

**Maidstone Community Infrastructure Levy
Draft Charging Schedule Examination**

Statement of Common Ground

As agreed between

Maidstone Borough Council

and

DHA Planning on behalf of Kent Medical Campus Ltd

30 May 2017

Introduction

1. This Statement of Common Ground has been prepared jointly between Maidstone Borough Council and DHA Planning on behalf of Kent Medical Campus Ltd.
2. This Statement sets out confirmed points of agreement between Maidstone Borough Council (the Council) and DHA Planning on behalf of Kent Medical Campus Ltd. (DHA) with regard to the Maidstone Community Infrastructure Levy Draft Charging Schedule (July 2016) (Draft Charging Schedule) and supporting evidence base, with the aim of assisting the Examiner during the Examination of the Draft Charging Schedule .

Background/Purpose

3. This Statement of Common Ground relates to the representation made by DHA (emailed letter dated 16 September 2016) to the Draft Charging Schedule (Appendix A).
4. The DHA representation raises a single point of objection to the Draft Charging Schedule on the basis that the wording of the CIL rate of £45 per sqm for “retirement and extra care housing” is not sufficiently clear.
5. The DHA representation suggests a remedy to make clear that the rate is applicable only to Class C3 retirement and extra care housing.
6. The Statement of Modifications submitted alongside the Draft Charging Schedule does not address this specific point.
7. Under Main Issue 4, Question 32, the appointed Examiner is querying whether the definitions of “retirement” and “extra care housing” are sufficiently clear and robust.

Agreed Matters

8. Following further consideration, the Council agrees that further clarification is required to address this matter. The following change is therefore proposed as part of the Council's response to the Examiner's Question 32.

| Ref. | Proposed change | Reason |
|-------------|--|--|
| PC2 | <i>After para 5.2: "<u>Charges for retirement and extra care housing will apply to relevant, liable development within Use Class C3 as defined by the Town and Country Planning (Use Classes) Order 1987 (as amended). Retirement housing is defined as proposals for groups of dwellings that provide independent, self-contained homes, specifically for older people, usually with some element of communal facilities. Extra care housing is defined as proposals for dwellings that provide independent, self-contained homes, specifically for older people, with access to 24 hour care and support. Charges for retirement and extra care housing do not apply to proposals for care homes and nursing homes, or any other uses falling within Use Class C2 or C2a as defined by the Town and Country Planning (Use Classes) Order 1987 (as amended).</u>"</i> | To ensure that the application of the retirement and extra care charges are clearly defined. |

9. It is agreed that this proposed change will adequately address the matter raised in the DHA representation so as to enable DHA to withdraw its objection to the Draft Charging Schedule.

Matters not agreed

10. None

Agreement

| Signed On behalf of Maidstone Borough Council | | |
|---|---|---------|
| Name & position | Signature | Date |
| Mark Egerton, Planning Policy Manager |  | 30/5/17 |

| Signed On behalf of Kent Medical Campus Ltd | | |
|--|---|------------|
| Name & position | Signature | Date |
| Jonathan Buckwell, Director, DHA Planning |  | 30/05/2017 |

Maidstone Borough Council
Spatial Policy

Our Ref: JB/11565

By email only: ldf@maidstone.gov.uk

16 September 2016

Dear Sir/Madam,

**MAIDSTONE COMMUNITY INFRASTRUCTURE LEVY DRAFT CHARGING SCHEDULE 2016
CONSULTATION RESPONSE ON BEHALF OF KENT MEDICAL CAMPUS LTD**

The Kent Medical Campus is a proposed medical campus comprising a mix of hospital and clinical care facilities and other medical-related facilities on land to the east of Newnham Court Shopping Village, Maidstone. Outline planning permission was granted in 2014, with reserved matters consent granted in 2016 for a 65-bed hospital within the campus. The site forms an important component of the Council's employment strategy and is allocated for a mix of uses by draft Policy RMX1(1) as well as being awarded Enterprise Zone status by the Government. There is substantial interest from a number of potential occupiers who are attracted to the site.

Most of the uses proposed at the Kent Medical Campus would be exempt from CIL according to the proposed Draft Charging Schedule. It is our understanding that uses such as specialist care homes designed, for example, to care for people with dementia, brain injuries or other such conditions, would not be subject to CIL.

However, in our view the current wording of the Draft Charging Schedule does not make this sufficiently clear and we therefore **object** to it on this basis. The wording is ambiguous and could be subject to interpretation, which is not acceptable.

Draft Charging Schedule Proposals

The Draft Charging Schedule proposes a CIL rate of £45/sqm for "retirement and extra care housing". Whilst we believe that this is intended only to apply to housing which would fall within use class C3 (i.e. housing used by a single person or family; or up to 6 people living together as a household whether or not receiving care), the current wording does not make this clear.

dha planning

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We note that paragraph 4.4 refers to viability testing having been undertaken in relation to 24 different typologies of residential development including care homes, extra care facilities and retirement homes. Paragraph 4.5 then goes on to discuss the testing of various scenarios using a range of affordable housing rates. This clearly separates “retirement housing/extra care” from the alternative category of “residential care homes/nursing homes”.

Furthermore, PBA’s Viability Report defines “retirement homes” as “groups of dwellings, often flats and bungalows, that provide independent, self-contained homes” which may have some element of communal facilities such as a lounge or warden.¹ “Extra care” is then defined as “...housing with care whereby people live independently in their own flats but have access to 24-hour care and support.”² In our view, both of these definitions fall within Use Class C3.

The report then goes on to define “care homes” as “residential or nursing homes where 24-hour personal care and/or nursing care are provided together with all meals.”³ In our view such accommodation would fall within Use Class C2.

It appears clear from this that the CIL rate of £45/sqm is not intended to apply to class C2 residential institutions (e.g. hospitals, residential care homes, nursing homes, residential colleges and training centres) or class C2A secure residential institutions (e.g. a secure hospital) and that these uses are to be nil rated.

However, we consider that the draft Charging Schedule should be clear and unambiguous on this point and so object to it on this basis. The term “retirement and extra care housing” is too vague and could result in a range of interpretations, unnecessary negotiations and potential confusion when CIL is applied in future.

If our interpretation above is incorrect, and it is intended to apply the £45/sqm CIL rate to class C2 and C2A uses, then we strongly object to this on the basis that PBA’s Viability Report has concluded that it would not be viable to introduce CIL on such properties.

Suggested remedy

In order to bring clarity, the CIL charging schedule should state explicitly that residential institutions such as care homes, nursing homes and similar facilities are to be nil rated. The simplest way to do this would be to amend the Draft Charging Schedule to state that the proposed £45/sqm CIL rate is applicable only to “Class C3 Retirement and Extra Care housing”. Additional clarity would be gained by listing Class C2 and C2A residential institutions as a separate line with a nil rating listed in the CIL charge column.

¹ PBA Revised Plan and CIL Viability Study, paragraph 5.4.9

² Ibid

³ Ibid



I would be grateful if the above could be formally registered as an objection to the Draft Charging Schedule. If you would like to discuss the above further, please do not hesitate to contact me.

Yours faithfully,



Jonathan Buckwell
Director

Direct email:

