

<b>LOCATION:</b>	42 - 44 London Road, Bagshot, Surrey
<b>PROPOSAL:</b>	Application for a variation to the legal agreement/operational management plan relating to planning permission 18/1083 granted on appeal APP/D3640/W/20/3245089 [relating to the erection of a part one, two and three storey building, partly with accommodation in the roof, to provide 46 extra care apartments including associated facilities, car parking and landscaping following the demolition of existing buildings] to allow the minimum age for care residents reduced from 70 to 60 years
<b>TYPE:</b>	Modification & Discharge of Obligation
<b>APPLICANT:</b>	McCarthy & Stone Retirement Lifestyles Ltd
<b>OFFICER:</b>	Duncan Carty

**This application is being reported to the Planning Applications Committee because the proposal is a major development (i.e. over 1,000 square metres floorspace) The original planning application was also referred to the Planning Applications Committee and the variation to the legal agreement and operational management plan needs to be reported back on this basis.**

## **RECOMMENDATION: GRANT amendments to legal agreement**

### **1.0 SUMMARY**

- 1.1 This application relates to seeking the approval of a variation to a legal agreement for a previously approved development (Ref: 18/1083), granted on appeal, for an extra care apartment development at 42-44 London Road in Bagshot. A copy of the appeal decision is provided as Annex A. The variation seeks to allow occupation of the development by residents needing care of a minimum age of 60 years old rather than 70 years old. The partners of such people, who may not need care is limited to a minimum age of 60 years old and is not proposed to be changed under this application.
- 1.2 This application follows the allowed appeal for this development and the building is now built. The only material considerations to be addressed under this proposal are the impacts on extra care provision and on highway grounds.
- 1.3 The proposal is considered to be acceptable on these grounds and it is recommended for approval, subject to the completion of the amended legal agreement and operational management plan.

### **2.0 SITE DESCRIPTION**

- 2.1 The application site relates to the extra care development with the building now built, but not occupied, at 42-44 London Road. It was previously occupied by a bungalow (42 London Road) and the Jacks Fish and Chip shop (44 London Rad) as well as a vacant dwelling (4/4a Half Moon Street) at the rear of the site. The extra care development is at a four storey height to the site frontage, reducing to single storey at the rear boundary and provides 46

extra care apartments. The building is located to the south west side of the application site with car parking to the north east. Vehicular access is provided to the site from London Road, with a pedestrian/buggy access (only) from Half Moon Street.

2.2 The 0.47 hectare site is irregular in shape and includes a number of trees to the north east boundary of the site which is with the Windle Brook. None of the trees are protected under a Tree Preservation Order. Part of the application site lies within Flood Zone 2 and part within Flood Zone 3. The site lies within the Land at Half Moon Street site, an area of high archaeological potential and adjoins the Bagshot Conservation Area (Half Moon Street).

2.3 The development is on the south east side of London Road with Tanners Yard opposite, 48 London Road and 1-3 Half Moon Street to the south west flank, 40 London Road, the petrol filling station, and 1 Brookside Cottages to the north east flank, beyond the watercourse, and properties 71-87 High Street beyond Half Moon Street to south east of the site.

### **3.0 RELEVANT HISTORY**

3.1 18/1083 Erection of a part one, two and three storey building, partly with accommodation in the roof, to provide 46 extra care apartments including associated facilities, car parking and landscaping following the demolition of existing buildings

Refused in October 2019 and subsequent appeal APP/D3640/W/20/3245089 allowed in July 2020. As indicated above, the building has been built (and nearing completion) but not occupied.

During the consideration of the appeal, a legal agreement was completed to include SPA mitigation contributions with an attached operational management plan setting out how the development would operate within the extra care (class C2) use including the minimum age of residents.

The appeal decision, original decision notice and officer report for the application are attached at Annexes A, B and C, respectively.

### **4.0 THE PROPOSAL**

4.1 The application relates to a variation to the legal agreement/operational management plan, provided for the appeal, which includes a minimum age of 60 years old rather than 70 years old. The minimum age of a spouse, or widow/er of such a person, would remain at 60 years old. A revised legal agreement and operational management plan in this regard is proposed. No changes to the approved parking layout are proposed. The parking layout provides 32 spaces.

4.2 The applicant has advised that the proposal is required for the following reasons:

- Marketing of the development has identified people who would wish to reside at the site (60-70 years old) who would not currently meet the criteria for residential occupation. The identified need requires a variation to the legal agreement and operational management plan;
- The health care, social and welfare benefits from specialist residential accommodation of this nature, such as improvements to mobility, reduced medication use and increased life expectancy;
- Reducing the level of expected nights spent in hospital (saving costs to the NHS and reducing “bed blocking”) ; and

- Benefits of retirement living in its societal role in inclusive communities.

## 5.0 CONSULTATION RESPONSES

- 5.1 The following external consultees were consulted and their comments are summarised in the table below:

External Consultation	Comments Received
County Highways Authority	No objections raised in terms of likely net additional traffic generation, access arrangements and parking provision.  (See Annex D for a copy of their response).
NHS Frimley Integrated Care Board (ICB)	No objections
SCC Adult Social Care Group (ASC)	No objections raised considering the proposed age restrictions to be appropriate, and more typical, minimum age for such developments.
Windlesham Parish Council	An objection is raised on the grounds of a lack of parking which would be exacerbated if the age range is lowered to 60 years.  <i>[Officer comment: The proposal would provide an acceptable level of parking for the development and the lowering of the age of occupation for residents needing care would not materially affect the parking demand for the development]</i>

## 6.0 REPRESENTATION

- 6.1 A total of 48 individual letters of notification were sent out on 6 September 2023. A press notice was published on 22 September 2023. To date no letters of representation have been received.

## 7.0 PLANNING CONSIDERATION

- 7.1 This application is considered against advice contained within the National Planning Policy Framework (NPPF) where there is a presumption in favour of sustainable development. Regard will be given to Policies CP11, DM11 and DM14 of the adopted Surrey Heath Core Strategy and Development Management Policies Document 2012 (CSDMP). The application follows permission 18/1083 granted on appeal for the development now built. The assessment relates only to the changes to the legal agreement for this development, and not a reassessment of that development.

- 7.2 The main issues to be considered with this application are:

- Impact on extra care provision; and
- Impact on parking provision and highway safety.

### **7.3 Impact on extra care provision**

- 7.3.1 Paragraphs 7 and 8 of the NPPF states that the purpose of the planning system is to contribute to the achievement of sustainable development and that there are three overarching objectives to achieve sustainable development, including the social objective. The social objective seeks to support strong, vibrant and healthy communities by ensuring the provision of a range of housing and communities' health, social and cultural well-being. Policy DM14 of the CSDMP states that the Council will seek to identify opportunities to enhance and improve community facilities within the Borough, whether through the provision of co-located or new facilities.
- 7.3.2 The need for the development has previously been established through the original application and appeal processes. More recently, it has become clear that there is an established need for extra care accommodation within the Borough (where there is not the same need for care or nursing home accommodation). This is one of the only such proposals within the Borough and the current proposal would still provide 46 extra care apartments to assist in meeting this need.
- 7.3.3 The ICB has confirmed that the lowering of the minimum age of occupation from 70 to 60 years (for those needing care) would allow the development to be available for more of those in need of such accommodation and this is seen as a benefit of the current proposal. This approach is also supported by the ASC. It is therefore considered that the proposal is acceptable complying with Policy DM14 of the CSDMP and the NPPF.

### **7.4 Impact on parking provision and highway safety**

- 7.4.1 Paragraphs 105 and 110 of the NPPF promotes sustainable transport objectives. This includes safe and suitable access for all users and has the benefit of reducing emissions. Policies CP1 and CP11 of the CSDMP reflect these objectives by directing development to sustainable locations. Policy DM11 of the CSDMP states that development would not be acceptable where there is an adverse impact on the safe and efficient flow of traffic.
- 7.4.2 The proposal would provide 32 car parking spaces, as approved, with a ratio of 0.7 spaces per apartment. Whilst the age restriction for residents with care (but not their spouses or widow/ers) would be lowered, this would not have any material effect on the parking demand for this development. It must also be noted that this limitation was offered by the applicant/appellant during that appeal and not during the application stage (the officer report at Annex C was silent on this issue).
- 7.4.3 The County Highway Authority (CHA) has indicated that the proposal would not materially impact on the safety and operation of the adjoining public highway. With the level of parking to be provided for this development and its more sustainable location (with pedestrian access into the village and the rail station nearby), the CHA considers that the proposed variation would not lead to excess parking demand.
- 7.4.4 No objections had been raised on these grounds as set out in the refusal reasons (see Annex B) nor raised by the Inspector into the appeal decision (see Annex A). In paragraph 33 of the appeal decision, the Inspector recognises the concerns raised for the development on existing parking pressures in the area, but noted that the proposed rear access would provide a safe and useful pedestrian link into the High Street and that the site is close to the rail station. The Inspector concluded that there was no compelling evidence to indicate that the appeal proposal would exacerbate existing congestion or parking pressures in the area; and that the parking provision is appropriate for the site and that the appeal proposal would not result in an unacceptable impact on highway safety. It is not considered that the current proposal would have no greater material impact on parking capacity and highway safety than the originally approved development.
- 7.4.5 As such, no objections are raised to the proposal on these grounds with the proposal complying with Policies CP11 and DM11 of the CSDMP, and the NPPF.

## **8.0 PUBLIC SECTOR EQUALITY DUTY**

- 8.1 Under the Equalities Act 2010 the Council must have due regard to the need to eliminate discrimination, harassment or victimisation of persons by reason of age, disability, pregnancy, race, religion, sex and sexual orientation. This planning application has been processed and assessed with due regard to the Public Sector Equality Duty. The proposal is not considered to conflict with this duty.

## **9.0 CONCLUSION**

- 9.1 The proposal is considered to be acceptable in terms of extra care provision and highway safety.

## **10.0 RECOMMENDATION**

GRANT the amendment to the legal agreement and operational management plan, subject to the completion of an amended legal agreement and operational management plan.