision of 25%

### *Assessment*

The original planning application for the development - MC/19/0994 – was determined by the Planning Committee and was resolved to be approved subject to conditions. That application considered all material planning considerations, including siting, design, scale, layout, amenity, and highway matters. None of these aspects have been changed and the assessment undertaken as part of that application still stands. A copy of that report and assessment is attached as an appendix to this report. The only policy changes relate to the fact that the National Planning Policy Framework has been updated earlier in 2021, but the changes to the NPPF from the version considered with the original application do not change the assessment or recommendation.

The only aspect for consideration of this revised application is the change from the provision of 56% affordable units within the extra care down to 25%. In this respect Policy H3 of the Medway Local Plan 2003 sets out the requirement for a proportion of residential development to be affordable housing. This is considered to still apply for an Extra Care scheme. It is therefore expected that this development should provide the 25% affordable homes, as set out in the Medway Guide to Developer Contributions and Obligations.

The above background section sets out the changes that have taken place since the original application was considered – namely the fact that the anticipated Government grant for great affordable provision was not secured. As a consequence, the original developer has withdrawn their interest. A new developer has been secured and has confirmed in writing that they can deliver the scheme with a Policy compliant 25% affordable housing – this equates to 22 units.

Amending the condition to ensure that the development provides 25% affordable units is acceptable as this would ensure that the development would be policy compliant.

It should be noted that some of the objections that have been received fail to consider the reduction will still ensure a 25% affordable provision which is for Extra Care facilities only and not for residential accommodation for young first-time buyers as indicated in the letters received. The proposal would ensure policy compliant affordable provision of extra care accommodation.

The proposed change of affordable housing provision has been considered by the Council's Housing Enabling team and they have advised that the amendment is within the Council's requirement and can be accepted.

#### *Local Finance Considerations*

Not relevant to this application.

#### **Conclusions and Reasons**

The proposal to amend the affordable housing provision is considered acceptable and would ensure that the required level of affordable homes is provided within the development and policy compliant. The proposal complies with Policy H3 of the Medway Local Plan 2003 and paragraphs 60, 62 and 65 of the NPPF.

The application would normally be determined under delegated powers but is being referred to Committee for determination due to the number of representations received expressing views contrary to officer's recommendation.

Members deferred this application from the Planning Committee of 13 October in order to get more information on the reasons behind the reduction in on site affordable provision.

This has been covered within the report above and confirmed in a letter from the agent dated 14 October 2021 and from the potential developer (Gravitas) dated 19 October. Both are attached as an appendix. As advised, a copy of the original report for the approval of MC/19/0994 is attached below.

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## **Background Papers**

The relevant background papers relating to the individual applications comprise: the applications and all supporting documentation submitted therewith; and items identified in any Relevant History and Representations section within the report.

Any information referred to is available for inspection in the Planning Offices of Medway Council at Gun Wharf, Dock Road, Chatham ME4 4TR and here <http://publicaccess1.medway.gov.uk/online-applications/>

MC/19/0994

Date Received: 15 April 2019

Location: Land Adjacent To Balancing Pond St Andrews Park Halling  
Kent

Proposal: Construction of an extra care facility comprising of thirty six 1-  
bedroom and fifty two 2-bedroom apartments with communal  
facilities including restaurant, offices and a separate retail unit  
(Class A1) with associated landscaping, access, parking and  
infrastructure

Applicant Rapport Housing & Care and A N Development,

Agent DHA Planning  
Mr John Collins Eclipse House  
Eclipse Park  
Sittingbourne Road  
Maidstone  
ME14 3EN

Ward: Cuxton And Halling Ward

Case Officer: Hannah Gunner

Contact Number: 01634 331700

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**Recommendation of Officers to the Planning Committee, to be considered and determined by the Planning Committee at a meeting to be held on 29th April 2020.**

**Recommendation - Approval with Conditions**

- 1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: To comply with Section 91 of the Town and Country Planning Act 1990 (as amended).

- 2 The development hereby permitted shall be carried out in accordance with the following approved plans:

Drawing numbers;

18-0595 Dwg 1 of 2 - received 12 April 2019

18.093 -001 Rev A, 18.093 -002 Rev A, 18.093 -003 Rev A, 18.093 -004 Rev A,  
18.093 -007 Rev A, 18.093 -008 Rev A, 18.093 -009 Rev A, 18.093 -010 Rev A,  
18.093 -011 Rev A - received 14 February 2020

18.093 -005 Rev B, 18.093 -006 Rev B - received 20 March 2020

Reason: For the avoidance of doubt and in the interests of proper planning.

- 3 No development above slab level shall take place until details and samples of all materials to be used externally have been submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved details.

Reason: To ensure that the appearance of the development is satisfactory and without prejudice to conditions of visual amenity in the locality, in accordance with Policy BNE1 of the Medway Local Plan 2003.

- 4 No development above foundation level shall take place until full details of all hard and soft landscaping, boundary treatment and any artefacts to be located within external areas have been submitted to and approved in writing by the Local Planning Authority.

Hard landscaping works shall include all decking, paving and external hard surfacing material. Minor artefacts and structures shall include seating, refuse receptacles, planters, tree grilles and any other decorative feature(s).

Soft landscape works shall include details of planting plans, written specifications (including cultivation and other operations associated with grass and plant establishment and aftercare, schedules of plants, noting species, plant sizes and proposed numbers/densities where appropriate. All planting, seeding and turfing comprised in the approved scheme of landscaping shall be implemented during the first planting season following first occupation of the buildings or completion of the development, whichever is the earlier. Any trees or plants which within 5 years of planting are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species, unless the Authority gives written consent to any variation.

The boundary treatment details shall include a plan indicating the positions, design, materials and type of boundary treatment to be erected. The boundary treatment shall be completed before the buildings are first occupied and shall thereafter be retained. The development shall be carried out in accordance with the approved details.

Reason: Pursuant to condition 197 of the Town and Country Planning Act 1990 and to protect and enhance the appearance and character of the site and locality and afford residents good levels of amenity in accordance with policies BNE1, BNE2 and BNE6 of the Medway Local Plan 2003.

- 5 A landscape management plan, including long term design objectives, management responsibilities and maintenance schedules for all landscape areas including the roof garden, shall be submitted to and approved in writing by the Local Planning Authority prior to the first occupation of the development. The landscape management plan shall be carried out as approved.

Reason: Pursuant to condition 197 of the Town and Country Planning Act 1990 and to protect and enhance the appearance and character of the site and locality in accordance with policies BNE1 and BNE6 of the Medway Local Plan 2003.

- 6 No development above foundation level shall take place until details of all external lighting has been submitted to and approved in writing by the Local Planning Authority. The details of the lighting shall include design, the exact position, light intensity and spillage and be illustrated on the associated landscaping plans for that phase or sub phase.

The design plan should also include a plan for biodiversity that will:

Identify those areas/features on site that are particularly sensitive for bats and that are likely to cause disturbance in or around important routes used to forage and commute;

Show where external lighting will be installed so that it can be clearly demonstrated that areas to be lit will not disturb bat activity.

The lighting shall be installed in accordance with the approved details prior to the first occupation of any part of the development to which it relates. The approved lighting shall be retained in accordance with the approved details.

Reason: To ensure a satisfactory external appearance and biodiversity sensitivity and to ensure the provision of lighting does not result in glare or light overspill to surrounding properties in accordance with policies BNE2 and BNE5 of the Medway Local Plan 2003.

- 7 Prior to first occupation of the development hereby approved, details of how the development will enhance biodiversity shall be submitted to, and approved in writing by, the local planning authority. This will include the implementation of recommendations in section 6 within the Preliminary Ecological Appraisal (Greenspace Ecological Solutions December 2018). The approved details will be implemented prior to first occupation or in accordance with an implementation

plan agreed as part of the submission pursuant to this condition and thereafter retained

Reason: To ensure a satisfactory development that is in alignment with paragraph 175 of the National Planning Policy Framework 2019

- 8 No development shall take place until a scheme showing details of the disposal of surface water, based on sustainable drainage principles, including details of the design, implementation, maintenance and management of the surface water drainage scheme have been submitted to and approved in writing by the Local Planning Authority.

Those details shall include:

a timetable for its implementation, and  
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 scheme throughout its lifetime.

No surface water drainage infiltration into the ground is permitted.

Reason: To manage the risks of flooding pre and post construction and for the lifetime of the development and to ensure that the development does not contribute to, or is not put at unacceptable risk from, or adversely affected by, unacceptable levels of water pollution caused by mobilised contaminants in line with paragraph 170 of the National Planning Policy Framework

- 9 No development approved by this planning permission shall commence until a strategy to deal with the potential risks associated with any contamination of the site has been submitted to, and approved in writing by, the Local Planning Authority. This strategy will include the following components:

1. A preliminary risk assessment which has identified: all previous uses; potential contaminants associated with those uses; a conceptual model of the site indicating sources, pathways and receptors; and potentially unacceptable risks arising from contamination at the site.

2. A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.

3. The results of the site investigation and the detailed risk assessment referred to in (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.

4. A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (3) are

complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

Any changes to these components require the written consent of the local planning authority. The scheme shall be implemented as approved.

Reason To ensure that the development does not contribute to, or is not put at unacceptable risk from, or adversely affected by, unacceptable levels of water pollution in line with paragraph 170 of the National Planning Policy Framework.

- 10 Prior to any part of the permitted development being occupied a verification report demonstrating the completion of works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to, and approved in writing, by the local planning authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met.

Reasons To ensure that the site does not pose any further risk to human health or the water environment by demonstrating that the requirements of the approved verification plan have been met and that remediation of the site is complete. This is in line with paragraph 170 of the National Planning Policy Framework.

- 11 If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until a remediation strategy detailing how this contamination will be dealt with has been submitted to and approved in writing by the Local Planning Authority. The remediation strategy shall be implemented as approved.

Reasons: To ensure that the development does not contribute to, or is not put at unacceptable risk from, or adversely affected by, unacceptable levels of water pollution from previously unidentified contamination sources at the development site in line with paragraph 170 of the National Planning Policy Framework. The design of SuDS appropriate to this location, in conjunction with the wider agreed site strategy is acceptable .

- 12 Prior to the first occupation of the development a mechanism demonstrating how 50 units will be delivered as affordable housing (50:50 split shared ownership and affordable rent) shall be submitted to and approved in writing by the Local Planning Authority. The affordable homes shall be delivered as approved and thereafter maintained as such.

Reason: To ensure provision of affordable homes on site in accordance with Policy H3 of the Medway Local Plan 2003



- 13 No development shall take place until a Construction Environmental Management Plan (CEMP) that describes measures to control, amongst other matters, hours of working, parking of operatives vehicles, deliveries to the site, noise, dust and lighting and the effect on wildlife and habitats arising from the construction phase of the development has been submitted to and approved in writing by the Local Planning Authority. The construction works shall be undertaken in accordance with this approved plan.

Reason: Required before commencement of development in order to minimise the impact of the construction period on the amenities of local residents, the countryside, wildlife and habitat and with regard to BNE1 and BNE2 of the Medway Local Plan 2003

- 14 No dwelling and/or building shall be occupied until details of secure private cycle parking provision in the form of individual lockers for have been submitted to and approved in writing by the Local Planning Authority. The cycle parking shall be implemented in accordance with the approved details before any dwelling and/or building is occupied and shall thereafter be retained.

Reason: To ensure the provision and permanent retention of bicycle spaces in accordance with Policy T4 of the Medway Local Plan 2003.

- 15 No development shall take place above ground floor slab level until details of the provision of 3 electric vehicle charging points have been submitted to and approved in writing by the Local Planning Authority. Details shall include the location, charging type (power output and charging speed), associated infrastructure and timetable for installation. The development shall be implemented in accordance with the approved details and shall thereafter be maintained.

Reason: In the interests of sustainability in accordance with paragraph 110E of National Planning Policy Framework 2019.

- 16 No part of the development shall be occupied until a Parking Management Plan has been submitted to and approved in writing by the Local Planning Authority. The Parking Management Plan shall contain details of how the parking spaces within the development are to be managed and preserved for use by future residents and their visitors as well as retail customers. The Parking Management Plan shall be implemented in accordance with the approved details prior to the first occupation of the development and shall thereafter be retained.

Reason: to ensure satisfactory off-street parking in accordance with Policy T13 of the Medway Local Plan 2003

- 17 No part of the development shall be occupied until the refuse storage and collection areas for both the extra care unit and the retail unit have been

completed in accordance with dwg no: 18.093 -005 Rev B, 18.093 -006 Rev B - received 20 March 2020 and a waste management plan has been submitted to and approved in writing by the Local Planning Authority.

Reason: to ensure satisfactory refuse storage and collection facilities are provided in accordance with Policy BNE of the Medway Local Plan 2003

- 18 No part of the development shall be occupied until the area shown on the submitted layout as vehicle parking space/garaging has been provided, surfaced and drained in accordance with details that have been submitted to and approved in writing by the Local Planning Authority. Thereafter it shall be kept available for such use and no permanent development, whether or not permitted by the Town and Country Planning (General Permitted Development) Order 2015 (or any order amending, revoking or re-enacting that Order) shall be carried out on the land so shown or in such a position as to preclude vehicular access to this reserved parking space/ garaging.

Reason: Development without provision of adequate accommodation for the parking of vehicles is likely to lead to hazardous on-street parking and to accord with Policy T13 of the Medway Local Plan 2003.

- 19 The use of the retail unit hereby permitted shall only operate between the hours of 06:00 to 22:00 Mondays to Sundays inclusive of Sundays and Public Holidays.

Reason: To ensure that the development does not prejudice the amenities of neighbouring property in accordance with Policy BNE2 of the Medway Local Plan 2003.

- 20 No servicing or deliveries to the retail unit shall take place on the premises between the hours 18:00 to 6:00 Mondays to Saturdays inclusive and shall not take place on Sundays and Public Holidays.

Reason: To ensure that the development does not prejudice the amenities of neighbouring property in accordance with Policy BNE2 of the Medway Local Plan 2003.

**For the reasons for this recommendation for approval please see Planning Appraisal Section and Conclusions at the end of this report.**

## **Proposal**

This is a detailed application for the construction of an extra care facility comprising of 36 x 1-bedroom and 52 x 2-bedroom apartments with communal facilities including

restaurant, offices and a separate retail unit (Class A1) with associated landscaping, access, parking and infrastructure.

The application site is located to the west of the A228 Formby Road, between the settlements of Halling and North Halling. The A228 Formby is a major route connecting the area with Rochester and Royal Tunbridge Wells and links the M20 at junction 4 with the M2 at junction 2.

The site is located within 650m of Halling Railway Station, which provides regular services into Tonbridge, Strood and Paddock Wood. A main bus route is located less than 100m from

the site. A range of bus services run from this stop providing services between Chatham, Strood, St Andrews Park, West Malling, Kings Hill and settlements further afield.

The Extra Care facility is proposed to be a part 4 – part 5 storey building which follows the shape of the site to form an almost 'L' shaped building. The height of the building varies from 13.2m (4 storeys) to 16.4m (5 storeys). The design incorporates a roof garden area also which is to be balustraded. This sits above part of the four storey part of the building.

The extra care facility will provide specialist C2 residential care, 1 and 2 bed accommodation over five storeys. The following facilities will also be provided within the building:

- Restaurant
- Kitchen
- Lounge
- Activities Room
- Domicillary Care
- Buggy Store
- Hairdressers
- Therapy Room
- Club Room
- Staff Room
- Assisted Bathroom.

The retail unit will be a single storey building covering a total floorspace of 392 sqm. It is anticipated that the unit will be occupied by a Co-op convenience store.

The retail unit is proposed opposite the extra care facility in the north-eastern corner of the site.

Parking provision has been placed between these two buildings and in the northern corner, adjacent to the roundabout.

It is proposed that a large landscaped area will be provided to the east of the site, which will provide a communal area for residents of the facility.

### **Site Area/Density**

Site Area: 1 hectare (2.47 acres)

Site Density: 88 dph (35.63 dpa)

### **Relevant Planning History**

- MC/19/2814** Change of use of site to mixed use wildlife reserve/watersports and outdoor activity centre together with the construction of 20 waterside holiday accommodation units, 12 on-the-lake holiday pods with two of these comprising a managers unit and office/security unit, a Water Sports Centre with associated 'hub' to provide for sailing, diving, fishing, rowing, paddle-boarding venue and incorporating a café and restaurant as well as multi-function space for use by members and visitors for training/education and related activities. In addition the provision of an outdoor activity centre, fishing lodge, two zip wires, an artificial wreck, floating pontoon and infrastructure, provision of a Forest School, placement of temporary facilities comprising of Temporary office/admin/sales facility; Temporary toilets; Temporary car parking and infrastructure with associated parking, access, engineering, landscaping, mooring infrastructure and ecological enhancement works throughout St. Andrews Lake  
**Decision** Pending
- MC/14/1486** Variation of conditions 5, 39 and 40 of planning permission MC/12/1791 - condition 5 to enable changes to the approved residential layout and change 23 of the approved house types; and conditions 39 and 40 to include balancing ponds, foul pumps and revised Flood Risk Assessment as approved under MC/14/0121  
**Decision** Approval With Conditions  
**Decided** 15 August 2014
- MC/14/0121** Relocation and enlargement of the proposed balancing ponds approved under application MC/12/1791 and the installation of a foul water pumping station and associated earth works.  
**Decision** Approval With Conditions  
**Decided** 24 March, 2014
- MC/12/1791** Hybrid application for outline details for demolition of existing

buildings and provision of employment up to 3,000sqm floorspace (B1, B2, B8), doctors surgery up to 1,000sqm (D1) and/or a 40 unit extra care facility, pub/restaurant up to 850sqm (A3/A4), new pedestrian/cycleway bridge across A228; alterations to public highway; sports pitches and ancillary structures including means of access with all other matters reserved. Full details for 385 residential dwellings including demolition of existing structures, vehicular access and landscaping; open space; nature conservation facilities; ground modelling and earthworks and ancillary buildings

**Decision** Approval With Conditions

**Decided** 29 August, 2013

## **Representations**

The application has been advertised on site and in the press and by individual neighbour notification to the owners and occupiers of neighbouring properties.

The Environment Agency, Natural England, KCC Biodiversity, Kent Police, Southern Water and Southern Gas have also been consulted.

**113 letters** have been received raising the following **objections**:

- Occupants at St Andrews were promised a pub/restaurant, doctors and/or nursery – mis-sold by Redrow
- Does not comply with original application (outline)
- Doctors is already having to expand
- A228 already a busy road – will be worsened by proposal
- 4 storey building would be an eyesore
- Co-op will impact small independent shops within Halling village
- Will cause problems with visibility for road users
- Building will be under pylon
- Height is out of scale
- Children's playground opposite – safety of children therefore affected by increase in cars
- Views of the lake from some of the properties will be lost
- Disruption during build
- Completely unwanted by residents in the area
- Will cause pollution around the lake
- Will devalue houses here
- Design is out of keeping
- Location of co-op will cause strain on estate infrastructure

**23 letters of support** have been received raising the following points:

- People grow old – care homes are needed
- Need for care facilities on Medway
- Includes an attractive green area
- Retail unit is well needed in this area
- The shop will reduce the need for residents to travel
- The scale of the building will sit well in this location
- Both the Extra Care and the shop will create jobs
- This is a real opportunity to benefit the aging community
- A pub here would cause disturbance to residents.

The **Environment Agency** have made the following comments:

It is accepted that some site wide remedial activities were carried out on this old cement works site prior to all development. Additional detailed site assessments are required as each phase is developed to ensure safe development for the specific use envisaged on individual plots or phases.

The submitted desk study is accepted in principle as being in line with relevant guidance and the recommendation for further review and assessment of ground conditions are supported. Conditions would ensure a comprehensive approach for this plot.

The previous use of the proposed development site as a cement works presents a medium risk of residual contamination that could be mobilised during construction to pollute controlled waters. Controlled waters are sensitive in this location because the proposed development site is located upon Principal aquifer.

The reports submitted in support of this planning application provides us with confidence that it will be possible to suitably manage the risk posed to controlled waters by this development. Further detailed information will however be required before built development is undertaken.

In light of the above, the proposed development will be acceptable if a planning condition is included requiring the submission of a remediation strategy.

**Kent Police** have noted a number of issues that the applicants need to address:

- Development layout and permeability
- Perimeter, boundary and divisional treatments. Defensible space will need to be incorporated to protect the sides and rear of the care home.
- Parking for the care home and supermarket will need to be carefully segregated, marked and allocated. Rule setting signage will be required to prevent/deter customers using the supermarket from parking in the care home parking area.
- The bin storage area for the care home appears to be some way from the care home. It is unclear if the residents will take items to the bin store or if these will

be collected by staff for disposal. The bin store should be secured and lit appropriately.

- Lighting and CCTV
- Full audio visual access control will be required to control access to the main entrance for the care home as well as other areas.
- Doorsets and windows will need to comply with SBH Homes 2019 specifications.
- Security Compartmentalisation.
- Supermarket security and layout.
- If an ATM is to be incorporated within the Supermarket, anti ram raid bollards may be required.

**Natural England** comment that the lack of comment from Natural England does not imply that there are no impacts on the natural environment, but only that the application is not likely to result in significant impacts on statutory designated nature conservation sites or landscapes.

**KCC Biodiversity** have stated that due to distancing and topography it is their view that the designated sites in the vicinity will not be significantly impacted by the development proposal.

In relation to bats and lighting, they have stated that external lighting should be designed in a way that negates the impact of bat activity. To do this, and in accordance with paragraph 180 of the National Planning Policy Framework 2019, they suggest that the Bat Conservation Trust's 'Guidance Note 8 Bats and Artificial Lighting' is consulted in the lighting design of the development. It is advised that the incorporation of sensitive lighting design for bats is submitted to the local planning authority, as recommended in the ecology report, and secured with a condition.

In alignment with paragraph 175 of the National Planning Policy Framework 2019, the implementation of enhancements for biodiversity should be encouraged. The ecology report recommends enhancements which is advised should be incorporated into site plans. This too, can be conditioned.

**Southern Water** have commented that a formal application for connection to the public sewerage system is required in order to service this development.

Initial investigations indicate that there are no public surface water sewers in the area to serve this development. Alternative means of draining surface water from this development are required. This should not involve disposal to a public foul sewer.

## **Development Plan**

The Development Plan for the area comprises the Medway Local Plan 2003 (the Local Plan). The policies referred to within this document and used in the processing of this

application have been assessed against the National Planning Policy Framework 2019 and are considered to conform.

## **Planning Appraisal**

### *Background*

In 2013 a hybrid planning application was approved for a mixed development site comprising housing, care home, pub/restaurant, doctors and commercial uses (MC/12/1791). In 2014 an application was submitted for an alteration to the originally approved balancing pond. The original permission proposed a single balancing pond to the southern extent of the residential development. The previous drainage scheme proposed the disposal of water via an existing Southern Water outfall into the River Medway. This was altered so that the balancing pond was relocated to the position that it is now located.

It does not appear that the parameter plans of the original 2012 submission were ever revised as a result of the balancing pond relocation. It should be noted that the original approved parameter plans do not reflect the current position on site in relation to the balancing pond or the mixed use area.

In relation to this proposal, the applicants are a Medway based business providing care to over 55's. The Extra Care housing proposed here is suitable for people who are largely independent but require some support and would like the peace of mind of living in a safe setting. Residents have their own apartments and their own front door but are able to enjoy an array of communal facilities and activities.

Regardless of tenure type, to be eligible for this type of housing/living scheme residents must be aged over 55 and at least one of the occupants of each unit must have a minimum care and/or support need of 3.5 hours per week.

### *Principle*

The principle of this site being used for some form or mixed use (doctors and/or care home, pub/restaurant etc) was set out and approved in the original 2012 application. Since this time the housing aspect of this development has been completed and the children's play area is in place.

The development on the east side of the A228 was originally meant to be an employment area and sports pitch. The scheme has evolved over time for various reasons however and as a result the original residential terrace now remains after refurbishment. Planning permission has been granted for employment use behind the terrace as well as off road parking for the terrace. New residential units have also been approved in this locality.

The area being used currently for the storage/sale of work cabins is the land subject of current planning application MC/19/3158 – still pending consideration. The land to the



south of Formby Terrace (which was originally shown as sports pitches) may be coming forward for overflow parking for the lake. Sports Pitches are not suitable here as they would be under the power lines and could be dangerous.

Overall, it is considered that given the history of the site and the existing and approved development that has already occurred within the vicinity this proposal is compliant with Policies BNE1, BNE2, H8, CF4 and CF5 of the Medway Local Plan 2003 as well as Paragraphs 61, 91 and 92 of the NPPF 2019.

### *Design*

This proposal is best considered in two parts. The first being the 4/5 storey extra care home, and the second being the single storey convenience store building on the opposite side of the application site.

Extra care centre – the design of the Extra Care centre has evolved since the original submission, which has seen the building being reduced from 95 units down to 88 as well as seeing the footprint reduced and the overall design being revised to incorporate a change in levels, a roof garden and the perimeter planting of trees.

The care facility is designed to be flat roofed, but will be a part 4/part 5 storey structure with a roof garden coming out from the 5<sup>th</sup> floor onto the roof of some of the fourth floor.

The design incorporates an off white render to the main bulk of the building with metal feature panels, timber clad vent windows and glass balustrade projecting balconies. The roofs are shown to be sedum green roofs (except the roof garden area). The top floor aspects of the building are shown to be recessed slightly with a black vertical timber/timber effect cladding. This is considered to break up the elevations considerably and reduce the dominance and bulk. The fact that the building is now on two levels and not one solid block is considered to be a positive alteration from the initial submission as it breaks up the overall appearance of the building, resulting in a building that appears less harsh within the immediate surroundings.

The design change also sees the southern end of the building being reduced in bulk and moved back from the Formby Road junction. This allows for pedestrian links from the bridge through this site to the proposed shop as well as linking the pedestrian routes to the garden and amenity spaces better. The significant change in doing this is that the view of the building from approach on the A228 (in both directions) will be lessened and generally less dominant as landscaping in front can aide in softening the appearance of the bulk.

Overall it is considered that the design of this scheme is modern and simplistic and although different from the main residential development to the north, will not be unacceptable due to the separation between the proposed building and the existing dwellings, aided also by the retail unit discussed below.

The proposed single storey A1 retail unit is shown on the plans to be simple in its design. The building is a flat roofed structure that is predominantly a square structure with a protruding element on the south west corner. The main customer entrance is located on the south elevation, which faces into the site.

The customer aspect of the proposal is all within the main rectangular aspect of the building with the storage and staff areas being to the west of the building in the more irregular shaped aspect. The refuse storage area for the supermarket is shown to be located on the northern boundary of the site, on the west side of the building.

The building is to have a sedum/grass flat roof which will ensure that the impact of this building is minimised. The materials of the co-op itself are not detailed, however it is specified that the building will be similar in appearance to other stand alone co-op supermarkets found generally within the UK. Details of the exact materials can be conditioned, however the principle of this design is considered to be acceptable.

Overall, the design of the Extra Care Home is considered to be well thought out and acceptable and as a result complies with Policies BNE1 and BNE2 of the Medway Local Plan 2003 as well as Paragraphs 124, 127, 128 and 131 of the NPPF 2019.

### *Amenity*

It is important to consider the amenities of both the existing residents at St. Andrews Park and also the future occupants of the proposed extra care scheme.

In relation to the St Andrews Park residents, this Extra Care scheme is located some 70m from the nearest residential property, whilst the single storey co-op building will be some 25m away. The houses on Brooks Place are separated from the co-op building by the road and parking spaces along with some existing planting that is in place within the parking area of Brooks Place. The proposed building will be visible from the front of these houses, however due to the fact that it is single storey and has a footpath round, it is not considered that this proposed building will detrimentally harm the amenities of people within these houses. Given the distancing of the Extra Care block, again, whilst visible it will be acceptable in terms of impact on amenity as it will not cause any loss of direct sunlight to these houses.

Whilst it can be appreciated that the existing views from houses here will alter, this is not a material planning consideration as there is no impact in terms of outlook while it is not considered that the location of the proposals will have a detrimental or harmful impact on daylight or amenity of the occupiers of these properties .

Due to its proximity to the extra care scheme, the retail unit has the potential to impact on the amenities of the occupiers of the extra care scheme and accordingly conditions are recommended to control the hours of use and servicing of the retail unit.

In terms of the amenity of the occupants of the Extra Care scheme, it is considered that the units that are being proposed are all of a satisfactory size (1 bedroom units all over 50m<sup>2</sup> and 2 bed units all over 61m<sup>2</sup> for a 3 person and 70m<sup>2</sup> for 4 person units). All of the bedroom spaces shown on the plans are also well within the national housing standard for single and double room sizes. Of the 88 proposed units, 56 are provided with balconies, resulting in 32 being without. Of these 32, 13 are on the ground floor and 12 are on the 5<sup>th</sup> floor. The ground floor units all have same level access to the outside space whilst the 5<sup>th</sup> floor units all have same level access to the roof garden. This leaves 7 units without balconies. These units will still have access to communal amenity space as the lift can take residents up or down to the shared spaces. The lack of private amenity space in this type of unit is not considered to be an issue due to the fact that the site is in a well landscaped setting with an amenity area close by and the lake in close proximity.

Overall it is considered that the amenity of both existing residents of St Andrews Park and the future occupants of the proposed scheme will have satisfactory amenity provision and the scale and location of the building will have no impact on the daylight/sunlight received by existing homes.

The scheme is considered therefore to be compliant with Policy BNE2 of the Medway Local Plan 2003 and also Paragraph 127 of the NPPF 2019.

### *Landscaping*

The site plan has developed to include important structure planting elements that surround the sites periphery. This approach helps address the Care Facilities strong visual contrast with its immediate and wider surroundings. Boundary treatment changes have gone some way to filter the impact of the Care Facility building on its surroundings.

Tree planting within the car park will assist in filtering views of the Care Facility from the residential development.

The proposed boundary footpath link connecting St Andrews Park with Halling, (via the footbridge) will present a semi-rural view along this edge which compliments the balancing pond landscape.

The care facility has been set back further into the site on both edges against the road. The setback goes some way to reduce the dominance of the building as it meets the road. The setback provides sufficient space for a formal line of street trees to be planted and this additional feature is highly important. The trees soften the presence of the building from the footpath and road and when the Care Facility is approached from more distant site surroundings.

Whilst these principles have been discussed and demonstrated within the plans, there is insufficient detailed information, by way of detailed Landscape Management Plan etc.

regarding landscape so this aspect will require further development through the recommended conditions.

Overall it is considered that the landscaping with this application complies with Policy BNE6 of the Medway Local Plan 2003 as well as Paragraphs 96 and 98 of the NPF 2019.

### *Affordable Homes Provision*

The applicant has agreed to provide 50 of the 88 units as affordable. 25 will be shared ownership and 25 affordable rent and this will be secured by condition.

### *Highways*

The proposed development site is located adjacent to the newly constructed St Andrews Park residential development. The land has been used as a construction compound for this development. The site access from the A228 Rochester Road / Kent Road roundabout junction was constructed as part of the St Andrews Park development and is subject to a 30mph speed restriction. Within the vicinity of the site, the A228 takes a general north-south alignment and is a single carriageway road with one lane in each direction separated by central hatching. It is subject to a 40mph speed restriction.

With regard to accessibility, pedestrian infrastructure is to a good standard within the local vicinity of the site. In terms of public transport, the development is approx. 400 metres of the bus stops located along the A228. It is noted that a recently installed pedestrian crossing provides a safe route across the A228 for those travelling via bus. In relation to travelling by train, Halling station is located within a reasonable walk distance of the site and can be accessed via the new bridge across the A228.

In terms of access, it would be in the form of a simple bell mouth construct with sufficient visibility splays. It is noted that the site can also be accessed via Germander Avenue and Limeburners Drive, although primary access will be from the south, No objection is raised in this regard, subject to the provision of further of the applicant entering into a S278 agreement.

The transport assessment uses the TRICS database to predict the peak hour vehicle movements likely to arise from the development and compares these to the previous permission. It is noted that incorrect parameters have been selected whilst completing the TRICS calculation, however this is not considered to significantly change the trip rates and therefore no action is needed. Table 5.4 demonstrates that the proposed development would generate fewer vehicle trips than are allowed for by the previous consent. During the AM and PM peak hours, a reduction of approximately 58 and 67 two-way trips respectively is estimated.

With regard to parking provision, as outlined within the Transport Statement, discussions between the applicant and the planning authority, it was agreed that a rate of 0.6/0.7 spaces per one bedroom apartment and one space per two bedroom apartment should

be provided. This would equate to a total of 73/74 parking spaces for residents plus one per staff member. Based on an approximation of 30 staff this totals 103/104 parking spaces for the extra care unit. The applicant has provided 97 spaces which would be 6-7 spaces short of agreed.

The Transport Statement provides table 6.1 which provides summary of parking arrangements for similar sites within the Kent area. It is noted that these sites are located in unrelated areas (much more urban), however it does demonstrate that the parking stress is low, so even when taking into account the different location, it would be considered that the parking provision for the residential units would be acceptable. The applicant has also implemented a parking space dedicated for ambulances along with dedicated space for delivery/ servicing vehicles as requested. With regards to the commercial unit, it is considered that 24 spaces would be sufficient.

Additionally the applicant has outlined a car park management plan, and whilst further details would be required, this can be managed via condition.

In relation to Cycle parking, it is considered that level of provision is acceptable and details can be secured via condition.

In terms of the internal layout, vehicle tracking diagrams demonstrate that the internal layout will satisfactorily accommodate the large vehicles expected to access and circulate within the site.

On this basis, no objection is raised in respect of the transport Policies T1, T4 and T13 of the Medway Local Plan 2003 and Paragraph 110 of the NPPF 2019.

### *Refuse collection*

It should be noted that the waste storage/collection area for the convenience shop is located on the northern boundary of the site, on the west side of the building. This is considered to be an acceptable location.

The refuse store/collection area for the Extra Care centre has been amended to ensure that it is well within the acceptable 'carry distances' for residents.

### *Climate Change and Energy Efficiency*

In order to achieve an energy efficient building the following measures are envisaged.

- All materials will meet the requirements of the latest Building Regulations and in particular Part L (Energy Use). Where practicable facing materials that meet BRE Green Guide A + will be used.
- Energy consumption will be reduced through energy saving devices. Fixed light fittings will have energy efficient fittings.

- Energy efficient goods. All kitchens to have white goods including fridge, freezers, washing machines, dishwashers and tumble dryers to be 'A+' rated as far as possible.
- Taps, fittings and WCs to be low water consuming.
- Boilers will be Low NOx boilers and where possible condensing combination gas boilers (low NOx).
- Electric car points are to be provided.
- Car sharing as well as shared taxis will be encouraged as part of a Travel Plan.
- All windows are double glazed and will achieve a u-value of 1.4W/m<sup>2</sup>K
- The close proximity of amenities including public transport, leisure facilities, businesses and shopping facilities from the proposed development mean the length of journey is minimal promoting walking and making it not essential to own a car.
- Secured bike storage can be provided.

### *Bird Mitigation*

As the application site is outside of the 6km buffer zone of the North Kent Marshes SPA/Ramsar Sites, the proposed development is considered unlikely to have a significant effect, either alone or in-combination, on the coastal North Kent Special Protection Areas (SPAs)/Ramsar sites from recreational disturbance on the over-wintering bird interest.

As a result it is not necessary to require the tariff set out by Natural England to fund strategic measures across the Thames, Medway and Swale Estuaries.

No objection is therefore raised under Paragraphs 175 and 176 of the NPPF and Policies S6 and BNE35 of the Local Plan.

### *Local Finance Considerations*

None relevant here

## **Conclusions and Reasons for Approval**

Overall, it is considered that this application for the Extra Care Home and convenience store will be acceptable development in this location.

The design, bulk and scale of this 4-5 storey Care Home have been considered and will provide a modern and aesthetically pleasing building suitable in this location. The single storey co-op building is considered to be modest and will not impact the immediate neighbours.

The amenity of future and neighbouring occupants is considered to be acceptable and the provision of the shop will benefit the whole of the St Andrews development as well as the wider community.

The application is considered to comply with Policies BNE1, BNE2, BNE6, BNE35, H8, CF4, CF5, T1, T4 and T13 and also Paragraphs 61, 91, 92, 96, 98, 110, 124, 127, 128, 131, 175 and 176 of the NPPF 2019.

The application would normally be determined under delegated powers but is being referred for Committee determination due to the number of representations received expressing a view contrary to officer's recommendation.

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## **Background Papers**

The relevant background papers relating to the individual applications comprise: the applications and all supporting documentation submitted therewith; and items identified in any Relevant History and Representations section within the report.

Any information referred to is available for inspection in the Planning Offices of Medway Council at Gun Wharf, Dock Road, Chatham ME4 4TR and here <http://publicaccess1.medway.gov.uk/online-applications/>



Medway Council  
Planning Department  
Gun Wharf  
Dock Road  
Chatham  
Kent

For the attention of Mr Dave Harris – Development Control Manager  
and Cllr Mrs Chambers Chairperson of Planning Committee.

Our Ref: JAC/12937

14 October 2021

Dear Mr Harris, Cllr Mrs Chambers,

**RE: MATTERS IN RESPECT OF CARE HOME DEVELOPMENT AT ST.ANDREWS LAKE**  
**- PLANNING APPLICATION MC/21/1703 – LAND ADJACENT TO BALANCING POOL**

I refer to the above project and write to respond to matters from last night's Planning Committee.

Firstly, in respect of the Applicant name, this should have been stated as "St Andrew's Commercial Land Ltd." This is the same Company that owned the site at the time of the first application by another developer and remains the correct name for this Application.

I confirm that Mr Andrew Mackness is only one of 3 shareholders within that Company but the Applicant is in reality the company and not Mr Mackness. I am afraid the Planning Portal now requires a specific name to be used rather than a Company name. Mr Mackness is not a Director of the Company and as stated the application should not have stated him as the Applicant.

As to the issue of the viability of the scheme, I have been advised that the previous intended developer Nigel Viney and the subsequent occupier, Rapport Housing Ltd were unable to attain the funding from the Government to supply the affordable housing at the level applied for (i.e. 56%) at the time and was further complicated by Covid 19 delays. The site owners, St Andrew's Commercial Land Ltd sought other developer's to purchase the site but none were found at the excessive 56% level of affordable housing.

Other parties have however confirmed interest at the 25% level and a new developer is now contracted to purchase the site at the 25% level.

I have written to the Party concerned and they are to write and confirm the situation and will confirm that the scheme is viable at the 25% level.

planning transport design environment infrastructure land

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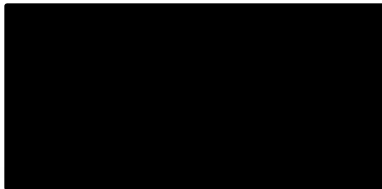




Finally, I would like to assure Committee that every attempt was made to attain funding for the higher level of provision. Indeed, Rapport Housing had expected to be successful with their application. Unfortunately, the Government did not support the application and the level of provision has therefore been amended to 25%.

Importantly this level of provision is fully in accordance with the Council's own policy. We do therefore ask that the Committee approve the variation without further delay in order that this significant contribution to care needs and affordable care needs can be made.

Yours sincerely



John Collins  
Director

Direct email: [john.collins@dhaplanning.co.uk](mailto:john.collins@dhaplanning.co.uk)

Gravitas Investments Ltd Partnership  
Unit 9000 Academy Park  
51 Gower Street  
Glasgow  
G51 1PR

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Our Ref: JGR/NM/21/PlanningApplication

19 October 2021

*Issued by Email*  
*(dave.harris@medway.co.uk)*

Dave Harris  
Development Manager  
Medway Council  
Gun Wharf  
Dock Road  
Chatham  
ME4 4TR

Dear Mr Harris

**Matters in respect of Care Home Development at St Andrews Lake Planning Application - MC/21/1703 - Land adjacent to Balancing Pond**

I refer to the above matter and write to confirm that I have a contract to purchase the above site, subject to the variation of condition being granted by Medway Council.

I can advise that I was originally invited to bid for the site at the 56% level of provision. However, with no grant funding available it was simply not viable.

I can confirm that I have carefully assessed the project at the policy compliant 25% level of affordable provision, with the 50/50 split between affordable rent and shared equity and the scheme is viable at that level.

I can also confirm that we intend to progress the scheme within a relatively short timescale and to build out the scheme as approved.

Yours faithfully



**JOHN G. RAMAGE**

