

APPLICATION: MA/08/2125 Date: 24 October 2008 Received: 29 May 2013

APPLICANT: Mr P David, Whitepost Healthcare Group

LOCATION: IDEN MANOR NURSING HOME, CRANBROOK ROAD, STAPLEHURST, TONBRIDGE, KENT, TN12 0ER

PARISH: Staplehurst

PROPOSAL: Erection of a four storey 62 bedroom nursing home with 18 parking spaces. (Resubmission of MA/08/0825) as shown on drawing numbers D-001 Rev P3, D-005 Rev P0, D-006 Rev P0, D-010 Rev P6, D-020 Rev P4, D-030 Rev P3, D-040 Rev P4, D-050 Rev P2, D-100 Rev P3, D-101 Rev P3, D-200 Rev P5, D-201 Rev P1, D-202 Rev P1, M-900 Rev P1, M-901 Rev P1, M-902 Rev P1, M-903 Rev P1, M-904 Rev P0, M-905 Rev P1, M-906 Rev P1 received on 28/10/08 and as amended by additional documents being details of employee numbers and shift patterns received on 18/2/09 and amended design and access statement and drawing numbers D-010 Rev P7, D-020 Rev P5, D-030 Rev P4, D-040 Rev P5, D-050 Rev P3, D-100 Rev P4, D-101 Rev P4, D-200 Rev P6, D-201 Rev P2, D-202 Rev P2 received on 9/4/09.

AGENDA DATE: 8th August 2013

CASE OFFICER: Peter Hockney

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

- The application was previously reported to Planning Committee

1. POLICIES

- Maidstone Borough-Wide Local Plan 2000: ENV6, ENV28, ENV34, H26, T13, CF1
- Government Policy: National Planning Policy Framework 2012

2. HISTORY

MA/08/0825 – Erection of a 4 storey extension consisting of 62 bedrooms, with car park adjacent – WITHDRAWN.

MA/06/0364 – Outline application for the erection of a 62 bedroom extension to existing residential care facility with all matters reserved for future consideration – APPROVED WITH CONDITIONS.

MA/04/0625 – An outline application for an 82 bedroom extension with associated car parking – REFUSED.

MA/03/2061 – Erection of a single storey storage shed – APPROVED WITH CONDITIONS.

MA/03/1822 – Provision of five parking spaces – APPROVED WITH CONDITIONS.

MA/03/0927 – Erection of part single storey, part three storey extension – APPROVED WITH CONDITIONS.

MA/87/1249 – Erection of sun lounge – APPROVED WITH CONDITIONS.

MA/86/1614 – Change of use from convent to nursing home – APPROVED WITH CONDITIONS.

3. BACKGROUND

- 3.1 This application was reported to planning committee on 30 April 2009 where Members agreed that subject to the prior completion of a legal agreement, in such terms as the Head of Legal Services may advise, to secure the payment of an appropriate contribution towards the provision of primary health care services delegated powers was given to permit subject to conditions and informatives.
- 3.2 Following this resolution there were a number of delays relating to issues raised by the objector to the scheme in relation to whether the correct ownership certificate was served, the proposed drainage for the development and whether this would impact on any of the trees in the vicinity as well as the process of the legal agreement.
- 3.3 The drainage strategy has now been received and been sent to consultees and there have been no objections received. The Section 106 agreement has been completed (29 May 2013) and therefore the requirement to pay a contribution to healthcare facilities has been agreed.
- 3.4 Due to the length of time since the resolution of Planning Committee and the changes to the scheme this application is being brought back to committee for a decision. I attach a copy of the previous report at Appendix 1 for Members information.

4. FURTHER CONSULTATIONS

- 4.1 **The Environment Agency** raise no objections to the proposal and accept the revised surface water drainage strategy.
- 4.2 **Southern Water** indicate that the surrounding sewerage system has inadequate capacity but do not raise any objections to the application. They do request that an informative be added to any approval.
- 4.3 **The Upper Medway Internal Drainage Board** have no comments to make on the drainage strategy as it lies outside its area of control. Although it would appear to represent no significant flood risk.
- 4.4 **MBC Landscape Officer** raises no objections and is satisfied that tree protection measures and the in the arboricultural report can be adhered to with the drainage proposals.

5. CONSIDERATIONS

- 5.1 Since Members last considered the application the Development Plan has altered in that Kent and Medway Structure Plan 2006 is no longer in force, however, the saved policies of the Maidstone Borough-Wide Local Plan (2000) remain. In addition, the Government guidance landscape has changed from the Planning Policy Statements to the National Planning Policy Framework.
- 5.2 There have been no changes to the extension to the nursing home or its design. Policy H26 of the Maidstone Borough-Wide Local Plan (2000) remains in existence and deals with new nursing homes and residential care homes and extensions to existing facilities.
- 5.3 Changes to the scheme have been made in relation to the surface water drainage. Originally this was to be drained into the field to the north, however, following concerns raised on behalf of a neighbour regarding this situation and in particular land ownership changes have been made to drain the surface water via a sustainable urban drainage system to a nearby pond. The controlled discharge would ensure there would be no significant increase in flood risk and no objections have been received from the relevant bodies. The drainage system would be through an existing protected woodland covered by TPO 5 of 2003. The drainage would not result in the removal of any trees and the Landscape Officer raises no objections to the application.
- 5.4 The ecological surveys that were carried out are now a few years old. However, the management of the site has not changed in the intervening period and I consider that the conclusions can be relied upon.

- 5.5 There are no significant changes to the proposal and the scheme remains acceptable.

6. RECOMMENDATION

GRANT PLANNING PERMISSION subject to the following conditions:

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission;

Reason: In accordance with the provisions of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

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 buildings 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.

3. The development shall not commence until, large scale elevational details showing the recesses and projections of the extension 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.

4. The development shall not commence until there has been submitted to and approved in writing by the Local Planning Authority a scheme of landscaping, using indigenous species which shall include indications of all existing trees and hedgerows on the land, and details of any to be retained, together with measures for their protection in the course of development and a programme for the approved scheme's implementation and long term management. 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 to ensure a satisfactory appearance to the development.

5. 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.

6. All trees to be retained must be protected by suitable fencing as specified in BS 5837 (2005) 'Trees in Relation to Construction Recommendations' 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 fenced in accordance with this condition and the ground levels within those areas shall not be altered, nor shall any excavation be made, 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.

7. The development shall not commence until full details of surface water drainage 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;

Reason: To prevent the increased risk of flooding and to ensure the protection of existing trees.

8. The development shall not commence until details of foul sewerage disposal 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;

Reason: To ensure adequate foul sewerage disposal is provided.

9. The recommendations contained within the submitted Ecological Assessment dated October 2008 shall be fully adhered to prior to any clearance or materials or machinery being brought onto the site and maintained until the completion of the development;

Reason: To protect wildlife in the surrounding area.

10. No development shall take place, including any works of clearance or demolition, until a Construction Method Statement has been submitted to, and approved in writing by, the local planning authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:

- the parking of vehicles of site operatives and visitors
- loading and unloading of plant and materials
- storage of plant and materials used in constructing the development
- the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate
- wheel washing facilities
- measures to control the emission of dust and dirt during construction
- a scheme for recycling/disposing of waste resulting from demolition and construction works

Reason: To ensure the maintenance of the character and appearance of the area.

11. The development shall not commence until details of the proposed surface material for the car parking area 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.

Reason: In order to ensure a satisfactory appearance to the development.

Informatives set out below

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.

Reasonable and practicable steps should be used during any demolition or removal of existing structure and fixtures, to dampen down, using suitable water or liquid spray system, the general site area, to prevent dust and dirt being blown about so as to cause a nuisance to occupiers of nearby premises.

Where possible, the developer shall provide the Council and residents with a name of a person and maintain dedicated telephone number to deal with any noise complaints or queries about the work, for example scaffolding alarm misfiring late in the night or early hours of the morning, any over-run of any kind.

A formal application for connection to the public sewerage system is required in order to service this development. to initiate a sewer capacity check to identify the appropriate connection point for the development, please contact Atkins Ltd, Anglo St James House, 39A Southgate Street, Winchester, SO23 9EH (tel 01962 858688), or www.southernwater.co.uk

The development should embrace sustainable construction and drainage objectives as set out in BREEAM guidelines and should comply with relevant building regulation requirements as set out by the Department for Business, Enterprise and Regulatory Reform and Part L of the Building Regulations.

Note to Applicant

In accordance with paragraphs 186 and 187 of the NPPF, Maidstone Borough Council (MBC) takes a positive and proactive approach to development proposals focused on solutions. MBC works with applicants/agents in a positive and proactive manner by:

Offering a pre-application advice and duty desk service.

Where possible, suggesting solutions to secure a successful outcome.

As appropriate, updating applicants/agents of any issues that may arise in the processing of their application.

In this instance:

The applicant/agent was advised of minor changes required to the application and these were agreed.

The application was considered by the Planning Committee where the applicant/agent had the opportunity to speak to the committee and promote the application.

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.