

APPLICATION: MA/09/1514 Date: 21 August 2009 Received: 14 January 2010

APPLICANT: Gallagher Properties Ltd

LOCATION: LEDIAN FARM, UPPER STREET, LEEDS, MAIDSTONE, KENT, ME17 1RZ

PARISH: Leeds

PROPOSAL: Outline application for the erection of 64 bed residential care home with 7 close care bungalows, day centre with 6 close care apartments, conversion of Ledian Oast to provide two dwellings and erection of 12 dwellings with access and garaging. With access considered across the site at this stage and appearance, layout and scale to be considered in respect of the 12 dwellings and oast conversion. Landscaping reserved for future consideration across the site as shown on drawing nos. 507/2115/02, 07/69/SK/201, 202, 203, 204, 205/revC, 206/revA, 207revA, 208, 209, 210revA, 211revA, 212, 213revA, 214revA, 215, 216revA, 217, 218, 219, 220, 221, 222, 223revA, 224,225, 235revA, 236revA, 237revA, 238revA, 239revA, 240revA, 241revA, 242revA, 243revA, 244revA, 245revA, 246revA, 247revA, 270, 271, 272, planning statement, design and access statement, Travel Plan framework for care home, Transport Assessment, Arboricultural Assessment, Badger survey and report, Bat survey and report, Herpetile survey and report and Contamination study received 24/08/2009, drawing nos. 07/69/100A (Development proposals) 07/69/100A (Reserved matters boundary plan), 07/69/01, 07/69/02, 07/69/SK/248 received 25/09/2010 as amended by letter dated 13 January 2010, drawing no. T0023/SK001/A1 (swept path analysis layout), Care Home Interim Travel Plan, drawing nos. 07/69101revA, 07/69/SK/249revA, 07/69/03revA and Clarification of ecology reports (prepared by Wild Thing) received 14/01/2010.

AGENDA DATE: 25th February 2010

CASE OFFICER: Steve Clarke

The recommendation for this application is being reported to Committee for decision because:

- It is contrary to views expressed by Leeds Parish Council

## **POLICIES**

Maidstone Borough-wide Local Plan 2000: ENV6, ENV45, H26, H27, T13, T23, CF1  
South East Plan 2009: SP2, CC1, CC4, CC5, CC6, H3, H4, H5, T4, T5, NRM1, NRM5,  
NRM11, BE5, BE6, S6, AOSR6, AOSR7  
Village Design Statement: Not applicable  
Government Policy: PPS1, PPS3, PPS4, PPS7, PPS23, PPG13, PPG15

## **1: HISTORY**

- 1.1 The site has a number of businesses currently operating in approximately 22 units created from the former agricultural buildings on the site. The uses include a number of car repair, metal working storage and office uses. The existing uses are not subject to hours of use or days of use restrictions. The most relevant planning history is set out below.

MA/08/1523: Decommissioning and complete removal of existing base station and relocation to open land to the west, of a 15 metre lattice tower including head frame with 3 sector antenna, equipment housing and ancillary works. APPROVED 19/09/2008

MA/04/1591: External alterations to existing building, comprising of installation of 4 no. roller shutter doors, 4 no. access doors and other alterations: APPROVED 03/02/2005

MA/95/1639: Prior notification of telecommunications development for the erection of a 15 metre high tower together with associated equipment cabin 2 microwave dishes and aerial: APPROVED 06/12/1985

MA/85/0609: Continuation of use of buildings for vehicle repairing, light industrial and ancillary purposes: APPROVED 26/02/1986

MA/85/0606: (Units 8a, 8b & 8c) Replacement of building with temporary single garage for storage and two single storey workshops, extension of garden to Ledian Farmhouse: APPROVED 05/03/1986

MK/2/72/0535: Erection of 13 new houses and garages and conversion of existing building into 5 flats: WITHDRAWN 25/12/1972

## **2: CONSULTATIONS**

### **2.1 Leeds Parish Council:**

- 2.1.1 "The Parish Council held an Open Day for the village to view this Planning Application at Ledian Farm and were invited to make their observations. This was an unusual step but it was felt one that should be taken in view of the size of the potential development which exceeds the recommendations contained within the Leeds Parish Plan completed last year.

2.1.2 The meeting was very well attended and provided the planning committee with an insight into the views of the residents. It should be noted that the majority view was that the development, as proposed, was welcomed in theory. It was considered an improvement to "what is there now".

2.1.3 However there were concerns and we highlight those.

1. Leeds village, has exceptional parking problems, nearly all properties in Upper Street, which is the B2163, have no off street parking and have to use the main road. The problem has been exacerbated by the new Abbots development (previously called Ledian Court). The Ledian Court application allowed for parking spaces at 1.4 per residence. Whilst we note that this is within planning guidelines, it is clear that in a rural community with a woeful public transport and no communal parking nearby this is not adequate. We note that this application for full planning consists of mainly 3-4 bedroom houses, which would assume will be purchased by families and who in all probability will have at least 2 cars and therefore adequate off street parking should be provided. Parking for the day centre, 64 bed care home and bungalows only allows of 32 planned car parking spaces which we feel is inadequate, and will not accommodate employees, residents and visitors. What we request is more than enough parking on the site so that Upper Street is not used as overflow.

2. We note that studies have been carried out in respect to existing traffic flows, to and from the site. It is suggested that there will be NO increase in traffic volume. We do not concur with this finding. We believe this development WILL increase traffic flow within the village and as there are no current plans for a Leeds-Langley Bypass or South East Maidstone Strategic Route – we have grave concerns on the grounds of safety and environmental issues. Our village cannot cope with the traffic volume as it is.

3. Full planning permission is requested for 12 new houses, whilst we do not have any objections in terms of general aesthetics we do have reservation in respect to the height and form of some of the three storey houses, we feel that these are out of scale with the surrounding existing buildings.

2.1.4 Although we have no objection with the concept of this development, we do have reservations on a number of issues. Therefore we **object** to the application and wish it to go before the planning committee in order for our views to be taken into consideration."

2.1.5 The Parish Council have reiterated their previous objections following consideration of the additional details received on 14 January 2010.

2.2 **English Heritage:** Do not wish to offer any comments and state that the application should be determined in accordance with national and local policy guidance and on the basis of the Council's specialist conservation advice.

2.3 **Natural England:** Originally objected to the proposals due to inconclusive information relating to bats and great crested newts and the potential impact of the development on these protected species.

2.3.1 In response to additional survey information supplied by the applicants on 14 January 2010 as a result of this objection, the following further comments were made on 21 January 2010.

2.3.2 "**Bats:** The survey information provided by the applicants indicates that Pipistrelle bats are present within the application site. The indicative proposals set out in the application, however, appear sufficient to mitigate any potential impacts on bat populations. Therefore, subject to the condition listed below, Natural England is satisfied that these proposals should not be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in their natural range (as defined in Regulation 44 of the Habitat Regulations).

The following condition is required to ensure that development does not breach English or European legislation.

- It is possible that bats may be using the site and as such, should the Council be minded to grant permission for this application we would request that the following informative is appended to any consent: '*Should any bats or evidence of bats be found prior to or during works, works must stop immediately and a specialist ecological consultant or Natural England contacted for further advice before works can proceed*'. All contractors working on site should be made aware of it and provided with Natural England's contact details.

2.3.3 **Biodiversity Enhancements:** This application has many opportunities to incorporate features into the design which are beneficial to wildlife such as the incorporation of roosting opportunities for bats, the installation of bird nest boxes or the use of native species in the landscape planting, for example. As such we would recommend that should the Council be minded to grant permission for this application, measures to enhance the biodiversity of the site are secured from the applicant. This is in accordance with Paragraph 14 of Planning Policy Statement 9. Additionally, we would draw your attention to Section 40 of the Natural Environment and Rural Communities Act (2006) which states that 'Every public authority must, in exercising its functions, have regard, so far as is consistent with the proper exercise of those functions, to the purpose of conserving biodiversity'. Section 40(3) also states that 'conserving biodiversity includes, in relation to a living organism or type of habitat, restoring or enhancing a population or habitat'

2.3.4 **Great crested newts:** Natural England is satisfied that the survey information provided by the applicants suggests that no great crested newts are present within the application site or utilising ponds or terrestrial habitat that are to be affected by the proposals. Consequently, we have no comments to make in relation to these species at present.

2.3.5 **Widespread Reptiles:** The survey information provided by the applicants indicates that widespread reptiles are present within the application site. The proposals set out in the application, however, appear sufficient to mitigate any potential impacts on local reptile populations. Therefore, Natural England is satisfied that these proposals will not be detrimental to the population of reptiles, subject to the condition listed below.

- Prior to the commencement of any works which may affect widespread reptiles or their habitat, a detailed mitigation strategy shall be submitted to, and approved in writing by the Local Planning Authority. All works shall then proceed in accordance with the approved strategy with any amendments agreed in writing.

2.3.6 **Badgers:** Natural England is satisfied that the survey information provided by the applicants demonstrates that no badgers are present within the application site or

utilising features within the application site that are to be affected by the proposals. We support the mitigation recommendations made in the survey submitted to ensure existing hedgerows are retained where reasonably practical. Consequently, Natural England has no further comments to make in relation to this species at present.

- 2.3.7 **Summary and conclusions:** Based on the information provided, **Natural England has no comments to make at present** regarding protected species subject to the conditions described above.”
- 2.4 **Kent Wildlife Trust:** Comment that established hedgerows stand along the northern and southern boundaries of this site and that the submitted ecological assessment reports testify to their importance to local biodiversity. In order to satisfy PPS9 regional and local policy it is stated that these features are retained along with an open buffer with the application site. The trust commends the hedgerow and insect attracting planting suggestions contained in the bat report. Subject to appropriate conditions requiring these features to be designed, implemented and maintained, the Trust has no objection to grant of outline planning permission.
- 2.5 **KCC Heritage Conservation:** Have commented that the site lies on the edge of the medieval village of Leeds and that Ledian Farm itself dates back to the C16th and may hold traces of earlier settlements too. The early medieval to post-medieval Leeds Priory complex is a Scheduled Monument and lies 300m north west. They have therefore requested a condition requiring a programme of archaeological work be imposed on any permission.
- 2.6 **KCC (Mouchel):** Have requested contributions towards the provision of services to meet the additional demand generated by the development as follows: Libraries (£227/dwelling), Adult Education (£180/dwelling), Youth & Community (£206.75/applicable flat and £827/applicable house) and Adult Social Services (£1201/dwelling).
- 2.7 **KCC West Kent Adult Social Services:** “KASS have no objection to this scheme. However, I would like to sound a word of caution to the developer. The Maidstone area is already supplied with an ample mix of residential care services and the objective of KASS is to help adults to remain in their own homes for as long as possible, so they can continue to integrate within their local community. Community resources are encouraged.”
- 2.8 **Kent Highway Services:**
- 2.8.1 “I refer to the above planning application. The application comprises a 64 bed care home plus 7 close care bungalows and a day centre with 6 close care apartments. Also proposed are 14 dwellings, comprising 10 x 3 bedroom houses, 2 x 4 bedroom houses and 2 with an unknown number of bedrooms.
- 2.8.2 Traffic generation from the development has been assessed using the TRICS database and this has been compared against the existing vehicle trips to and from the site. The

results indicate that the application would result in fewer vehicle trips within the highway peak hours with a marginal increase in the daily trips.

- 2.8.3 The existing access to Ledian Farm off the B2163 is to be closed and a new access, also onto the B2163, is proposed. The provision of a new access to serve the site is acceptable in principle, however a stage 1 safety audit is required in respect of the proposed new access.
- 2.8.4 The existing access suffers from substandard visibility splays and this serves a number of commercial uses. Visibility splays from the new access are shown as 2.4m x 70m which is acceptable.
- 2.8.5 Parking for the Care Home should be in accordance with the Kent & Medway Parking Standards and residential parking is required in accordance with the Kent Design Guide - Interim Guidance Note 3 - Residential Parking.
- 2.8.6 Cycle parking is required in accordance with the Kent & Medway Vehicle Parking Standards.
- 2.8.7 I confirm that I do not wish to raise objection to this outline application subject to conditions.”
- 2.8.8 The conditions require details of vehicle and cycle parking, details of parking for construction and site operatives’ vehicles and sufficient space of off-road unloading during the course of construction, details to ensure the highway is properly drained, the provision of the visions pays at the site entrance, the closure of the existing site access, wheel washing facilities and the submission of a travel plan.
- 2.9 **West Kent Primary Care Trust (PCT):**
- 2.9.1 “The PCT has, taken a pragmatic approach and the contribution requested is based on the cost of £120 per person, per dwelling, for a three-year period. The calculation we use to estimate the potential average occupancy is as follows:
- 2.9.2 1 bed unit = 1.4 persons average occupancy, 2 bed unit = 2 persons average occupancy, 3 bed unit = 2.8 persons average occupancy, 4 bed unit = 3.5 persons average occupancy. Where no details of how many bedrooms are given, we use the national average calculation of 2.34 persons.
- 2.9.3 Using the above calculation, we estimate that the potential average occupancy for this development would be 70.1persons multiplied by £360 which totals £25,236. The calculations regarding the 64 bed residential care home is calculated as single bed occupancy (unless stated otherwise) and multiplied by £360 which would be £23,040.
- 2.9.4 The total contribution that the PCT would be seeking under Section 106 would be £48,276 plus our legal costs in connection with securing the Section 106 agreement.”
- 2.10 **EDF Energy:** No objections

## 2.11 **Southern Water:**

- 2.11.1 Have confirmed that there is currently inadequate capacity in the local network to provide for foul sewage disposal. Additional off-site sewers or improvements to existing sewers will be required to provide sufficient capacity to service the development; S98 of the Water Industry Act 1991 provides a legal mechanism through which the appropriate infrastructure can be requested (by the developer) and provided to drain to a specific location. The Council's building control section or technical staff should be asked to comment on the adequacy of soakaways to dispose of the surface water from the proposed development
- 2.11.2 They request that a condition requesting details of foul sewerage and surface water disposal is imposed on any planning permission and an informative is added requesting the developer to enter into a formal agreement with Southern Water to provide the necessary sewerage infrastructure.

## 2.12 **MBC Conservation Officer:** Originally commented as follows

- 2.12.1 "I have no objection in principle to the redevelopment of this site as the potential exists for an improvement to the setting of Ledian Farmhouse. However, I do have a number of reservations regarding the scheme as currently put forward.
- 2.12.2 Firstly, whilst I welcome the decision to retain the existing oast house and convert it to two dwellings, there are numerous features included in the design of the conversion which I consider fail to adequately preserve its character. In the first instance, I consider that the kiln roofs should be re-instated to their original design and height, including the cowls. Secondly, I consider the West Elevation to be over-fenestrated, particularly in respect of the three pairs of fully-glazed French doors with their unfortunate horizontally-proportioned glazing pattern. Windows generally, in most cases, are shown to be of an inappropriate design, with direct-glazing to non-opening casements resulting in an asymmetrical appearance, and the new front doors are shown to be of an inappropriate domestic neo-Georgian design. I also have concerns regarding the incorporation of a pair of garages into the body of the building as this will entail the loss of an area of attractive and characteristic chequered brickwork.
- 2.12.3 Secondly, why cannot the access be retained in its existing position immediately to the north of Ledian Farmhouse? It would only need to bend slightly around the retained oast to serve the proposed care home at the rear of the site and the existing ragstone retaining wall and hedgerow along Upper Street which are attractive features of the Conservation Area, defining the street edge, could be retained in their entirety. I also feel that the house proposed to be erected on the site of the existing access (Plot 9) looks rather squeezed in. The same could be said of Plot 7 and in general the scheme suffers from the close juxtaposition of a number of varying house types leading to a somewhat cramped and unco-ordinated appearance."

The following further comments have been received on the revised scheme

2.12.4 "The revised plans now submitted address some of my concerns regarding the conversion of the oasthouse, and I am pleased to see that it is now proposed to re-instate the kiln roofs to their original form. Window and door designs have also generally improved, but I note that the 3 pairs of French doors proposed to the west elevation, to which I formally objected, still remain; furthermore, the second garage door on the south elevation also remains – this will result, as I previously pointed out, in the loss of an area of attractive chequered brickwork.

2.12.5 Elsewhere, I am pleased to see that the ragstone wall is proposed for re-instatement. However, other matters raised in my previous comments do not appear to have been addressed and remain pertinent.

2.12.6 **Recommendation**

It is, therefore, recommended that:

on heritage/design grounds on balance **NO OBJECTION IS RAISED** subject to the following conditions but the developer should be encouraged to achieve a better quality scheme by addressing the above issues and those previously raised.

2.12.7 Conditions: Conditions re samples of materials, joinery details, landscaping (including hard surfacing and boundary enclosures) and removal of all pd rights would be appropriate."

2.13 **MBC Landscape Officer:**

2.13.1 "Site description: Leeds Conservation area is situated along the frontage with Upper Street and extends into the industrial area by a maximum of 20-30 metres.

2.13.2 The tree survey (ref 38.82) was carried out in accordance with section 4.2.6 of BS5837:2005 'Trees in relation to construction- Recommendations'. In total 14 groups of trees and 1 individual tree was inspected - the majority of which were categorised as C grade (low quality). Having visited the site I would agree with the findings of this report.

2.13.3 The majority of the trees are located on the perimeter of the site and act as screening for the site. It is important to note that G10, G11, G12 and G13 which are located on the southern boundary, are outside the boundary of Ledian Farm. Therefore permission would have to be sought from the landowner if any works were to be carried out.

2.13.4 Direct loss of trees: This application only refers to access, appearance, layout and scale of 12 dwellings and Oast Conversion. Drawing 07:69:100A indicates that the entrance will be relocated south of the farm house which will mean the loss of G5 and G6 which consist of Holly and Laurel and both have been allocated as C grade. The removal of these groups of trees will not have a detrimental effect on the amenity value of Leeds Conservation Area. The same drawing shows the majority of trees along the boundary to be retained whilst the trees within the grounds are to be removed.

2.13.5 Constraints: The main constraint which has been identified is that of shading as the trees, particularly along the southern boundary will increase in height and create excessive shading if rear gardens are placed close to the hedge line.

2.13.6 There is potential for the retained hedges to be maintained which will result in a compact hedge thus controlling the height and spread.

2.13.7 Conclusion: The location of the groups of trees do not present any significant constraint on the redevelopment of this site. Where possible it is recommended that the hedgerows are retained to provide screening. Approve subject to conditions

2.13.8 Conditions: Tree Constraints plan which will identify the root protection area. Arboricultural Method statement/ Tree Protection Plan - to ensure any retained trees are successfully integrated into the final lay out."

2.14 **MBC Environmental Health:** "The locality of this proposal makes it very unlikely that transportation noise will be an issue. Contamination is more relevant due to the present and former use, and an assessment has been submitted with the application. Unfortunately this report is a basic report and not in the format which is required to discharge any part of the condition that will be imposed for this application. The executive summary (page 38) does however indicate that further work will be necessary in any case. Therefore a conventional desktop survey is required with the proposed course of action to be followed included."

Recommendation: No objections subject to a contaminated land condition and standard informatives governing conduct and hours of operation on site during construction.

2.15 **MBC Parks & Open Spaces:** "It is clear this development offers no opportunity for provision of on-site public amenity open space. It also exceeds the threshold number of dwellings that makes the development eligible for an off-site contribution. We would therefore request an off-site contribution of £22,050 from the developer the calculation for which is 14 units @ £1575 per unit.

The cost per dwelling is as set out in the 'Supplementary Planning Guidelines' and using Fields in Trust (the former National Playing Field Association) guidelines and cost for the provision of outdoor playing space. The contribution would be used for the enhancement, maintenance and renewal of facilities across Green Space Amenity and Play Areas within a one mile radius of the development."

### **3: REPRESENTATIONS**

**Nine** letters from local residents and Maidstone CPRE were received as a consequence of the initial neighbour consultation. Views expressed are (summarised) as follows:-

- The application is supported but assurance is requested that the hedge on the southern boundary of the site adjacent to 15 Burgess Hall Drive will be properly maintained.
- What ecological surveys have been undertaken on the site? Will further surveys be undertaken now that polytunnels previously located on part of the site have been removed?

- More vehicle movement into and out of the village.
- Parking problems in Burgess Hall Drive were caused when other development has taken place in the area in the past. The same is likely to occur again.
- The development provides insufficient parking.
- The access onto Upper Street is too narrow and at a narrow section of the B2163 increasing the likelihood of accidents. Sight lines appear insufficient.
- There is an inadequate range of local services in the village to support the development.
- The development is unlikely to increase employment for local residents.
- No further development should be undertaken until the Leeds-Langley bypass has been completed.
- The care home is too large and should be restricted to medical care.
- The houses on Plots 6 & 8 are too high.
- All the houses should be of a dark red brick and red tiled roofs to blend in with the village.

## **CONSIDERATIONS**

### 4 Site location and description

- 4.1 The application site is located on the west side of the B2163 Upper Street Leeds. It amounts to approximately 2.16ha in area and is roughly rectangular in shape. It has a frontage to Upper Street of approximately 95m and a depth of approximately 230m. The first 130m back from the street frontage to Upper Street lie within the defined village envelope of Leeds village.
- 4.2 The site is currently occupied by a farmhouse and by a number of former agricultural buildings that have over the years been converted into business uses of various types including car repairs/servicing, metal fabrication and offices. None of these uses are subject to hours of days of use restrictions. The site has no employment designation in the Maidstone Borough-wide Local Plan 2000. The rear part of the site is currently land in agricultural use.
- 4.3 The frontage to the site is occupied by Ledian Farmhouse and the existing site access to the north of the farmhouse. The land to the south of the farmhouse comprises its garden and is separated from Upper Street by a ragstone wall surmounted by an existing hedgerow. The wall merges into the banking of the hedgerow at places along the site frontage. Ledian Farmhouse is listed Grade II and is, along with its garden, part of the site access and the dwelling to the north of the site access sited within the Leeds Upper Street Conservation Area. There are other listed buildings located on the eastern side of Upper Street opposite the site and these are also within the Conservation Area.

4.4 To the south of the site lies Burgess Hall Drive an estate of detached and semi-detached dwellings. The houses are separated from the site by public footpath KH245. West of the site and Burgess Hall Drive lies agricultural land predominantly in fruit production although some land is in arable use. The land to the north of the site is also agricultural in nature apart from dwellings fronting Upper Street.

## 5 Proposals

5.1 The application site is submitted in outline. Permission is sought for the following development:

“The erection of a 64 bed residential care home with 7 close care bungalows, day centre with 6 close-care apartments, conversion of Ledian Oast to provide two dwellings and erection of 12 dwellings with access and garaging.”

5.2 Access for the entire site is to be considered at this stage as are the reserved matters of appearance, layout and scale in respect of the 12 dwellings and the proposed oast conversion. Landscaping is reserved for future consideration across the entire site.

5.3 The development would see the existing buildings on the site, with the exception of the Oast and Ledian Farmhouse demolished.

5.4 A new site access to Upper Street is shown to be provided. This would be located some 35m to the south of the farmhouse. The existing access would be permanently closed-off. The new access is shown to be 5.5m in width and would serve the residential development and the proposed care home development and would then narrow to 3.6m allow access to the agricultural land to the west of the site and the telephone mast that has permission to be relocated to land west of the site. Two 1.8m footways either side of the access road at the bell-mouth are shown for a distance of 10m into the site. A single footway would then serve the residential development and the care home and would be located on the northern side of the access road. Vision spays of 70m x 2.4m x 70m would be provided at the site access.

5.5 The residential element of the development would be located on the part of the site closest to Upper Street. It would see the conversion of the existing oast in the north-west corner into two residential units (one 3-bedroom and one 4-bedroom) and the erection of a further 12 units comprising 8 detached and 4 semi-detached dwellings. In total the new build dwellings would comprise ten 3-bedroom units and two 4-bedroom units. The density of the residential element equates to approximately 24 dwellings/ha.

- 5.6 A total of 32 car parking spaces, a minimum of 2 per dwelling, with plots 4 and 8 (4-bedroom units) having greater provision, plus a double garage and two car parking spaces for Ledian Farmhouse are proposed.
- 5.7 The majority of the residential dwellings would be served off a cul-de-sac off the main site access. However four would face directly onto Upper Street. A pair of semi-detached dwellings to the south of the access, a detached dwelling immediately to its north and a detached dwelling located on the site of the current access to the Ledian Farm complex.
- 5.8 The existing ragstone wall to the Upper Street directly to the front of Ledian Farmhouse would be retained, the remainder of the wall and hedgerow to the south of Ledian Farmhouse would be retained where possible and where removed to provide the new access, would be reinstated returning along either side of the new access road when constructed.
- 5.9 The houses would be built in a mixture of brick-work, tile hanging at first floor level and render. They would have projecting eaves and a variety of window treatments including dormers above integral garages, projecting bays and windows with brick soldier courses/stone cills. A number of roof treatments such as bonnet hips, hipped roofs and projecting gables are also proposed. Some houses have exposed rafter feet.
- 5.10 Plots 5 and 6 (semi-detached) and plot 8 (detached) would have some accommodation in the roof space and are approximately 5.5m and 4.8m to eaves and 10m and 9.4m to ridge respectively.
- 5.11 The remaining dwellings are all two-storeys. They have varying ridge heights ranging from approximately 7.5m to 8.5m and eaves heights ranging from approximately 4.4m-5.5m and are of varying designs to provide interest and vitality.
- 5.12 Details of the oast conversion have also been provided. This is to be converted into two units. The recently received amended plans show the kiln roofs restored and the cowls replaced.
- 5.13 The rearmost section of the site to the west of the residential element is the proposed location of the 64-bed care home, 7 no. close care bungalows and the day centre and 6 close-care apartments. As set out earlier in the report, the access to this element of the proposed development is the only matter for consideration in this application. The stated parameters for the care home, close-care bungalows and the day centre and close-care apartment building are given as follows:-

	<b>Height</b>	<b>Width</b>	<b>Length</b>
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<b>Care Home</b>	8 and 12m	25-35m	65-75m
<b>Day centre &amp; close-care apartments</b>	8 and 11.5m	15 to 20m	17.5 to 22.5m
<b>Close-care bungalows</b>	3 and 4.5m	6 and 10m	8 and 12m

- 5.14 The close-care bungalows and day centre/close-care apartment building would be located between the main care home and the residential element. 32 car parking spaces to serve this area are indicatively proposed. There is also a staff overflow car park and a service yard indicated to the rear (west) of the care home.
- 5.15 The built element of the development with the exception of overspill staff car parking and an enclosed service yard is contained within the defined 'village envelope.'
- 5.16 To the west of the care home is what is indicated to be a landscaped amenity area with potential for vegetable gardens and exercise walks. An existing foul sewer that crosses the site also needs to be diverted into this area to avoid the indicated illustrative site of the care home building.
- 5.17 The application was accompanied by a planning statement, design and access statement, ecological surveys, arboricultural surveys, a transport assessment and interim travel plan and a desk-top contamination study.
- 5.18 A draft s106 unilateral undertaking has also been prepared and submitted as part of the application. This addresses the requests made on behalf of Kent County Council, West Kent PCT and the Council's Parks and Open Spaces section.

## 6 Principle of development

- 6.1 The development site clearly constitutes previously developed land. The proposed buildings are also located within the area of the defined 'village envelope.' As stated earlier in the report, the site has no specific employment designation safeguarding it for such purposes. It should also be noted that employment will not be lost on the site entirely as the care home is likely to result in the employment of 64 full-time equivalent staff on the basis that the ratio of staff to residents within the industry is normally one full-time equivalent member of staff per room/bed. Additional jobs would also be supported in associated industries and suppliers. No objections can be raised on 'loss of employment' grounds.
- 6.2 Members are also advised that the care home is considered as economic development as defined in PPS4 (December 2009) as it is employment generating (paragraph 4). In addition Policy CC5 of the South East Plan 2009

encourages provision for an ageing population, which this application will achieve.

- 6.3 Policy H26 of the Maidstone Borough-wide Local Plan 2000 also deals specifically with care homes and nursing homes and sets as number of criteria against which such development should be assessed as follows:-

“(1) THE EXTENT TO WHICH THE PROPOSAL INCLUDES ADEQUATE AMENITY SPACE FOR RESIDENTS AND SUFFICIENT CAR PARKING TO ADOPTED STANDARDS; AND  
(2) THE EFFECT ON THE CHARACTER OF THE AREA AND THE AMENITIES OF NEIGHBOURING PROPERTIES; AND  
(3) IN THE CASE OF PROPOSALS INVOLVING THE EXTENSION OF EXISTING PROPERTIES, THE EFFECT ON THE CHARACTER OF THE BUILDING AND ITS SETTING; AND  
(4) IN THE CASE OF RESIDENTIAL CARE HOMES, THE DEVELOPMENT IS WELL RELATED TO PUBLIC TRANSPORT, SHOPPING AND COMMUNITY FACILITIES”

These criteria are assessed in more detail in the main body of the report below. However I am of the view that the care home will have sufficient amenity space, be provided with adequate car parking and that it will not have an adverse impact on neighbouring properties. In respect of criterion four, the site is on a public transport route. Whilst Leeds village does have some community facilities it is recognised that shopping facilities are limited. However, this is recognised in the draft travel plan which contains measures to reduce reliance on the use of the private car by residents and staff. On this basis I consider that the requirements of policy H26 have been met.

- 6.4 The density of the residential element equates to approximately 24 dwellings/ha. This is below the 30dwellings/ha threshold advised in PPS3. However, given the need to have regard to the setting of the listed farmhouse and the site's location partially within and adjacent to the Conservation Area, coupled with the desirability of the restoration of the existing oast, I consider that this density is acceptable.
- 6.3 In principle therefore I raise no objections to the development.

## 7 Design and site layout

- 7.1 The design and site layout of the care home and its associated close-care bungalows and the day centre and apartments are not for determination in this application. An indicative layout has however been provided, which indicates that the day care centre and the bungalows would be located between the care home and the residential development. The parameters set out in paragraph 5.11 indicate that the bungalows would be between 3m and 4.5m in height which I consider to be acceptable. The day centre/care apartment building would be between 8m and 11.5m in height which given its indicative position located in

the centre of the site and the fact that it would provide a transition between the bungalows and the main care home building is also acceptable.

- 7.2 I consider, given the indicated parameters submitted as part of the application and the indicative layout submitted that buildings of the size proposed can be acceptably accommodated on the site.
- 7.3 The care home and its associated buildings will not have an adverse impact of the setting of the adjacent Conservation Area or Ledian Farmhouse. The bungalows are sited approximately 63m from Ledian Farmhouse whilst the day centre is 77m and the care home 100m.
- 7.4 A greater level of detail of the residential element (layout, scale and appearance) has been submitted as part of the application than the care home and associated development elements.
- 7.5 I consider that the development appropriately addresses both Upper Street and the internal access road. Plots 1 and 2 (semi-detached) and Plot 12 address both the Upper Street frontage and the site access road satisfactorily. I also consider that plot 9 (located on the site of the existing access to the site) would, given appropriate floor levels provide an acceptable transition between Ledian Farmhouse and Bay Tree Cottage to its north. The pattern of development on both sides of Upper Street is sporadic providing a mixture of house sizes and also siting relative to the road
- 7.6 Within the site the dwellings are sited to provide an acceptable and varied streetscene. The dwellings on the prominent corner plots (4 and 11) address both roadways.
- 7.7 Every dwelling would have appropriate amenity space associated with it as befits family housing. The smallest garden would be some 9m in length with the remainder between 10m and 15m, with plot 9 having a rear garden of some 20m in depth. There is also space to provide appropriate landscaping to the front gardens of the dwellings.
- 7.8 The dwellings have been designed for the site and take their design cues from elements of the local vernacular, many examples of which can be found in housing elsewhere within the village or locally. The houses would be built in a mixture of brick-work, tile hanging at first floor level and render. They would have projecting eaves and a variety of window treatments including dormers above integral garages, projecting bays and windows with brick soldier courses/stone cills. A number of roof treatments such as bonnet hips, hipped roofs and projecting gables are also proposed. Some houses have exposed rafter feet. The combination of brickwork, tile-hanging and render is changed across the development whilst maintaining a commonality to the approach. The

indicated details such as the exposed rafter feet, projecting bays and the changes to the roof form provide vitality and interest.

- 7.9 Concern has been expressed by the Parish Council that three-storey dwellings are unacceptable. Only three plots have accommodation within the roofspace and these are located on the western side of the section of the internal access road leading towards the converted oast. I do not consider that this will cause harm to the character and appearance of the area and neither will there be any adverse impact on existing dwellings including Ledian Farmhouse.
- 7.10 Turning to the proposed conversion of the oast, the Conservation Officer whilst not objecting to the development and welcoming the reinstatement of the kiln roofs and cowls has expressed concerns regarding the fact that there are three pairs of 'French' doors on the west elevation and also to the loss of some brick work to provide a garage door on the south facing elevation of the stowage area. In terms of the 'French' doors, these are located on the west elevation and are not visible from outside the site. With appropriate conditions relating to joinery and recessed/reveals, I consider that the proposed doors are acceptable. The Council's guidance on the conversion of rural buildings advises that garaging should wherever possible be inserted into the main converted building. This is the case here and I do not consider that the loss of this area of brickwork would so adversely affect the character of the building as to warrant and justify objection on this ground. In addition, once the kiln roofs and cowls of the oast have been restored, this will enhance the area and that it is these elements that will have the greatest visual impact and be seen in the longer distant views.
- 7.11 I consider that the scheme as proposed will provide good quality development which will result in the removal of the large number of unsightly existing industrial/farm buildings as well as the removal of the telephone mast from the frontage area of the site. The layout of the site is considered to be acceptable as is the design of the proposed dwellings.

## 8 Impact on residential amenity

- 8.1 The largest impact on residential amenity is likely to be a positive one in that the existing uncontrolled business uses will be cleared from the site. This should be a positive benefit to the amenities of nearby residents.
- 8.2 The impact of the development on adjacent existing residential properties in terms of privacy and overshadowing should also be considered. The properties in Burgess Hall Drive are located to the south of the site. There will not be any adverse impact from overshadowing on any of those properties arising from the development. The flank walls of nos. 5 and 15 Burgess Hall Drive face towards the site and are separated from it by the public footpath and existing planting. The flank of no 4 and the front elevations of nos. 6 and 8 Burgess Hall Drive face

towards the site but are located in excess of 20m from the site boundary. The proposed dwellings on plots 1 & 2 face eastwards across the B2163 Upper Street towards Cherry bank with a separation of some 30m. Plot 9 does not face a dwelling on the east side of Upper Street and will not have an adverse impact on Bay Tree Cottage immediately to its north. Plot 12 is located approximately 18m west of Yew Tree House but Upper Street intervenes.

8.3 I do not consider that the development will result in an unacceptable loss of privacy to any nearby dwellings.

## 9 Ecology and landscape

9.1 The application site has been the subject of detailed ecological assessments in terms of badgers, reptiles, great crested newts and bats.

9.2 There are no badgers within the site or using features within the site that may be affected by the development. Natural England is satisfied in respect of this species.

9.3 It is accepted that there are no great crested newts within the site or using features that may be affected by the development. Natural England is also satisfied in respect of this species.

9.4 In respect of bats, the survey information provided by the applicants indicates that Pipistrelle bats are present within the application site. Natural England has stated that the indicative proposals set out in the application, appear sufficient to mitigate any potential impacts on bat populations and have suggested an informative as follows.

*'Should any bats or evidence of bats be found prior to or during works, works must stop immediately and a specialist ecological consultant or Natural England contacted for further advice before works can proceed'*

9.5 In respect of other 'widespread reptiles' Natural England has commented that the survey information provided by the applicants indicates that widespread reptiles are present within the application site. However, the proposals set out in the application appear sufficient to mitigate any potential impacts on local reptile populations. Natural England is satisfied that these proposals will not be detrimental to the population of reptiles, subject to the condition listed below.

*Prior to the commencement of any works which may affect widespread reptiles or their habitat, a detailed mitigation strategy shall be submitted to, and approved in writing by the Local Planning Authority. All works shall then proceed in accordance with the approved strategy with any amendments agreed in writing.*

- 9.6 Through the reserved matters of landscaping and in particular the opportunity provided by the proposed landscaped amenity area to the west of the care home there is potential for significant biodiversity and ecological enhancement on the site. Existing hedgerows are to be retained where possible as are the most important trees located on the southern side of the development site. The applicants have indicated that the hedgerow and ragstone wall along Upper Street will be retained and where removed to facilitate the construction of the access road a replacement ragstone wall and hedge returning into the site along the access road will be provided.
- 9.7 I conclude that the potential ecological implications of the development have been assessed and that subject to appropriate safeguarding conditions and conditions relating to the detail of the reserved matters landscaping submission that there is the potential to achieve biodiversity enhancement within the site as encouraged by PPS9.

## 10 Highways

- 10.1 Members will have noted the views of Kent Highway Services set out earlier in the report at section 2.8. No objections are raised to the principle of the development subject to a safety audit being undertaken of the new access road and a number of suggested conditions
- 10.2 Kent Highway Services have also confirmed that the overall traffic generation from the development has been assessed using the TRICS database and this has been compared against the existing vehicle trips to and from the site. The results indicate that the application would result in fewer vehicle trips within the highway peak hours with a marginal increase in the daily trips. The existing access is stated to suffer from substandard visibility splays and this serves a number of commercial uses. Visibility splays from the new access are shown as 2.4m x 70m which is acceptable to Kent Highway Services.
- 10.3 Concerns have been expressed regarding the parking provision by both the Parish Council and a number of local residents. I consider the indicated level of car parking is sufficient and that it will not result in parking on Upper Street, which is a busy road and at this point not suited to on street parking in any event, due to its width. I would remind Members that there are no minimum standards for car parking provision. In addition, further parking provision would result in less landscaping and amenity areas within the site. I also consider the care home element of the development is provided with adequate car parking. The 32 spaces car park plus the overflow staff car park (6 spaces) is considered to be sufficient. The care home will be the subject of a Travel Plan to be secured by condition which will seek to provide a number of measures to reduce staff bringing their own cars to work. Members will have noted that an interim plan has been submitted as part of the application which has been amended in the

light of discussions with Kent Highway Services. Kent Highway Services have not raised objections to the proposed level of car parking on highway safety grounds.

## 11 Community infrastructure and s106 obligations

- 11.1 Policy CF1 of the Maidstone Borough-wide Local Plan 2000 and policy S6 of the South East Plan 2009 encourage the provision of additional community facilities/infrastructure where new development would generate additional demand that cannot be accommodated by the existing infrastructure/facilities. In addition policy OS1 of the Council's adopted Open Space DPD seeks the provision of contributions towards the enhancement/provision of off-site public open space where provision is not made on the application site as apart of the development.
- 11.2 In terms of affordable housing given that only 14 units of residential accommodation are proposed, the Council's affordable housing policy AH1 does not apply to the application, as the development is below the threshold of 15 units as set out in the adopted Affordable Housing DPD.
- 11.3 Following requests on behalf of Kent County Council (paragraph 2.6), West Kent Primary Care Trust (section 2.9) and the Council's Parks & Open Spaces section (paragraph 2.15); the applicants have submitted a draft s106 Unilateral Undertaking seeking to make all the appropriate contributions identified. The content of the draft undertaking has been assessed by your officers and is considered to be acceptable. The undertaking is now awaiting signature by the applicant before being formally submitted. The proposed recommendation reflects this.

## 12 **CONCLUSIONS**

- 12.1 The mixed-use redevelopment of the site as proposed is acceptable in terms of Development Plan policy and government advice.
- 12.2 The proposed residential development will provide housing of a good design that draws on elements of the local vernacular, will provide sufficient car parking and provide good private amenity space for each of the dwellings. There is space to provide a good landscaping scheme to soften the development.
- 12.3 The care home and associated development is also acceptable in principle. Adequate car parking and servicing provision has been shown and the proposed amenity area to the west of the indicated siting of the main care home provides the opportunity to enhance ecology and biodiversity within the site as well as provide a landscaped setting for the development.

- 12.4 There is no policy which seeks to retain the existing uses on the site and on balance their removal will result in an improvement to the character and appearance of the site and hence the area as a whole. I consider that the setting of the Conservation Area and listed building will certainly be preserved if not enhanced. There are no highway objections to the proposals.
- 12.5 The proposals take into account the ecological implications of the development and Natural England are satisfied in this respect.
- 12.6 The proposed unilateral undertaking will provide for appropriate contributions to community infrastructure to meet the additional demand generated by the development.
- 12.7 Subject to appropriate conditions the development is considered acceptable and the following recommendation is appropriate.

### **RECOMMENDATION**

Subject to

A: The prior completion of a s106 legal agreement or receipt of a completed s106 unilateral undertaking in such terms as the Head of Legal Services may advise that secures:-

- i) Contributions towards the provision of Library, Adult Education, Youth and Community and Adult Social Services facilities,
- ii) A contribution towards the provision of Primary Health Care facilities,
- iii) A contribution towards the provision of off-site public open space,

B: I be GIVEN DELEGATED POWERS to GRANT PLANNING PERMISSION subject to the following conditions:

1. The development shall not commence until approval of the following reserved matters has been obtained in writing from the Local Planning Authority:-
  - A) In respect of the care home, close-care bungalows and day centre/close-care apartments;
    - a. Layout b. Scale c. Appearance d. Landscaping
  - B) In respect of the residential development;
    - a. Landscaping

Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.

The development hereby permitted shall be begun before the expiration of three years from the date of approval of the last of the reserved matters to be approved;

Reason: No such details have been submitted and in accordance with the provisions of Section 92 of the Town and Country Planning Act 1990.

2. Application(s) for approval of the reserved matters of scale, layout and appearance for the residential care home, close-care bungalows and day centre/close-care apartments shall accord with the parameters set out on page 8 of the Design and Access Statement received 21 August 2009.

Reason: To ensure a satisfactory form of development in the interests of the character and visual amenities of the area pursuant to policies CC6 and BE6 of the South East Plan 2009.

3. The development shall not commence until, details of the parking spaces serving the care home, close-care bungalows and day centre/close-care apartments have been submitted to and approved in writing by the Local Planning Authority;

Reason: Development without adequate parking/garage provision is likely to lead to parking inconvenient to other road users and in the interests of road safety pursuant to policy T13 of the Maidstone Borough-wide Local Plan 2000.

4. The approved details of the parking/turning areas shall be completed before the commencement of the use of the land or buildings hereby permitted and shall thereafter be kept available for such use. No development, whether permitted by the Town and Country Planning (General Permitted Development) Order 1995 as amended by the Town and Country Planning (General Permitted Development) (Amendment) (England) Order 2008 and the Town and Country Planning (General Permitted Development) (Amendment) (No.2) (England) Order 2008 (or any order revoking and re-enacting that Order, with or without modification) or not, shall be carried out on the areas indicated or in such a position as to preclude vehicular access to them;

Reason: Development without adequate parking/turning provision is likely to lead to parking inconvenient to other road users and in the interests of road safety pursuant to policy T13 of the Maidstone Borough-wide Local Plan 2000.

5. The details of the reserved matter of landscaping submitted pursuant to condition 1 above shall include inter-alia,
  - i) The retention of the existing hedgerow and ragstone wall to the Upper Street frontage of the site and where removed to provide the site access road the provision of a replacement hedgerow and ragstone wall returning into the site along either side of the site access road to the front of plots 1, 2 and 12,
  - ii) The provision of a ragstone wall and hedgerow to the Upper Street frontage of Plot 9,
  - iii) Details of the layout and planting of the proposed amenity area to the west of the care home including the provision of wildlife pond(s), reptile/wildlife corridors linking the site to the surrounding habitat network and appropriate refugia/hibernacula and the siting of a retained proportion of the cordwood arising from any removed trees,
  - iv) Details of all existing trees and hedgerows within the site including details of those to be removed or retained,
  - v) The use of indigenous species of local provenance for the proposed planting scheme and any plants in the wildlife pond(s).
  - vi) A long term landscape management plan for the site in particular for the landscaped amenity area to the west of the care home,

The planting scheme shall be designed in accordance with the Council's adopted Landscape Character Assessment and Landscape Guidelines;

Reason: No such details have been submitted and to ensure a satisfactory external appearance to the development pursuant to policy ENV6 of the Maidstone Borough-wide Local Plan 2000 and policies NRM5 and NRM7 of the South East Plan 2009

6. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the building(s) or the completion of the development, whichever is the sooner; and any trees or plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation;

Reason: To ensure a satisfactory setting and external appearance to the development pursuant to policy ENV6 of the Maidstone Borough-wide Local Plan 2000 and policies NRM5 and NRM7 of the South East Plan 2009.

7. All trees to be retained must be protected by barriers and/or ground protection in accordance with BS 5837 (2005) 'Trees in Relation to Construction-Recommendations'. No work shall take place on site until full details of protection have been submitted to and approved in writing by the Local Planning Authority.

The approved barriers and/or ground protection shall be erected before any equipment, machinery or materials are brought onto the site and shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed, nor fires lit, within any of the areas protected in accordance with this condition. The siting of barriers/ground protection shall not be altered, nor ground levels changed, nor excavations made within these areas without the written consent of the Local Planning Authority;

Reason: To safeguard existing trees to be retained and to ensure a satisfactory setting and external appearance to the development pursuant to policy ENV6 of the Maidstone Borough-wide Local Plan 2000.

8. The development shall not commence until, written details and samples of the materials to be used in the construction of the external surfaces of the building(s) hereby permitted have been submitted to and approved in writing by the Local Planning Authority and the development shall be constructed using the approved materials;

Reason: To ensure a satisfactory appearance to the development pursuant to policies CC6 and BE6 of the South East Plan 2009.

9. The development shall not commence until, details of the proposed slab levels of the building(s) and the existing site levels have been submitted to and approved in writing by the Local Planning Authority and the development shall be completed strictly in accordance with the approved levels;

Reason: In order to secure a satisfactory form of development having regard to the topography of the site pursuant to policies CC6 and BE6 of the South East Plan 2009.

10. The development shall not commence until, full details of the following matters have been submitted to and approved in writing by the Local Planning Authority:-
  - a) New external joinery for the converted oast house in the form of large scale drawings.

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

Reason: To ensure the appearance and the character of the building are maintained pursuant to policies CC6 of the South East Plan 2009.

11. The dwellings, including the close-care bungalows shall achieve Level 3 of the Code for Sustainable Homes. The care home shall achieve a BREEAM® Multi-residential rating of at least very good. No dwelling shall be occupied until a final Code

Certificate has been issued for it certifying that Code Level 3 has been achieved and the care home shall not be occupied until a final certificate has been issued for it certifying that a BREEAM® Multi-residential rating of at least very good has been achieved.

Reason: to ensure a sustainable and energy efficient form of development in accordance with policy CC4 of the South East Plan 2009, Kent Design 2000 and PPS1.

12. The development shall not commence until details of the proposed materials to be used in the surfacing of all access roads, parking and turning areas and pathways within the site, have been submitted to and approved by the local planning authority. The development shall thereafter be undertaken in accordance with the subsequently approved details.

Reason: To ensure a high quality external appearance to the development pursuant to PPS1.

13. The development shall not commence until details of any lighting to be placed or erected within the site have been submitted to and approved in writing by the Local Planning Authority. The submitted details shall include, inter-alia, details of measures to shield and direct light from the light sources so as to prevent light pollution. The development shall thereafter be carried out in accordance with the subsequently approved details.

Reason: To prevent light pollution in the interests of the character and amenity of the area in general pursuant to Policy ENV49 of the Maidstone-Wide Local Plan 2000.

14. No development shall take place until details in the form of large scale drawings (at a scale of 1:20 or 1:50) of the following matters have been submitted to and approved by the Local Planning Authority;

- i) Details of the roof overhangs and eaves including exposed rafter feet.
- ii) Details of windows and doors and recesses/reveals (which shall be a minimum of 70mm).
- iii) Details of the soldier arches and cills.

The development shall thereafter be undertaken in accordance with the subsequently approved details.

Reason: To ensure a satisfactory external appearance to the development in the

interests of the visual amenity and character of the surrounding area in accordance with PPS1.

- 15.No external meter cupboards, vents, flues or extract grilles shall be installed on any elevation facing a highway without the prior agreement in writing of the Local Planning Authority.

Reason: In the interest of the visual amenity of the area in accordance with PPS1.

- 16.The development shall not commence until a scheme for the permanent closure of the existing access to Upper Street to vehicular traffic has been secured and approved by the Local Planning Authority and the approved scheme shall be completed prior to the first occupation of the properties;

Reason: In the interests of road safety in accordance with PPG13.

- 17.The new access road to Upper Street shall be provided with visibility splays of 70m x 2.4m x 70m with no obstruction over 1.0m in height within the splays. The splays shall be provided prior to the first use of the access hereby approved and shall be subsequently maintained thereafter;

Reason: In the interests of highway safety pursuant to the advice in PPG13 and Manual for Streets.

- 18.The development shall not commence until details of foul and surface water drainage have been submitted to and approved by the local planning authority. The development shall thereafter be carried out in accordance with the approved details.

Reason: In the interest of pollution and flood prevention pursuant to policy NRM4 of the South East Plan 2009.

- 19.Prior to the commencement of any works which may affect widespread reptiles or their habitat, a detailed mitigation strategy shall be submitted to, and approved in writing by the Local Planning Authority. All works shall then proceed in accordance with the approved strategy unless any amendments are agreed in writing by the local planning authority.

Reason: In the interests of ecology and biodiversity pursuant to policy NRM5 of the South East Plan 2009.

- 20.The development shall not commence until:

1. The application site has been subjected to a detailed scheme for the investigation and recording of site contamination and a report has been submitted to and approved by the Local planning authority. The investigation strategy shall be based upon relevant information discovered by a desk study. The report shall include a risk assessment and detail how site monitoring during decontamination shall be carried out. The site investigation shall be carried out by a suitably qualified and accredited consultant/contractor in accordance with a Quality Assured sampling and analysis methodology and these details recorded.

2. Detailed proposals in line with current best practice for removal, containment or otherwise rendering harmless such contamination (the 'Contamination Proposals') have been submitted to and approved by the Local Planning Authority. The Contamination Proposals shall detail sources of best practice employed.

3. Approved remediation works have been carried out in full on site under a Quality Assurance scheme to demonstrate compliance with the proposed methodology. If, during any works, contamination is identified which has not previously been identified additional Contamination Proposals shall be submitted to and approved by, the local planning authority.

4. Upon completion of the works, this condition shall not be discharged until a closure report has been submitted to and approved by the local planning authority. The closure report shall include full details of the works and certification that the works have been carried out in accordance with the approved methodology. The closure report shall include details of any post remediation sampling and analysis together with documentation certifying quantities and source/destination of any material brought onto or taken from the site. Any material brought onto the site shall be certified clean;

Reason: To prevent harm to human health and pollution of the environment pursuant to the advice in PPS23.

21. The development shall not commence until details of cycle parking spaces have been submitted to and approved by the local planning authority. The subsequently approved spaces shall be provided prior to the first use of the building(s) they serve and shall be maintained thereafter.

Reason: In the interests of sustainability and to reduce reliance on the use of the private car pursuant to the advice in PPG13.

22. No part of the care home and associated close-care apartments and bungalows and day centre hereby permitted shall be brought into beneficial use unless and until a detailed Travel Plan has been prepared and approved in writing by the Local Planning Authority in consultation with the Local Highway Authority. The agreed Travel Plan measures shall subsequently be implemented and thereafter maintained

in full within 3 months of the first occupation of the development and by its subsequent occupiers, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that no more trips are generated than predicted and in the interests of sustainability and to reduce reliance on the use of the private car as a means of transport pursuant to Planning Policy Guidance Note 13.

- 23.No development shall take place until the applicant has secured and had implemented a programme of archaeological work in accordance with a written specification and timetable which has been submitted to and approved by the Local Planning Authority;

Reason: To enable the recording of any items of historical or archaeological interest pursuant to policy BE6 of the South East Plan 2009.

- 24.The development shall not commence until, details of all fencing, walling and other boundary treatments have been submitted to and approved in writing by the Local Planning Authority and the development shall be carried out in accordance with the approved details before the first occupation of the building(s) or land and maintained thereafter;

Reason: To ensure a satisfactory appearance to the development and to safeguard the enjoyment of their properties by existing and prospective occupiers pursuant to the advice in PPS1.

- 25.Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 as amended by the Town and Country Planning (General Permitted Development) (Amendment) (England) Order 2008 and the Town and Country Planning (General Permitted Development) (Amendment) (No.2) (England) Order 2008 (or any order revoking and re-enacting that Order with or without modification) no development within Schedule 2, Part 1, Classes A, B, C, D, E, F and G to that Order shall be carried out without the permission of the Local Planning Authority;

Reason: To safeguard the character, appearance and functioning of the surrounding area pursuant to policy CC6 of the South East Plan 2009 and the advice in PPS1.

### **Informatives set out below**

It is possible that bats may be using the site and as such, should the Council be minded to grant permission for this application we would request that the following informative is appended to any consent: 'Should any bats or evidence of bats be found

prior to or during works, works must stop immediately and a specialist ecological consultant or Natural England contacted for further advice before works can proceed'. All contractors working on site should be made aware of it and provided with Natural England's contact details (Natural England, International House, Dover Place, Ashford, Kent, TN23 1HU Tel: 0300 060 4797 )

You are advised to ensure that the appointed contractor(s) is/are registered with the 'Considerate Constructors Scheme' and that the site is thereafter managed in accordance with the Scheme. Further information can be found at [www.considerateconstructorsscheme.org.uk](http://www.considerateconstructorsscheme.org.uk)

Attention is drawn to Sections 60 and 61 of the Control of Pollution Act 1974 and to the Associated British Standard Code of practice BS5228:1997 for noise control on construction sites. Statutory requirements are laid down for control of noise during works of construction and demolition and you are advised to contact the Environmental Health Manager regarding noise control requirements.

Clearance and subsequent burning of existing woodland or rubbish must be carried out without nuisance from smoke, etc. to nearby residential properties. Advice on minimising any potential nuisance is available from the Environmental Health Manager.

Plant and machinery used for demolition and construction shall only be operated within the application site between 0800 hours and 1900 hours on Mondays to Fridays and between 0800 hours and 1300 hours on Saturdays and at no time on Sunday and Bank Holidays.

No vehicles may arrive, depart, be loaded or unloaded within the general site except between the hours of 0800 and 1900 Mondays to Fridays and 0800 and 1300 hours on Saturdays and at no time on Sundays or Bank Holidays.

Adequate and suitable provision in the form of water sprays should be used to reduce dust from demolition work.

The developer may be required to produce a Site Waste Management Plan in accordance with Clean Neighbourhoods and Environment Act 2005 Section 54. This should be available for inspection by the Local Authority at any time prior to and during the development.

No development shall commence until a scheme for the use of wheel cleaning, dust laying and road sweeping equipment, have been submitted to and the scheme approved in writing by the local planning authority. The approved scheme shall be implemented in its entirety once development has commenced, for the duration of demolition/construction works at the site.

The developers shall provide adequate space within the application site for the parking/turning/unloading of contractors vehicles before any works commence on site.

Such space shall thereafter be maintained during the construction process where practicable.

The proposed development, subject to the conditions stated, is considered to comply with the policies of the Development Plan (Maidstone Borough-Wide Local Plan 2000 and South East Plan 2009) and there are no overriding material considerations to indicate a refusal of planning consent.