

APPLICATION: MA/10/1231 Date: 14 July 2010 Received: 14 July 2010

APPLICANT: Maidstone Borough Council

LOCATION: 13, TONBRIDGE ROAD, MAIDSTONE, MAIDSTONE, KENT, ME16 8HG

PARISH: Maidstone

PROPOSAL: Outline application for the erection of a residential care home (Use Class C2), parking and relocation of access with all matters reserved for future consideration in accordance with illustrative plans, design and access statement, marketing report and planning statement submitted on 14 July 2010, and additional supporting information submitted on 5 August 2010 and on 24 August 2010.

AGENDA DATE: 2nd September 2010

CASE OFFICER: Chris Hawkins

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

- It is a departure from the Development Plan.
- The Council is the applicant.

1. POLICIES

Maidstone Borough-Wide Local Plan 2000: H26, ED2(xxiii), T13, ENV6, CF1, CF2
Government Policy: PPS1, PPS4, PPS5, PPG13, PPS23, PPG24
Circulars: 11/95

2. HISTORY

MA/05/2276 13 Tonbridge Road, Maidstone. Outline application for residential development with all matters reserved for future consideration. Withdrawn.

There is significant planning history to this application site. However, the above application is the only relevant planning history to this application.

3.0 CONSULTATIONS

3.1 KCC Archaeology were consulted (on 21 July 2010) and raise no objection to the proposal subject to the imposition of a suitable condition requiring the

applicants, or successors in title, to undertake a watching brief. This is on the basis that the site is close to (or found on) a Roman cemetery in the mid 19th Century.

3.2 KCC Highway Services were consulted (on 21 July 2010) and have raised no objections to this proposal subject to the imposition of suitable safeguarding conditions and informatives regarding parking and highway safety. These are set out at the rear of the report.

3.3 KCC Residential Care Homes Department were consulted (on 21 July 2010) and object to this proposal. The concerns they raise are as follows: -

'The applicant states that 'there is evidence that care facilities are required' without providing evidence. Within the Maidstone Borough Boundary there are 15 care homes with contracts with KCC providing 534 beds. As of the 6th August 2010 there were 18 vacancies within these homes. This would suggest that there is not a demand for residential care home beds in the Maidstone Borough.

Within the current West Kent Area Social Services business plans the emphasis is on enabling older people to remain in their own homes with support from enablement services and making adaptations to peoples homes, using telecare systems and in the future developing wheelchair accessible housing in conjunction with MBC. The real pressure is progressively more for dementia, mental health registered and nursing beds as the number of people with dementia rises and with an aging population, the number of elderly frail people increase.

Increases in the number of residential home beds also creates a financial pressure on West Kent Area Social Services as often there is little demand locally. Older people are placed from 'out of area' and they self fund their placement. However, when they have depleted their funds the financial responsibility for their placements becomes Social Service's, which has implications for the individual (as often they have to move placement) and the resources available to the local population of Maidstone.

We trust you will take these issues into consideration when making your decision regarding this application.'

***Officer Comment:** - This matter is addressed within the main body of the report.

3.4 Southern Water Services were consulted (on 21 July 2010) and raised no objections to this proposal.

3.5 West Kent Primary Care Trust were consulted (on 21 July 2010) and raised no objections to this proposal subject to the receipt of contributions towards health care provision within the locality. Following this response, on 16 August 2010, I requested information as to where this money would be spent, and am awaiting confirmation on this matter. I will address this matter within an urgent update report.

3.6 Maidstone Borough Council Environmental Health Officer was consulted (on 21 July 2010) and has raised no objections to this proposal.

3.7 Maidstone Borough Council Economic Development Officer was consulted (on 21 July 2010) and made no comment on this application.

3.8 Maidstone Borough Council Property Services were consulted (on 21 July 2010) and made no comment on this application.

***Officer Comment:** - Whilst no comment has been formally received from the Property Services Section, they have submitted the planning applications, and as such raise no objections to these proposals. The applications are submitted in order to put these applications forward for sale at auction, should permission be granted.

4. REPRESENTATIONS

4.1 Neighbouring properties were notified and no letters of objection have been received.

4.2 CPRE Maidstone have made comments upon this application. The points raised are summarised below: -

- The heights of the buildings should not exceed three storeys from ground level;
- There should be an exploration of the possibility of underground car parking;
- The employment possibilities should be taken into account;
- This is the preferred option for the CPRE - they consider there to be a need within the locality;
- There should be input from healthcare professionals to determine the specific need to the area, prior to the submission of reserved matters.

5. CONSIDERATIONS

5.1 Site Description

5.1.1 The application site is the former Council offices on the south side of the A26, Tonbridge Road. The 2-3 storey buildings previously at the site were recently

demolished and the site has been cleared. The site has a road frontage width of 44m and depth of some 95m with an existing access off Tonbridge Road roughly in the centre of the frontage. Tonbridge Road is a two lane, one way road in a westward direction at this point past the site. The site slopes gradually to the south from Tonbridge Road. Internally, the site is relatively flat (although there was a 'dip' in the land as the access road run under the offices to the front of the site).

- 5.1.2 This area has a mix of residential, retail and business uses. The site itself is surrounded by buildings with nos. 5-9 Tonbridge Road to the east being single and two storey retail units. The Corbens Business Centre is to the rear of these properties and extends from the east edge of the site around the south. This centre has a mix of single and two storey buildings with a range of uses including a building plant hire and repair company and warehousing. To the southwest of the site are terraced houses at Rowland Close and to the west fronting Tonbridge Road is the large 3 storey Westree Court building which provides student accommodation. Opposite the site are two storey semi-detached houses and a car parking area.
- 5.1.3 The site and land to the south and east extending to the railway line is designated under policy ED2 of the Local Plan for economic use for class B1 (office and light industry) uses. Land opposite on the north side of Tonbridge Road is also designated for such use.

5.2 Proposal

- 5.2.1 This application is for outline planning permission, with all matters reserved for future consideration, for the erection of a residential care home (Use Class C2) with parking and the relocation of the access.
- 5.2.2 At this stage, all matters are reserved for future consideration, and as such, in determining this application, one has to assess whether the principle of developing the site for a care home is acceptable.
- 5.2.3 At present, the design of the development is not for consideration, however, the Design & Access Statement indicates that the buildings would be of 3 storeys providing 64 rooms.
- 5.2.4 Illustrative plans have been submitted showing a layout of four main blocks towards the front of the site with the access running along the west side of the site. Enclosed gardens are to the west of the buildings and further outdoor space to the south. A car park with turning area is at the south end of the site for 28 cars, three of which are shown to be disabled parking bays. Three additional visitor/delivery spaces are alongside the access. Landscaped areas are shown

along the site frontage, most of the west side of the site, the south boundary and the rear part of the east boundary.

5.3 Principle of Development

5.3.1 The application site is within an area designated for employment purposes (B1) under Policy ED2 of the Maidstone Borough Wide Local Plan (2000). This is a saved policy. The Policy states: -

'Planning permission will not be granted to redevelop or use vacant business, industrial, storage or distributions sites or premises for non-employment purposes unless the retention of the site or premises for employment use has been explored fully without success.'

Due to this designation, the applicant has been asked to demonstrate that the retention of the site for employment purposes has been fully examined, without success.

5.3.2 The applicant has therefore submitted supporting information which demonstrates that the land was marketed through a combination of the property press and the Kent Messenger over a five week period (within June 2007). This included advertising within the 'Estates Gazette' (national) and within a local newspaper. Two further advertisements were placed within 'Property Week' (national) following this initial marketing. In addition to this, the applicant mailed the particulars of the site to parties that had previously shown an interest in the application site.

5.3.3 Of the bids submitted in 2008, none were for solely B1 use on the site (nor on 26 Tonbridge Road), but rather for a mix of B1/B8 storage on the site. At the time of the offer, advice was given to the applicant that the proposal would need to incorporate a suitable proportion of B1 use. However, no planning application was forthcoming, and the bid was then withdrawn. There have been no further bids for this plot of land.

5.3.4 Following the withdrawal of this offer, and no further bids on the land, the applicant decided to withdraw the site from the market, and submit planning applications in order that they be taken to auction and sold with outline planning consent. The applicant has subsequently placed applications in with the Local Planning Authority for a care home (Use Class C2), a B1/B8 storage use, and a pure residential use (Use Class C3) for determination. In the mean time, a care home operator has submitted an unconditional offer for the land (in July 2010), however, this sale has fallen through as sufficient funds could not be raised by this developer, for this use. This application submitted for the provision of a care home is unconnected to this offer. Whilst there are applications for alternative employment purposes submitted alongside this application, I do not consider

that this demonstrates that these are viable, (indeed the recent problems by a care home operator in obtaining funds is an indication of this) rather than that the applicant is seeking to maximise their opportunity to sell the land.

- 5.3.5 Clearly, the proposal to erect a care home would be a departure from the Development Plan – being a C2 use. However, since the formulation (and adoption) of the Local Plan, it is acknowledged that there has been a significant shift in the requirements for office accommodation within the town centre of Maidstone. Evidence suggests that there is an over-provision of office space within the town centre, with most being of a relatively poor quality.
- 5.3.6 As Policy ED2 was formulated prior to the adoption of the Local Plan in 2000, it is clear that it was evidenced and drafted in excess of 10 years ago, and as a result central government guidance and advice has changed in this intervening period. Also, the way in which businesses operate is also likely to have changed within this period. As such, in determining this application, I consider it appropriate to give weight to the more recent central government guidance, and assess whether this would result in the overriding of the existing local policy.
- 5.3.7 As part of this planning application, and in order to overcome the Policy objection to a B8 use within this designated employment site, a viability assessment has been submitted that includes a survey of office space currently available within the Maidstone Area. This research confirms that there are a number of suites or buildings currently available on the market and extending to a provision of over 200,000sq ft.
- 5.3.8 This survey identifies that it is clear that the supply of offices in Maidstone is very fragmented in terms of the quality of space available and through factors of location, accessibility and amenities. This then identifies that the majority of available accommodation falls within the tertiary market, with relatively low yields. Many of these spaces have remained vacant for a number of years.
- 5.3.9 Notwithstanding the difficult market conditions, agents have reported that they have been receiving occasional enquiries from national companies considering Maidstone as an option for location, and who have expressed interest only in prime units such as County Gate or Eclipse Park (although they note that demand has fallen within the past two years). These sites having been identified by virtue of their high spec buildings, excellent parking provision, notwithstanding their lack of profile. Similarly, Turkey Mill continues to have a good level of demand (and Members are aware of the recent planning application to provide an additional 1632metres² of new office space that has been granted), due to the high quality of most of the refurbished units, and again, because of the level of parking provision, and its attractive setting.

- 5.3.10 In addition to the existing supply of accommodation, there are a number of outstanding planning permissions that would expand the provision within the town. One of these, at Springfield, has the potential for three purpose built blocks totalling some 13,090metres². This plan has been mothballed due to the economic conditions, but the renovated Mansion remains in the market.
- 5.3.11 I consider that this information demonstrates that there is a clear over-supply of poor quality accommodation, and that those interested in re-located to/expanding within the town are seeking the more high spec office space.
- 5.3.12 The report then refers to the suitability of Tonbridge Road for future office development. From the experience of the author, and from the enquiries that they have made, that land to the west of the River Medway is not favoured for offices, by virtue of its poor accessibility, lack of local staff amenities, the mixed use environment and the lack of parking provision. Because of this there has been a trend in recent years for the move away from offices toward residential in the area. An indication of this is the granting of part of Bower Terrace (itself designated as B1 employment under policy ED2) for student and housing accommodation under planning permission MA/05/1251 despite the employment designation.
- 5.3.13 Furthermore, it is identified that the adjacent and nearby retail showrooms, modern industrial buildings, and older Victorian buildings detract from the attractiveness of the locality as an office destination, as does the constant noise from the adjacent Tonbridge Road. It is considered that these factors have a negative factor on the suitability of 13 Tonbridge Road as an office location, such that the author does not consider that it would be consequently viewed as a suitable located by developers. The Author concludes that *'we do not consider that 13 Tonbridge Road presents a suitable site for office development, particularly given the fact that good quality secondary space within the town centre at Kestrel House and Link House has not been found suitable despite lengthy marketing campaigns.'* They then state that due to the nature of the economic climate, and the over-provision of supply *'any employment provision must meet market expectations in order to find suitable occupiers and to this extent the issues of environment, accessibility and parking will be paramount. In our submission these attributes cannot be achieved in Tonbridge Road and hence the site at 13 Tonbridge Road would not be suitable for office accommodation.'*
- 5.3.14 It is therefore clear from this viability assessment that the site is no longer considered suitable for office accommodation, and as such, I consider that the requirement of Policy ENV28 of ensuring that this use be fully explored without success, has been satisfied.

5.3.15 As Policy ED2 was formulated prior to the adoption of the Local Plan in 2000, it is in excess of 10 years since the evidence was gained, and policy drafted, and as a result central government guidance and advice has changed in this intervening period. Also, the way in which businesses operate is also likely to have changed in this period. As such, in determining this application, one has to look at the existing central government guidance, and assess whether this would result in the overriding of the existing local policy.

5.3.16 Of particular relevance to this application is Planning Policy Statement 4: Planning for Sustainable Economic Growth (PPS4), which was released in 2009. This sets out the government's objectives for sustainable growth within the UK. Within this document, 'economic development' is recognised as achieving one of the following objectives: -

- Providing employment opportunities;
- Generates wealth; or
- Produces or generates an economic output or product.

I am satisfied that the provision of a care home would generate employment opportunities, and as such is identified as a form of economic development.

5.3.17 Policy EC1 of PPS4 requires for Local Planning Authorities to use evidence to plan positively. At present Maidstone Borough Council (MBC) have not adopted their core strategy, although background research has been undertaken to ascertain the level of employment land needed within the Borough, both now, and in the future. This complies with the requirement of this policy, in that it assesses the overall need for land or floor space for economic development. This will inform the policy which is then forthcoming. Work carried out to date, by GVA Grimley on behalf of the Council (September 2009) provides an assessment of the existing employment stock. I therefore consider that this study is a material consideration in the determination of this planning application.

5.3.18 Policy EC10 of PPS4 requires Local Planning Authorities (LPA) to adopt a positive approach towards planning applications for economic development, and to treat favourably planning applications that secure sustainable economic growth.

5.3.19 Of most relevance to this application is policy EC11 of PPS4, which relates to the determination of planning applications for economic development not in accordance with an up to date Development Plan. This policy states that when determining such a planning application, LPA's should: -

- Weigh market and other economic information alongside environmental and social information;

- Take full account of any longer term benefits, as well as the costs, of any development, such as job creation or improved productivity including any wider benefits to national, regional or local economies; and
- Consider whether those proposals help to meet the wider objectives of the Development Plan.

5.3.20 As such, this proposal should be assessed in accordance with these requirements. In terms of the first point, I consider that there is an evidence base that suggests that there is an over-provision of office accommodation within the town centre – this is identified within the GVA Grimley Employment Land Review. Furthermore, the Council’s Economic Development Strategy (EDS) sets an overall target for 10,000 new jobs within the Borough by 2026 (within the B and non B classes), and also for the existing office stock within the town centre to be improved. It states that this should be done on a sequential basis, with offices located within the town centre to be provided or upgraded first, and then any new provision to be located on edge of town centre sites, with good access.

5.3.21 What can be seen from the Employment Land Review is that there was (in Sept 2009) in excess of 50,000m² of vacant office space within the Borough of Maidstone, 3,268m² of which was within the London Road area. In total 23 units, comprising of 14,283m² were vacant within the town centre, and in accordance with the EDS is considered more suitable for upgrading.

5.3.22 The information given above, is a clear indication that there is an over-provision of office accommodation within the Borough, and whilst much of this is brought about by virtue of its quality, there is a large proportion of town centre sites that are more suitable for upgrading prior to the application site. I am therefore satisfied that there is up-to-date economic information which would support an alternative use on this site.

5.3.23 The second point within Policy EC11 (b) requires the LPA to assess the longer term benefits of the proposal, and in particular look at job creation. As no interest has been shown in the recently (back to 2008) in using the site for office accommodation, there is little indication that this form of economic growth will be forthcoming. I therefore consider it appropriate to assess the potential viability for the development to provide employment within other sectors.

5.3.24 The provision of a care home on this site would provide a high number of jobs – both skilled and less skilled. The labour intensive nature of the proposal would ensure that the site would generate a good level of employment, as well as providing suitable accommodation for those in need. I am therefore satisfied that this proposal meets with this requirement of the policy.

5.3.25 Finally, one has to assess whether the proposal would meet with the wider objectives of the Development Plan. The Development Plan has a specific policy relating to the provision of residential homes within the Borough. In the supporting text, it is acknowledged that due to the aging population, there is an increasing demand for private nursing accommodation for the elderly infirm. The policy is again, criterion based, but subject to these being met, gives broad support for the provision of such accommodation. I am therefore satisfied that the proposal would meet with the wider objectives of the Development Plan.

5.3.26 I am therefore of the opinion that this proposal would comply with the requirements of Policy EC11 of PPS4, and this, together with the information being collated by the LPA at present, indicates that alternative uses are acceptable on this allocated site. I am therefore satisfied that it is appropriate in this instance to depart from the existing Development Plan and give greater weight to the more recent guidance provided by Central Government.

5.4 Visual Impact

5.4.1 As previously stated, this is an outline planning application with the matter of design reserved for future consideration. As such, it is difficult to make a detailed assessment of the impact that the proposal would have upon the character and appearance of the area. However, clear parameters have been suggested which would see the erection of a care home of three storeys in height.

5.4.2 The application site is located within the urban area of Maidstone, upon a well used main thoroughfare out of Maidstone. The character of the area is varied, with a mix of residential and commercial properties, with the building types also of great variation. I consider that the southern side of the Tonbridge Road has the potential to be significantly improved, both in terms of the built form, and also in terms of the soft landscaping provision.

5.4.3 I consider it important to enable any future development to have a good level of soft landscaping provision along the road frontage, and as such, I suggest that the building needs to be set back a suitable distance to ensure that this is provided. This would have the dual effect of softening the development visually, as it would enable the building to be erected up to three storeys without appearing as overbearing and also reducing the impact of noise generated by traffic on the A26. As such, I recommend that the following conditions be imposed upon any planning permission granted, to ensure a suitable quality development be provided: -

- The buildings should not exceed three storeys in height at the front of the application site;

- The buildings should be set back from the front of the application site by a minimum of 7metres;
- Details of the materials to be submitted, and agreed in writing prior to the commencement of works on site;
- The building shall be well articulated, and should respect the rhythm, and pattern of development within the locality.

I am also suggesting that the following informatives: -

- The applicant should consider the use of projecting elements, both in terms of fenestration and with regards to the design of the roof;
- The areas designated for vehicular movements and parking should be kept to a minimum.

5.4.4 I consider that the imposition of these conditions and informatives would guide any future developer to provide a good quality of design at he reserved matters stage.

5.4.5 The access has been shown on the illustrative plans as being of a width of 5.1metres. Whilst it may be necessary to have an access of this width at the junction point (to enable two vehicles to pass) I would recommend that to the rear of the site, this be reduced, to enable additional soft landscaping to be provided. I see no reason for pedestrian footpaths to be provided on both sides of the access, and as such, suggest a condition restricting this to the side of the proposed care home.

5.4.6 In terms of materials, as this is an outline application, no details have been submitted. I do not consider it necessary to place any restrictions on this (other than the requirement to submit samples prior to the development starting) but would suggest and informative that should any dwarf/retaining wall be required along the Tonbridge Road elevation, that this be constructed of ragstone.

5.5 Residential Amenity

5.5.1 The application site is bounded to the west by residential properties, which are utilised as student accommodation. Although only illustrative at present, i consider that the plans demonstrate that a building of a significant scale could be erected on the site without having a detrimental impact upon the amenities of these neighbouring occupiers, in terms of overlooking, the creation of a sense of enclosure, or having an overbearing impact.

5.6 Highways

5.6.1 The access into the site, and the parking provision within are illustrative only at this stage. It has been suggested that the access be located on the western side

of the Tonbridge Road frontage, and this be 5.1metres in width – to enable two motor vehicles to pass at the point of access/egress. I consider the principle of access here acceptable, subject to an appropriate design.

- 5.6.2 With regards to the parking numbers, 26 spaces have been shown to be provided. This is within an area of open parking to the rear of the application site. I consider the rear of the site the most appropriate location for the car parking, and I do not consider 26 spaces an over provision. It should also be noted that there are parking restrictions in place along both sides of Tonbridge Road, and as such, parking would be unlikely to take place on the highway. The site is within a sustainable location, with good access to a number of facilities, including shops, transport, and medical. The site is well served by public transport, with a number of bus stops nearby, and both Maidstone East and Maidstone West train stations within a short walk of the site. This would reduce the reliance upon the private motor car for both those working on site, and potentially those visiting the property.
- 5.6.3 I am conscious however, that as this is in outline form, the numbers of spaces provided at the reserved matters stage may well vary. As such, I recommend that an informative be placed upon any permission granted, requiring the applicant to be mindful of the sustainable location of the site, and the need to keep parking numbers to a minimum whilst ensuring that the provision does not have a detrimental impact upon highway safety.
- 5.6.4 On this basis, I am satisfied that the proposal could be designed in such a way to ensure that there would be no detrimental impact upon highway safety, both in terms of the access into and out of the site, and also, with regards to the number of parking spaces that could be provided.

5.7 Landscaping

- 5.7.1 Landscaping is a reserved matter with no details submitted. I am however, of the view that a good level of soft landscaping could be provided within the application, with the illustrative plans showing that a soft landscape buffer between the front of the building and the highway.
- 5.7.2 I am of the view that this is an opportunity to enhance the character and appearance of the locality, with at present, many of the existing properties erected close to the footpath, with little or no landscaping. The illustrative plans show the building set back approximately 9metres from the highway, and I consider it appropriate to suggest a condition that requires the building to be set back a suitable distance to ensure that soft landscaping can be provided. I also suggest a condition requiring a good level of planting to be provided along the building frontage, which shall include the following: -

- The provision of at least three street trees – tilia cordata for example;
- The provision of an area of low level planting of at least 5metres in depth along the frontage of the site (excluding the area immediately abutting the access – to ensure that visibility is maintained);
- The provision of a landscape buffer along the western boundary of the application site – this should be at least 2metres in depth and should include trees as well as low level planting.
- The provision of a landscape buffer along the rear (southern) elevation of the application site – this should be at least 2metres in depth and should include trees as well as low level planting.

5.7.3 Whilst I do not consider that this is all the planting that should be provided at the reserved matter stage, I do not consider it appropriate to be more prescriptive at present, as the siting and design of any building should influence the further landscaping provision within the internal layout of the site. However, I do consider it appropriate to also suggest the following informatives, in order that the development provide as much soft landscaping provision as possible, within this urban area: -

- The applicant is advised to consider the provision of a green/living roof on any flat roof element of the proposed building;
- The applicant is advised to consider the provision of a living wall on the most exposed elevations of the building, in order to soften the appearance of the development;
- Should any front boundary wall be required, this should be constructed of ragstone.

5.7.4 I consider therefore that the proposal demonstrates that there would be scope to provide a good level of soft landscaping within the development, which would have a positive impact upon the character and appearance of the locality, and as such, I the proposal would comply with policy ENV6 of the Maidstone Borough Wide Local Plan (2000) and PPS1.

5.8 Contributions

5.8.1 Any requests for contributions for money needs to be carefully scrutinised, in accordance with Regulation 122 of the Act. This has strict criteria, that sets out that any obligation should be;

- (a) necessary to make the development acceptable in planning terms;
- (b) directly related to the development; and
- (c) fairly and reasonably related in scale and kind to the development.

5.8.2 Contributions have been sought by the Primary Care Trust, as it is considered that a care home would be likely to generate additional demand upon the existing health care facilities within the locality. I have requested that the Primary Care Trust confirm where this money be spent, in order that it meet the requirements of Regulation 122 of the Act. The Primary Care Trust (PCT) have explained that the provision of a care home, irrespective of whether it is privately owned or otherwise, results in additional strain being placed upon the existing health care provision within its locality. Residents will often require specific care or medication that would need to be provided by those outside of the care home, i.e. general practitioners, or hospitals within the locality. As such, the PCT have requested that money be provided in order that the facilities at the nearest surgeries be enhanced. These considered suitable for enhancement are the Vine Surgery, as well as those within St Luke's and Marsham Street. I do acknowledge that the residents of a medical centre are likely to place additional strain on the existing health care facilities within the area, and as such, I conclude that they are necessary to make the development accessible in planning terms. I consider that the PCT have identified the sites that the money would be spent, and have therefore demonstrated that the request is directly related to the development, and is also of a fair and reasonable scale. I am therefore that the three tests have now been met.

5.8.3 I therefore consider that the proposal complies with Policy CF1 of the Maidstone Borough Wide Local Plan (2000).

5.9 Other Matters

5.9.1 No details have been submitted as to how energy efficient the proposed building would be. However, PPS1 requires that any development be well designed, and I consider an important element of 'good design' to be sustainable construction. As such, I consider it appropriate to recommend a condition that the care home be constructed to be rated at least 'very good' in line with the BREEAM standards.

5.9.2 I do not consider that the site is likely to house any significant biodiversity, due to the nature of its use, and the fact that the buildings have now been removed. As such, no ecological reports have been completed. However, I do consider it appropriate to suggest an informative that the applicants consider the use of swift bricks, or bat boxes, as well as the placement of cordwood within the site, to actually enhance biodiversity, in accordance with PPS9. Due to the urban nature of the proposal, I also consider it appropriate to suggest that green, or living walls and roofs be introduced if possible within the development. This would have the possibility of enhancing the biodiversity within the application site, as well as softening the development, from longer distance views (I am of the opinion that the roof of any building erected here could be viewed from longer distance views, and from within neighbouring , higher buildings).

5.9.3 Concern has been raised by KCC Care Homes Department on the basis that they do not consider there to be a need within the Borough for more care home provision. They have identified that there are spaces available within the care homes that they currently run. However, whilst there may be no immediate need within their care homes, I do not consider this to be a material consideration in the determination of this application. Should there be no need to provide any additional bedrooms for this use, then the market will decide. With regards to the long term impacts upon Social Services, whilst the concern is understood, I do not consider that any evidence has been produced to demonstrate that this should result in any grounds for refusal in this instance.

6.0 CONCLUSION

6.1 Whilst the application is technically a departure from the Development Plan, in that it would not provide B1 employment accommodation within the application site, it would, nonetheless provide employment which is suited to a town centre use. I am satisfied that the proposal would comply with the requirements of Policy EC11 of PPS4, and as such, is an acceptable use within this site allocated for employment purposes. Whilst no detailed plans have been submitted, I am of the opinion that the scale suggested is appropriate, and with the imposition of suitable conditions, I am satisfied that the site can accommodate a well designed development that would enhance the character and appearance of the area. I therefore recommend that Members give this application favourable consideration, and give delegated powers to approve subject to the completion of a S106 and the imposition of the conditions set out below.

7.0 RECOMMENDATION

Subject to the receipt of a Section 106 legal agreement which provides for the following: -

- Contributions for the Primary Care Trust. This would consist of a contribution of £23,040 which would be spent within a 1mile radius of the application site.

The Development Manager BE GRANTED DELEGATED POWERS to approve 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. Layout b. Scale c. Appearance d. Access e. 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 two 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. 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 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 in accordance with PPS1.

3. The details submitted pursuant to Condition 1 shall show inter alia a building or buildings whose height shall not exceed three storeys from normal ground level to ridge level;

Reason: To ensure conformity with the existing form and character of development in the surrounding area in accordance with PPS1.

4. The development shall not commence until, details of the proposed slab levels of the buildings 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 in accordance with PPS1.

5. 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 buildings 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 in accordance with PPS1.

6. The development shall not commence until, details of satisfactory facilities for the storage of refuse on the site have been submitted to and approved in writing by the

Local Planning Authority and the approved facilities shall be provided before the first occupation of the buildings or land and maintained thereafter;

Reason: No such details have been submitted and in the interest of visual and residential amenity, in accordance with PPS1.

7. The development shall not commence until, details of a scheme for the insulation of the residential care units against the transmission of both airborne and impact sound has been submitted to and approved in writing by the Local Planning Authority and the approved scheme shall be completed before any residential unit is first occupied and shall be maintained thereafter;

Reason: To mitigate the effects of potential noise nuisance in accordance with PPS23.

8. The development shall not commence until, details of the parking spaces and/or garages and sufficient turning area to enable vehicles to enter and leave the site in forward gear 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, in accordance with PPG13.

9. The development shall not commence until, details of the means of vehicular access to the site, including the road width, kerb radii, visibility splays and details of finishing materials, have been submitted to and approved in writing by the Local Planning Authority;

Reason: No such details have been submitted and in the interests of highway safety, in accordance with PPG13.

10. A scheme of landscaping using indigenous species as required under Condition 1 above shall include indications of all existing trees and hedgerows on the land, and details of any to be retained. The development shall also include:-

- i) The provision of a minimum of three street trees along the Tonbridge Road frontage (to be of a suitable species);
- ii) The provision of an area of low planting of at least 5metres in depth along the Tonbridge Road frontage;
- iii) The provision of a landscaped buffer along the western boundary of the application site, which shall be at least 2metres in depth, and should include trees as well as low planting;
- iv) The provision of a landscaped buffer along the rear (southern) boundary of the application site, which shall be at least 2metres in depth, and should include trees

as well as low planting.

Details of the measures for their protection in the course of development, together with and a programme for the scheme's implementation and long term management shall also be submitted. The scheme shall be designed using the principles established in the Council's adopted Landscape Character Assessment and Landscape Guidelines;

Reason: No such details have been submitted and in the interests of visual amenity in accordance with Policy ENV6 of the Maidstone Borough Wide Local Plan (2000) and PPS1.

11. 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 buildings 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 in accordance with Policy ENV6 of the Maidstone Borough Wide Local Plan (2000) and PPS1.

12. The developer shall arrange for a watching brief to be undertaken by an archaeologist approved by the Local Planning Authority so that the excavation is observed and items of interest and finds are recorded. No works shall start on site until a written programme and specification for the work has been submitted to and approved by the Local Planning Authority;

Reason: To enable the recording of any items of historical or archaeological interest in accordance with PPS5.

13. The details submitted pursuant to Condition 1 shall show inter alia a building or buildings that are set back a minimum of 7metres from the edge of the highway (not including the footpath);

Reason: To ensure conformity with the existing form and character of development in the surrounding area, and to enable a suitable level of soft landscaping to be provided in accordance with PPS1 and Policy ENV6 of the Maidstone Borough-Wide Local Plan 2000.

14. The buildings shall achieve a 'very good' BREEAM rating. No dwelling shall be occupied until a final Code Certificate has been issued for it certifying that a very

good rating has been achieved.

Reason: to ensure a sustainable and energy efficient form of development in accordance with Kent Design 2000 and PPS1.

15.No development shall take place, until the applicants, or their successors in title have demonstrated the measures to be undertaken to ensure that the proposal would not adversely impact upon the existing sewers within the locality.

Reason: In the interests of the residential amenities of the existing occupiers, in accordance with PPS3.

16.The details submitted pursuant to Condition 1 shall show inter alia a building or buildings that are articulated so as to reflect the pattern and grain of the development within the locality.

Reason: To ensure conformity with the existing form and character of development in the surrounding area in accordance with PPS1 and to ensure a good level of landscaping provision in accordance with Policy ENV6 of the Maidstone Borough Wide Local Plan 2000.

Informatives set out below

Adequate and suitable measures should be carried out for the minimisation of asbestos fibres during demolition, so as to prevent airborne fibres from affecting workers carrying out the work, and nearby properties. Only contractors licensed by the Health and Safety Executive should be employed.

No burning shall take place on site.

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.

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

The importance of notifying local residents in advance of any unavoidably noisy operations, particularly when these are to take place outside of the normal working hours is advisable.

The developer shall implement a scheme for the use of wheel cleaning, dust laying and road sweeping, to ensure that vehicles do not deposit mud and other materials on the public highway in the vicinity of the site or create a dust nuisance.

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

Should any future development of the site include the erection of a front boundary wall, this wall should be constructed of Kentish Ragstone.

The applicant is reminded of the sustainable location of the application site, and the need to balance the provision of parking in accordance with sustainable objectives, and highway safety. I therefore recommend that prior to the submission of any reserved matters planning application, discussions are held with the Borough Council Planning Officers, and Kent County Council Highway Services to fully address this matter.

The applicants, or successors in title are advised to seek to improve biodiversity within the application site. It is suggested that any development incorporate the use of bat boxes, swift bricks, and if appropriate the provision of cordwood.

Any buildings proposed within the site should be well articulated, and should respect the pattern of the development within the locality.

The applicant is advised to consider the provision of a green/living roof on any of the flat roof elements of the proposal.

The applicant is advised to consider the provision of a living wall on the most exposed elevations of the building, in order to soften the appearance of the development.

The areas designated for vehicular movements and parking should be kept to a minimum.

The applicant is advised that a bench should be provided to the front of the application site.

The proposal shall be designed in such a way as to minimise the impact upon the residential amenity of the neighbouring occupiers.

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 there are no overriding material considerations to indicate a refusal of planning consent.