

## REPORT SUMMARY

<b>REFERENCE NO:</b> - 23/500230/FULL		
<b>APPLICATION PROPOSAL:</b> Erection of a care village comprising of a 87no. bed care home and 12 assisted living apartments with doctors consulting room, car parking, landscaping and associated development.		
<b>ADDRESS:</b> Land at Forsham House, Forsham Lane, Sutton Valence, ME17 3EW		
<b>RECOMMENDATION:</b> Application Refused		
<b>SUMMARY OF REASONS FOR RECOMMENDATION:</b> The proposal is urbanising and significantly extends built development in terms of overall mass, height, greater site coverage and footprint encroaching further into the countryside at the base of the Greensand Ridge and will be highly visible and harmful to the setting of Sutton Valence. It is sited on former garden and will be out of keeping with and consolidate existing sporadic development in the locality. The proposals are therefore contrary to Policies SS1 and SP17 of the Maidstone Borough Local Plan 2017.  The application site is in an environmentally unsustainable location due to poor scope for staff to commute and for residents to access services by walking, cycling or using public transport. The proposed development would therefore be contrary to Policies SP17 and DM14 of the MBLP.  It accepted that there is a general need for care and extra care housing within Class C2. However, there are likely to be more suitable sites for Class C2 development that are not in environmentally unsustainable locations in the countryside which would harm local rural character and appearance as this scheme would. Therefore, this proposal does not provide benefits that would override the harm identified.  The application is also deficient in Biodiversity Net Gain, contrary to the NPPF and policies DM1 and DM3 of the Maidstone Borough Local Plan 2017.		
<b>REASON FOR REFERRAL TO COMMITTEE:</b> The application has been called into Committee by Sutton Valence PC.		
<b>WARD:</b> Sutton Valence And Langley	<b>PARISH/TOWN COUNCIL:</b> Sutton Valence	<b>APPLICANT:</b> Cloverdown Ltd <b>AGENT:</b> Tanner & Tilley Planning Consultant
<b>CASE OFFICER:</b> Marion Geary	<b>VALIDATION DATE:</b> 11/01/23	<b>DECISION DUE DATE:</b> 03/05/23
<b>ADVERTISED AS A DEPARTURE: YES</b>		

### Relevant Planning History

21/506642/FULL

Erection of a care village comprising a 87no. bed care home and 13no. assisted living apartments with associated car parking and landscaping and amended access to Forsham Lane.

Withdrawn 08.04.2022

### MAIN REPORT

## **1. DESCRIPTION OF SITE**

- 1.01 The site is 500m south of the village confines of Sutton Valence in the designated countryside.
- 1.02 The site is open land, being 1.49ha of residential curtilage which is to be severed from the host dwelling which will remain with a 30m deep garden. Policy DM5 and supporting text of the MBLP qualifies that residential gardens in the borough are not considered to be brownfield land (aka 'previously developed land').
- 1.03 The site is L-shaped and slopes gradually down approx. 10m in levels from north east to south west with the lowest part of the site being along the road frontage with Forsham Lane.
- 1.04 There is an overgrown hedgerow of hawthorn and Field Maple with an average approx. 6m height to Forsham Lane on the south-eastern and southern boundaries and a similar hedgerow on part of the south-western boundary shared with a terrace of 3 cottages (1-3 Forsham Cottages). These cottages have long rear gardens of approx. 40m so 1 Forsham Cottage shares a long flank garden boundary with the application site.
- 1.05 To the north of Forsham House is Somersby Stables. Opposite the site, along Forsham Lane, is a dwelling of Brookfield and a residential caravan site of The Stables, Brookfield. The locality therefore comprises established sporadic development.
- 1.06 The existing driveway of Forsham House fronts a 2-way section of Forsham Lane which has a junction with the A274 towards Sutton Valence.
- 1.07 In terms of landscape character, the site lies on Linton Park and Farmlands of the Low Weald. The Maidstone Landscape Character Assessment 2012 states it has an area of 'high sensitivity' and 'good condition' with key characteristics being low lying landscape; enclosed pasture; sparse development with scattered farms and small hamlets; dominance of oak trees within pasture and as mature hedgerow trees.
- 1.08 In terms of landscape character, the site lies on 'Southern Mixed Pasturelands' in the Low Weald character area, specifically Linton Park and Farmlands. Contrary to the comments of some objectors, it is not actually within an LLV but is sandwiched within the 200m gap between the LLVs of the Low Weald and the Greensand Ridge and thus is a key part of their settings.
- 1.09 It lies in Flood Zone 1, in an amber zone for GCN (ie suitable habitat)

## **2. PROPOSAL**

- 2.01 The proposal is a Care 'village' in Use Class C2 (as per the Use Classes Order) for the residential accommodation of persons in need of care. It comprises a care home (87 ensuite bedrooms) and 12no. assisted living (ie extra care) apartments and communal facilities. There is associated car parking and landscaping and amended vehicular and pedestrian access to Forsham Lane.
- 2.02 Offsite highway works are also proposed in regard of changes to the layout of the junction to the A274, essentially to make one section one-way instead of two-way. These works have previously been agreed with KCC Highways.
- 2.03 This is a resubmission of a similar scheme withdrawn in 2022. It is the subject of a Planning Performance Agreement and a Member Briefing was held on 5 January 2023.

- 2.04 This revised scheme has 1 less assisted living unit and has added a GP consulting room instead compared to the withdrawn scheme. Overall, the floor area of 7335sqm is marginally greater but the outer extent of the building in terms of site coverage, relationship to the boundaries and heights is identical to the previous scheme.
- 2.05 The building, at its closest, will be 3m from the western and southern boundaries, and 5m from the eastern boundary. Much of the rest of the site will be given over to access roads and parking/turning. The land left undeveloped for open space and amenity is limited to the narrow peripheries of the site and an internal courtyard to the Care Home.
- 2.06 The northern wing will have 3 floors of accommodation and the southern wing and Assisted Living block will have 2 floors with 3 separate single storey Assisted Living Units. There will be 3 areas of flat roof on the buildings (shown to be sedum roofs).
- 2.07 The site slopes and there will be extensive cut and fill engineering to create a level area for the building and to create the basement parking. The greatest dig down is in the region of approx. 3.5m to create the basement parking in the east of the site including a dig down of approx. 1m in the SE corner and the land will be raised by approx. 1 m in the SW corner.
- 2.08 The external materials will be brick, Kentish ragstone, white render and black board cladding and red plain tiles.
- 2.09 Approx 87-90 full-time staff and approximately 30 part-time staff will be employed depending on the final operator expected to be on a shift basis and some overnight cover. Overall there are 36 parking spaces with 10 cycle parking spaces.
- 2.10 The Travel Plan notes continuous pedestrian infrastructure to the main residential areas of Sutton Valence, where it says public transport can be accessed (200m walking distance). Rail services to Ashford and London can be accessed via Headcorn Station, 4.5km to the south of the proposed site. Provision of washing and changing facilities will be provided on site to encourage active modes of travel for staff plus provision of a shuttle minibus service to provide staff with an alternative travel mode.
- 2.11 There will be a SuDS drainage strategy includes vegetated rain gardens; rainwater planters; cellular storage, and permeable paving. Some of the cellular storage will be excavated along the boundaries, including the most of the southern and the southwestern boundary.
- 2.12 The Preliminary Ecological Appraisal concludes no rare or nationally scarce botanical species or habitats. For Great Crested Newts, reasonable avoidance measures will be followed. The submission claims generous native planting and the installation of bird and bat boxes on the new buildings as enhancing the site for biodiversity.
- 2.13 In terms of low carbon design, the submission is ambiguous: the Design and Access Statement refers to PV panels to roof areas and Combined heat and power generating LPHW (Low Pressure Hot Water System) whereas the Energy Report only refers to Air Source Heat Pumps.

### **3. POLICY AND OTHER CONSIDERATIONS**

Maidstone Borough Local Plan (2011-2031): SS1, SP17; DM1; DM2; DM3; DM8; DM14; DM19; DM21; DM24DM30.

Kent Waste and Minerals Plan (amended 2020):

The National Planning Policy Framework (NPPF):

National Planning Practice Guidance (NPPG):

Supplementary Planning Documents: Air Quality Guidance (2017); Public Art Guidance (2017)

The Regulation 22 Local Plan Review submission comprises the draft plan for submission (Regulation 19) dated October 2021, the representations and proposed main modifications. It is a material consideration and some weight must be attached because of the stage it has reached.

Local planning authorities may give weight to relevant policies in emerging plans according to the stage of preparation of the emerging plan and the extent to which there are unresolved objections to relevant policies.

The only draft policy in the Regulation 22 potentially relevant in the determination of this specific planning application is LPRHOU7 'Specialist Residential Accommodation' which is the proposed revision of DM14 'Nursing and Care Homes'.

However, in this case, it is of low weight because it is currently the subject of an Examination in public with Stage 2 hearing commencing in May 2023 and there are unresolved objections to the draft policy.

#### **4. LOCAL REPRESENTATIONS**

**Local Residents:** 7 representations received from local residents raising the following (summarised) issues

- Cramped overdevelopment
- Size, height, mass and volume out of character
- Dominates the countryside/Landscape of Local Value (Low Weald and Greensand Ridge)
- Visible from protected ridge of Greensand LLV
- Noise and disturbance
- Height increased by the "oast cowls" design
- Overlooking, domination, loss of morning sunlight
- Close to local WWTW - odours
- Air pollution
- Extra traffic
- Too remote from hospital care
- No green space for residents
- Fails CQC guidelines for accessibility - isolated residents
- Post Office and Haven Farm shop closed in January 2023.
- Inadequate public transport for staff and visitors
- No scope for overflow parking in Forsham Lane or Headcorn Road
- Cycling to and from site is unrealistic
- Local bus routes are infrequent and shift patterns of staff means they will drive
- The walk distances do not take account of the Hill, unlit roads and traffic speed
- Transport Statement refers to wrong speed limit- vehicles exceed the limit.

- Greater visibility splays to junction are needed.
- Inadequate parking
- New junction unsuitable for farm machinery and agricultural supplier lorries.
- No need- plenty of local vacancies and capacity in local recent developments
- Will struggle to recruit staff
- No care partner: will maximise built form and then sell on
- Harms wildlife eg Great Crested Newts, bats, deer, badgers and birds of prey, slow worms/grass snakes
- No net gain for biodiversity
- The site was cleared of trees and shrubbery prior to any TPO studies
- Light pollution
- Forsham Lane flooding will worsen
- Underground parking area will flood
- Sets a precedent for development of gardens
- Piling will be needed for foundations, damaging neighbouring property
- desk-top' studies via consultants who do not have local knowledge

The local GP has stated that his practice will have 2 Care Homes in their catchment and cannot cope with a third.

Issues which are not material planning considerations: desk-top' studies via consultants; no care partner; maximisation of profit.

## 5. CONSULTATIONS

*(Please note that summaries of consultation responses are set out below with the response discussed in more detail in the main report where considered necessary)*

### Sutton Valence PC

- Accept need but is contrary to Policies DM14, DM30 and SP17.
- The development is in an area of Local Landscape Value.
- Visible from the Greensand ridge
- Sited amongst the scattering of small settlements.
- Extra traffic
- Light pollution.
- Speed limit is 40mph which means the visibility splay needs to be amended.
- Noise and disturbance to neighbours
- Overlooking
- Harms street scene
- GP service exclusively for the care home cannot be guaranteed- strong objection from local GP
- The developers have not yet secured a care provider

### Environment Agency

5.01 No comments.

### Southern Water

- 5.02 No significant risk to operations at Sutton Valence WWTW with regard to odour.
- 5.03 The nearest public sewer is 240 metres away - it is the responsibility of the developer to provide the sewerage infrastructure up to the point of practical connection. The applicant may need to examine alternative means of foul sewage disposal in consultation with the appropriate authorities

KCC Flood and Water Management

- 5.04 Surface water will be discharged to the watercourse at the west of the site and rain gardens, permeable paving and cellular storage will be utilised throughout the site.
- 5.05 Objection to calculations and data used in the Strategy

*(Officer note- a revised drainage strategy has been submitted and any comments from KCC will be included in an Urgent Update)*

KCC Economic Development

- 5.06 The use will have impact on libraries, community learning and social care.

KCC Highways

- 5.07 No objection subject to conditions: use of a bound surface for the first 5 metres of the access; provision of construction parking facilities and vehicle loading/unloading and turning facilities; measures to prevent the discharge of surface water onto the highway; wheel washing; reserved vehicle parking; Travel Plan Monitoring.

KCC Ecology

- 5.08 BNG calculations are not standard methodology. There is net-loss of biodiversity regarding the proposals, whichever metric is used, but there may be ways to bring this up to a very small positive result with revised landscaping.

Weald of Kent Protection Society

- 5.09 Objection:
- The site is not allocated and was rejected in the latest Call for Sites.
  - Contrary to SP17 – Countryside: the site is in an LLV; SP15 – Sutton Valence – Loss of green spaces; SP11: focus development within the village boundaries.
  - The 2/3 storey design breaches Planning Policy DM 30 – Design Principles in the Countryside:
  - Contrary to DM14 – Nursing and Care homes: harms local character and amenity
  - Access hazardous because of the fast flow of traffic descending the steep Sutton Valence hill on the A274, often in excess of the speed limits.
  - No support from the local Medical Practice
  - inadequate Open Space
  - Surface water strategy will be inadequate on Wealden Clay.
  - There is a surplus of Care Home places in the immediate area.
  - Isolated location this site fails the guidance of the Care Quality Commission
  - overdevelopment in the wrong place

MBC- Parks and Open Space

- 5.10 The 12 assisted living units will require open space and none is provided so contribution of £18,900 sought for off-site provision.

MBC Landscape Officer

- 5.11 Scheme does not conform to the principles of the Maidstone Borough Council Landscape Character Assessment Supplement 2012 (MBCLCAS2012) due to use of non-native species and inadequate planting to peripheries of the development.
- 5.12 The application is accompanied by a Landscape Visual Appraisal rather than a Landscape and Visual Impact Assessment as that is more detailed and should identify 'significant' effects in accordance with the requirements of Environmental Impact Assessment Regulations 2017, as well as type, nature, duration and geographic extent of the effect.

MBC Environmental Protection

- 5.13 No objection subject to conditions on dust/air quality; plant noise; lighting; decontamination.

**6. APPRAISAL**

The key issues are:

- **Countryside Location/Character and Appearance**
- **Sustainability**
- **Need**
- **Highway Safety**
- **Other Matters**

**Countryside Location/Character and Appearance**

- 6.02 The development will erode the openness of the site by adding considerable bulk in terms of height, spread of development and associated engineering to create undercroft development, by cutting into the slope and widening of the access point. The upwards topography of the site away from Forsham Lane will mean a visual domination of bulky roofscape. The level of built development to create the Care Village is cramped being close to the boundaries. This restricts the amount of open space and widths of buffers and as the development is in depth, it is at odds with the prevailing pattern of development of the locality.
- 6.03 The site is garden curtilage and so is largely undeveloped in character and appearance with its most basic characteristic being its openness and undeveloped nature. It is outside of the village of Sutton Valence and is within a small area of sporadic development which is often seen in the open countryside. Due to the sheer scale of development proposed, both the openness of this site and the loose morphology of this area would be significantly harmed contrary to the tests in Policy SP17.
- 6.04 The site is open garden of one large detached dwelling and slopes gradually down with the lowest part of the site being along the road frontage with Forsham Lane. Currently the site is partly screened by an overgrown hedgerow of hawthorn and Field Maple. However, that hedge has an average height of approx 6m so has a limited screening function in terms of the size and height of the development which is proposed particularly close to the boundaries and due to the upward slope of the land. Hence it would have a significant adverse impact on openness.
- 6.05 Immediately west of the site is a typical rural terrace of 3 cottages (1-3 Forsham Cottages). To the north is Somersby Stables. Opposite the site, is a detached dwelling of Brookfield and a residential caravan site of The Stables, Brookfield with

agricultural land and buildings further to the west. There are no local examples of large footprint 3 storey care buildings erected close to site boundaries so this would be out of keeping and would be consolidating sporadic development.

- 6.06 The application site is not in an area of Local Landscape Value but lies close to and below the steeper edge of the Greensand Ridge LLV. Sutton Valence is sited on the plateau of the Greensand Ridge and the open foreground on approach from the south (the Low Weald LLV) is an important component of the identity of the village. This would be eroded by the introduction of a bulky 3 storey building in this locality.
- 6.07 What little screening is afforded by the hedgerow could be eradicated entirely if the works close to it are considered: the building itself and terraces/paths are close to the southern and eastern boundaries; there is significant land excavation and land raising along the southern boundary and it is furthermore intended to have underground drainage crates installed close to the southern and western boundaries. All of these could adversely affect the integrity and longevity of the hedgerow and the limited screening it provides, thus totally opening up the site to views from the local area.
- 6.08 It is not considered to be feasible for significant landscape screening of this large and tall building to be secured in the short to medium term and it would consequently be extremely visually prominent to the public domain. Even in the very long term, the buildings will not be well screened as the highest ridge of the 3 storey wing is approx. 17m taller than the level of the southern boundary. The proximity of the building to the boundaries means no scope for buffer planting to increase the natural screening of the building or assist it to be subsumed into the landscape.
- 6.09 Moreover, the opening to create the widened access point will also reduce the screening value of any boundary screening. There is an existing gap in landscape screening at both the SW and NE corners and the latter gap will increase due to the need to improve the access width and construct a new footway. The amendments to the access required by KCC will be harmful to rural character and urbanising by introducing a road entrance 5.5m wide with footways 1.8m either side instead of the existing domestic scale driveway. The bellmouth will increase in width from approx. 6m to 17m and the works to the footways extends the urbanisation over a distance of 27m width. This fully opens up more of the development to be visually prominent from the NE which is the view from Headcorn Road itself.
- 6.10 Although it is the case, as the objectors mention, that the site will be visible from parts of the Greensand Way itself as it passes through the village, most of the harmful impact on the character and appearance of the rural locality is therefore in the shorter range distances.
- 6.11 The applicant submitted an LVA which is more limited than and LVIA in its assessment of the type, nature, duration and geographic extent of the landscape effect and may not have fully considered the long range impacts on the LLVs, eg from the Greensand Way. For closer range impacts, the LVA is considered to over-credit the existing boundary planting in terms of its screening value.
- 6.12 The principle of the development in the countryside relatively distant from Sutton Valence village is contrary to the spatial hierarchy in policy SS1 and to the countryside protection Policy SP17. It is noteworthy that development of the site was not endorsed as a specific development site in the Local Plan Review despite a smaller part being put forward in the call for sites for housing (site 012).
- 6.13 Paragraph 130 of the NPPF requires development to be sympathetic to local character including the surrounding built environment and landscape setting. This is a cramped over-intensive development of urban proportions in a rural location.

By reason of its siting, scale, height, bulk, form and the extent of land level changes needed and associated hard surfacing from parking and access requirements would erode the openness of the countryside, dominate the locality and cause unacceptable visual harm to the character and appearance of the area contrary to SP17.

- 6.14 Many of the issues raised above are contrary to Policies DM1 and DM30 (good design) of the MBLP. Moreover, the bulk and form of the building has not been designed to reflect the form and scale of the local vernacular. The southern wing along Forsham Lane will have eaves height and ridge height 2m and 3m higher respectively than the neighbouring cottages. The incorporation of sedum roofs would need to be more detailed to overcome concerns with their impact on the intended vernacular design. The roof form is bulky and the addition of gable features to the elevations does not successfully break up the roof form to make it more vernacular.

### **Sustainability**

- 6.15 Paragraph 73 of the NPPF requires residential development to have sufficient access to services. As mentioned above, policy DM14 directs C2 Care or Nursing Homes to localities where there are good connections to local services. The lane serving the site is single carriageway width with no streetlights. The route to Sutton Valence village is uphill and unlit. The footpaths are narrow, there are dangerous junctions to cross and the A274 is extremely busy, often congested on the approach to the village including with large vehicles serving farms and commercial premises locally. The local topography and highway network is such that walking or cycling access to the village is not particularly safe or accessible for most people and especially not for the persons expected to occupy a C2 building (ie older persons in need of care).
- 6.16 It is understood the village shop has ceased trading and the only local convenience facilities are in a petrol station on Headcorn Road to the south, 800m away along and across a busy main road with no street lights. Again, this is not particularly safe or accessible for most people and especially not for the persons expected to occupy a C2 building (ie older persons in need of care).
- 6.17 Notwithstanding the suggestion of a minibus service to and from Maidstone to give accessibility for staff or to local services for the residents, the proposal would fail to contribute to a sustainable pattern of growth, where the fullest use could be made of public transport, walking and cycling both in terms of residents accessing local services and staff attending for work. The local bus services are poor except for Weekdays and Saturday timetables of the no.12 that serves the Maidstone to Headcorn route (the Sunday service would not be good for the shift patterns). Shift staff who commute by bus from Maidstone in particular would struggle to arrive or depart at convenient times, especially in the evenings and on Saturdays. Hence, despite being close to a main road, there are limited bus timetables that coincide with shift changes so the public transport provision makes the site overall unsustainable bearing in mind the anticipated numbers of staff and visitors.
- 6.18 The location is unsuitable for the proposed use due to its relative inaccessibility by walking, cycling and public transport. It would result in an unsustainable pattern of development and conflict with the aim behind MBLP Policy DM14 which seeks to locate Class C2 schemes within defined settlement boundaries because such schemes are places of work as well as residences and it is a policy position that should be located within the borough's main settlements.

### **Need**

- 6.19 The application includes a Needs Assessment which concludes that within its defined 10 mile catchment, there is deficit to 2031 of 348 standard bedspaces and

782 for those with modern ensuite 'wetrooms'. (NB The needs assessment makes no reference to "need" for the 12 Extra Care units as such).

- 6.20 The application also includes an Alternative Site assessment which concludes that:
- There is an ageing population
  - 62% of existing bedrooms in the local care home stock need to be modernised
  - The schemes in the planning pipeline will not meet the deficit
  - They say there are no 'suitable, sustainable, achievable, available' alternative sites between 1 and 2 acres in size within their defined catchment.
- 6.21 The Strategic Housing Market Assessment (2021 update) covering Maidstone were produced by Icen Projects Limited and their methodology is considered to be sufficiently robust and the need figures are up to date in that they are informing the Local Plan Review. Specialist/older person elements are not used which are allocated sites in the Local Plan and so supply is expected to arise from windfall developments that are locationally appropriate.
- 6.22 In terms of the care/nursing home accommodation, the latest SHMA indicates a need of 1228 bedspaces over the period 2019 to 2037. Recent planning permissions will provide 179 Care bedspaces which were all in the urban settlement boundary (ie in policy compliant locations). This equates to 2.6 years supply.
- 6.23 In terms of the Assisted Living (Extra Care) Units, the latest SHMA indicates a need of 803 units over the period 2019 to 2037. There have been permissions for 179 units since 2019 which equates to 4 years' supply. There has been recent provision of this type of accommodation, albeit not within settlements.
- 6.24 Whilst it is accepted that there is future need for both forms of C2 proposed in the scheme, that is not outweighed in the planning balance.

### **Highway Safety**

- 6.25 Despite the concerns of the PC and local residents, KCC (H&T) are now satisfied that the access as reengineered is satisfactory and has passed a stage 1 Safety Audit. However, that is achieved from excessive engineering in the countryside as referred to above. KCC have no parking or transport objections to the scheme.

### **Other Matters**

- 6.26 It is accepted that windows along the western flank are secondary and could be obscured glazed for privacy. However, there will be a significant loss of outlook and overbearing impact on the neighbours at Forsham Cottages, particularly no. 1 with the 2-storey range of the building along their side boundary and the 3-storey wing visible and on higher ground. The Care Home building is level with the front of the cottages and 3-6m from the boundary so will result in loss of morning sunlight to neighbouring property. The landscaping plan indicates a hedgerow along most of the common boundary but that is omitted from the Tree Survey and in reality, is gappy and overmature and as mentioned above, the prospect of its longevity will be low with the proximity of the Care Home building, land level changes and underground drainage crates nearby. There is considered to be harm to residential amenity contrary to policy DM1 and DM14.
- 6.27 The application included an odour contour assessment due to being 250m from a WWTW. Southern Water are satisfied that there will be no loss of amenity of the potential occupants that would breach policy DM1.

- 6.28 The communal nature of the development and the 24 hour care basis would mean a need for external lighting, detrimental to rural character and appearance. Light pollution of this type is contrary to paragraph 185 of the NPPF and Policy DM8 of the MBLP.
- 6.29 The lack of a Biodiversity Net Gain arises from the NPPF revised in July 2021 and the Environment Act (November 2021) which altered the baseline date of ecological surveys to deter removal of biodiversity interest before submitting a planning application. In this case, many trees were felled in 2020 before the application was submitted. The very large scale of the development restricts the amount of onsite planting in mitigation. The lack of BNG could possibly be overcome but much more native planting would need to be included, which is a point also noted by the Council's Landscape Officer. The absence of this information is therefore contrary to the National Planning Policy Framework and breaches Policies DM1 and DM3 of the MBLP which aim to protect biodiversity.
- 6.30 There are many objections received as to surface water drainage problems in the area. The submitted strategy did not satisfy KCC from a technical point of view and so the applicant has not satisfactorily evidenced that surface water flooding will not be worsened as a result of the proposals. Comments from KCC on the revised strategy are awaited and may need to form a further reason for refusal.
- 6.31 As the development is exempt from CIL, if planning permission were to be granted, it would be appropriate to seek financial contributions for matters such as Open Space and GP Facilities.

#### **PUBLIC SECTOR EQUALITY DUTY**

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

#### **CIL**

- 6.33 The proposed development type is currently exempt from CIL.

### **7. CONCLUSION**

- 7.01 The proposal is urbanising and significantly extends built development in terms of overall mass, height, greater site coverage and footprint encroaching further into the countryside at the base of the Greensand Ridge and will be highly visible and harmful to the setting of Sutton Valence. It is sited on former garden and will be out of keeping with and consolidate existing sporadic development in the locality. The proposals are therefore contrary to Policies SS1 and SP17 of the Maidstone Borough Local Plan 2017
- 7.02 The application site is in an environmentally unsustainable location due to poor scope for staff to commute and for residents to access services by walking, cycling or using public transport. The proposed development would therefore be contrary to Policies SP17 and DM14 of the MBLP.
- 7.03 It is accepted that there is a general need for care and extra care housing within Class C2. However, there are likely to be more suitable sites for Class C2 development that are not in environmentally unsustainable locations in the countryside which would harm local rural character and appearance as this scheme would. Therefore, this proposal does not provide benefits that would override the harm identified.
- 7.04 The application is also deficient in Biodiversity Net Gain, contrary to the NPPF and policies DM1 and DM3 of the Maidstone Borough Local Plan 2017.

## **8. RECOMMENDATION**

### **REFUSE planning permission for the following reason(s):**

- 1) The application site is in the countryside and the C2 Care development is contrary to the adopted Maidstone Borough Local Plan Spatial Strategy policy SS1 which directs development to defined built areas and to policy SP17 which protects the countryside from development that harms its character and appearance. In this case, there will be loss of openness and consolidation of sporadic development. There are no material circumstances that would justify departing from this strategy with the resulting harm to the character and appearance of the countryside these being the two primary tests of "harm" in adopted policy SP17. The proposals are therefore contrary to Policies SS1 and SP17 of the Maidstone Borough Local Plan 2017 and the National Planning Policy Framework.
- 2) The proposal significantly rec extends built development in terms of overall mass, height, greater site coverage and footprint encroaching further into the countryside at the base of the Greensand Ridge, with limited existing screening remaining, and is highly visible from Headcorn Road and Forsham Lane and public vantage points and national PROW trail. By reason of the bulk, scale, height and siting of the buildings, external lighting, the engineering alterations to the access, the extent of hardstanding and the cramped layout, it would result in an urbanising and visually prominent form of development, out of character with the rural locality, harmful to the setting of Sutton Valence in its rural context on approach form the south and therefore harmful to the character and appearance of the countryside. It is contrary to policies SP17, DM1 and DM30 of the Maidstone Borough Local Plan 2017 and the National Planning Policy Framework.
- 3) The application site is in an environmentally unsustainable location due to poor scope for staff and residents to access by walking, cycling or using public transport. The proposed development would therefore be contrary to Policies SP17 and DM14 of the Maidstone Borough Local Plan 2017 and the National Planning Policy Framework.
- 4) The development has not been demonstrated to result in Biodiversity Net Gain and is therefore contrary to the National Planning Policy Framework and Policies DM1 and DM3 of the Maidstone Borough Local Plan 2017.

Case Officer: Marion Geary