

**REPORT SUMMARY**

**REFERENCE NUMBER:** 23/505091/HYBRID

**APPLICATION PROPOSAL:**

Hybrid Planning Application: (i) Full Planning Application for the erection of a 73-unit Extra Care Home (Class C2), erection of a 14-unit block for Autistic Young Adults, extensive tree planting and landscaping, access, drainage infrastructure and all other associated and ancillary works; and (ii) Outline Planning Application for erection of a new Hospice building with In-Patient and Out-Patient facilities and provision of up-to 58 no. 100% affordable elderly bungalows (all matters, except for access, to be reserved for future determination).

**ADDRESS:** Greensand Place Heath Road Linton Kent ME17 4NU

**RECOMMENDATION:** Grant planning permission subject to conditions and s106 Legal Agreement subject to no objections from KCC on the proposed improved crossing to Heath Road and speed limit reduction to 30mph including the design and location of potential traffic calming measures

**SUMMARY OF REASONS FOR RECOMMENDATION:**

Long and medium range views of the site are or can be made acceptable in landscape terms by planting and tree screening and therefore 'harm' to the character and appearance of the countryside is not significant.

The benefit of a new modern replacement Hospice to serve Maidstone has been demonstrated. It is accepted that the need for Supported Living Units is justified at this site, based on Kent County Council Adult Care policies that recognise the need for more independent living units of this type. The current net supply of Care Home bedspaces is running at less than half the cumulative need and Development Plan policies allocate no sites nor broad locations. Retirement units provision is limited and the unmet and growing need for elderly accommodation in the Borough is accepted and policy LPRHOU7 facilitates more windfall development for this specific type of dwelling. There are no allocations in the Local Plan Review to meet these needs.

The site has relatively good environmental sustainability which can be enhanced by a zebra crossing to Heath Road with a speed limit reduction to 30mph with potential new traffic calming. The enhancement of the crossing will improve scope for non-vehicle access to the GP surgery.

A s106 planning obligation can secure financial contributions to improvements to the local highway corridor and land transfers in regard of Linton Crossroads Improvements and 20% affordable housing for the Retirement Units.

Adequate quantities and appropriate typologies of Open Space can be secured. There is good quality design of the buildings

Archaeological interest can be dealt with by requiring trial trenching post determination as all applicants accept the risk that important remains may need to be retained in situ which could necessitate a revised overall layout of the scheme.

It is considered that the revised siting and design of the Care Home and the intervening distances mean that there is no harm to neighbouring residential amenity.

The harm from non-compliance with the spatial strategy, countryside protection and direct harm to the area of Local Landscape Value are outweighed by the unique benefits of the overall hybrid application and the individual need cases of each component.

**REASON FOR REFERRAL TO COMMITTEE:**

The development is contrary to the Development Plan.

Called into Planning Committee by Linton, Coxheath and Loose parish councils.

**WARD:**  
Coxheath and Hunton

**PARISH/TOWN COUNCIL:** Linton

**APPLICANT:** Heart of Kent Hospice, Aspire LPP, Coral Living & Stonebond  
**AGENT:** DHA Planning

**CASE OFFICER:**  
Marion Geary

**VALIDATION DATE:**  
22/11/23

**DECISION DUE DATE:**  
31.07.2024

**ADVERTISED AS A DEPARTURE:** Yes

## **Relevant Planning History**

Adjacent site:

18/500618/FULL

Erection of new doctors' surgery building with associated parking, landscaping and creation of new vehicular access onto Heath Road.

Approved 26.09.2018

Approved 01.09.2020

## **MAIN REPORT**

### **1. DESCRIPTION OF SITE**

- 1.01 The site is in the countryside, to the south east of the settlement boundary of Coxheath. The site is 800 metres to the east of the centre of Coxheath.
- 1.02 It is currently mostly open arable farmland that slopes gently up from the NE corner to the SW corner. Along the northern boundary are hedges of blackthorn/hawthorn with trees of sycamore/holly/Field Maple (except rear of Apple Tree Cottage where there is no vegetation but a 1m high close board fence.) To the west (Vanity Lane) is a 4m high mixed native hedgerow. To the south east is a group of mature trees (mature sweet chestnut, occasional ash and hawthorn). A belt of 1600 saplings has recently been planted along the southern boundary
- 1.03 To the north are several residential properties fronting Heath Road and Vanity Lane and the relatively new Greensand Health Centre. Several residential properties lie on the far side of Vanity Lane face the site's western boundary. To the east is the A229 Linton Hill and the rear gardens of Hill Cottages and Larchwood Grange. The south the site is bound by Hill Place, a track giving access to Hill Farm (to the east) and fields to the west.
- 1.04 There are no public rights of way (PROWs) adjacent to or passing through the site. The Greensand Way is KM134 and lies 180m to the south of the site, running east-west. KM45 runs parallel to the western side of Vanity Lane, 50m distant.
- 1.05 Linton Conservation Area and Linton Park Registered Park and Garden lie to the east, on the opposite side of the A229.
- 1.06 The site is an Area of Archaeological Potential. It lies in Flood Zone 1 (ie low risk) and is in a Minerals Safeguarding Area.
- 1.07 The site is the northern extent of the Greensand Ridge Landscape of Local Value (LLV).

### **2. PROPOSAL**

- 2.01 The application proposes a hub of 4 separate development types on 4 separate parcels of land and each will be developed by a different applicant to a different timescale. None of the applicants currently own or control the land.
- 2.02 The main access will be shared with the existing GP surgery access to Heath Road with a separate "emergency only" access to Vanity Lane. The application includes provision of a zebra crossing to enhance the existing uncontrolled crossing point,

a reduction in the speed limit from 40mph to 30mph and potential new traffic calming measures via 2 build outs to Heath Road.

- 2.03 The detailed elements includes a 2 storey 73-bed Care Home within Use Class C2. It is proposed on an L- shaped parcel of land, to be sited at the site frontage with Heath Road, set back by 30m, level with Apple Tree Cottage to the east and slightly forward of the new GP surgery building to the west. An area of 28 parking spaces and an ambulance drop are proposed rear of the housing on Heath Road. A service layby will be sited close to the site frontage.
- 2.04 Sited 6m from the rear boundary of the GP surgery, detailed planning permission is sought for a complex of 14 Supported Living Units for adults with learning disabilities or autism. The tenants are to be provided with a KCC approved Care and Support Provider with a 24/7 presence on site. This element is to be developed by Coral Living to help to meet adult social care functions of Kent County Council.
- 2.05 One outline element of the application is the erection of retirement bungalows mostly 1 storey but with some 1.5 storeys to be occupied by aged 60 and over. The application seeks planning permission for up to 58 units with parking and includes an illustrative layout around a central open amenity space. The builder/developer will partner with a register provider who will manage the units and all will be "affordable", ie they will be occupied by persons in housing need.
- 2.06 The hospice parcel is also an outline application intended for the Heart of Kent (an independent local charity) to provide specialist palliative and end-of-life care and family support to adults living with life-limiting illnesses from Maidstone and the surrounding areas. The hospice would have 12 bedrooms for specialist palliative/end-of-life care. It will include activity space, garden room, consulting/counselling rooms and a café. A private large "sensory garden" is proposed near to the in-patient rooms. Nearly 1,000 outpatients are visited by the community support team which would be based at the hospice.
- 2.07 The illustrative drawings show a contemporary design with the in-patient rooms in a single storey circular building at the rear with a multi-faith space in an oasthouse-like "roundel" and centralised entrance and ancillary rooms in a 2 storey building fronting a 92 space car park with cycle spaces also to be provided. Materials are indicated to include hanging tiles and timber.
- 2.08 A new zebra crossing with an associated speed limit reduction to 30mph is proposed to replace the uncontrolled crossing to the GP surgery. Two options for the location of the crossing have been submitted.
- 2.09 Surface Water drainage is two underground cellular storage tanks and an above wet attenuation basin with an outfall to deep bored soakaways.
- 2.10 Landscaping proposed includes:
  - a woodland strip on the southern boundary, 480m wide by 50-70m deep (including a "sensory garden" for the Hospice)
  - A woodland strip on the eastern boundary, 16m deep by 75m long
  - Provision of a central amenity open space with public art
  - Provision of semi-private and private garden areas

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

3.01 In accordance with section 70(2) of the Town and Country Planning Act 1990 and section 38(6) of the Planning and Compulsory Purchase Act 2004, the decision must be taken in accordance with the development plan unless there are material considerations that indicate otherwise.

Maidstone Borough Local Plan Review 2024 (LPR)  
 Kent Waste and Minerals Plan (amended 2020):  
 The National Planning Policy Framework (NPPF):  
 National Planning Practice Guidance (NPPG):  
 Maidstone Landscape Character Assessment 2012 (Updated 2013)  
 Supplementary Planning Documents:  
 Maidstone Building for Life 12 (2018); Affordable and Local Needs Housing (2020); Air Quality Guidance (2017); Public Art Guidance (2017)

The Maidstone Borough Local Plan Review (LPR) was adopted by the Council on the 20 March 2024. There have been 2 strategic level challenges to adoption that relate to specific strategic development sites within the LPR and do not affect the full weight that should be applied to the LPR2024 itself. Superseded Maidstone Borough Local Plan 2017 policies are included below for information only because they may have been referred to by some consultees/objectors etc prior to the adoption of the LPR.

		<b>LPR 2024</b>	<b>MBLP 2017</b>
Spatial Strategy		LPRSS1	SS1
Maidstone Urban Area		LPRSP2	SP1
Rural Service Centres		LPRSP6	SP5
Coxheath Larger Village		LPRSP6(A)	SP13
Countryside		LPRSP9	SP17
Historic Environment		LPRSP14(B)	SP18
Housing Mix		LPRSP10(A)	SP19
Affordable Housing		LPRSP10(B)	SP20
Sustainable transport		LPRSP12	SP23
Principles Of Good Design		LPRSP15	DM1
Sustainable Design		LPRQD1	DM2
Natural Environment		LPRSP14(A)	DM3
Heritage Assets		LPRENV1	DM4
Air Quality		LPRTRA1	DM6
External Lighting		LPRQD2	DM8
Housing Density		LPRHOU5	DM12
Care Homes		LPRHOU7	DM14
Open Space		LPRINF1	DM19
Transport Impacts		LPRTRA2	DM21
Parking Standards		LPRTRA4	DM23
Design Principles in the Countryside		LPRQD4	DM30
Biodiversity Net Gain		LPRSP14(A)	
Climate Change		LPRSP14(C)	
Specialist Residential Accommodation		LPRHOU7	
Sustainable Design		LPRQD1	
Technical Standards		LPRQD6	
Private Open Space Standards		LPRQD7	

SPD: Maidstone Building for Life 12 (2018); Affordable and Local Needs Housing (2020); Air Quality Guidance (2017); Public Art Guidance (2017)

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

##### **Local Residents:**

4.01 32 representations received objecting to the application for the following (summarised) reasons:

- Contrary to spatial strategy and countryside policies
- Concern at future housing development on the remaining land
- Harm to countryside/Loss of green space
- Harm to Landscape of Local Value
- Visual Impact on Heath Road.
- Loss of agricultural land
- Loss of wildlife habitat
- Development in unacceptable location despite Hospice being “donated” and the guise of healthcare.
- Polluting run off
- Increased Traffic congestion including from deliveries
- Linton Crossroads needs improving
- Water supply problems will worsen
- National Power and/or BT infrastructure inadequate
- Care Home should be on a different part of the site.
- Overshadowing/Overlooking of neighbouring houses and gardens
- Disturbance during construction
- Light pollution
- Air pollution especially from standing traffic from new zebra crossing.
- Cramped layout
- Inadequate landscaping to north
- No proven local need for each element
- Pedestrian crossing will conflict with bus stop, should be further west.
- Feedback from consultation has been ignored
- Inadequate consultation period
- Landscape and Visual Impact Assessment inadequate
- Supported Living units unattractive design
- Autistic young adults should not be in development focussed on the elderly.
- Footpaths on Heath Road are too narrow for mobility scooters
- Pedestrian access to Coxheath is unsafe.
- Speed limit needs to be reduced
- Traffic survey inadequate
- Hospice too far from a motorway- should be at KIMS
- Site should be used for parking by GP Surgery or existing properties on Heath Road

- Needs a new sewage system
- Archaeological impact
- Zebra crossing will remove parking and stopping outside cottages
- Breaches policy LPRHOU7 due to overlooking
- Property devaluation

NB- property devaluation is not a material planning consideration.

4.02 7 representations received in support of the application

A new hospice is needed

Better location than existing

Hub of the community

Linton Parish Council

4.03 Objection due to:

lack of infrastructure eg poor internet speeds

need for more medical facilities identified in IDP

highways- CIL funds to improve Linton Crossroads have not materialised

Travel Plan relies on inaccurate statements and data

Existing crossing outside GP surgery is not adequate

No safe cycling options

No pharmacy at the GP surgery.

Inadequate Community Involvement

A large number of additional residents with complex care needs

Coxheath Parish Council

4.04 Objection due to:

Possible overcrowding on the site.

Lack of infrastructure.

Highway impact on Heath Road and Linton Crossroads, exacerbated if Beacon Park (LPRSA312) in the MBC Local Plan is built.

Remaining land may be utilised for future development.

Residential amenity.

Loose Parish Council

4.05 Objection due to:

Impact on Linton Crossroads and the increased traffic movements on the Heath Road

proximity of Beacon Park (LPRSA312 in the Maidstone Local Plan Review) will exacerbate the traffic issues and cause rat running.

strongly supports Linton Parish Council's response

a more strategic approach is needed, with all relevant parties involved at an early stage, in particular relating to infrastructure.

Support KCC ecological report

Design of the care home could be more sympathetic to the amenity of neighbouring cottages on the east side.

Boughton Monchelsea

4.06 No objection but concern at impact on Linton Crossroads.

**5. CONSULTATIONS**

(Please note that summaries of consultation responses are set out below. Comments are discussed in more detail in the appraisal section where considered necessary)

Southern Water

5.01 No objection subject to:

development taking account of location of foul sewer.

network reinforcement needed to avoid increased risk of foul flooding

the exact position of the public assets must be determined before the layout of the proposed development is finalised

Environment Agency

5.02 No objection

Active Travel England

5.03 No objection subject to

Standing Advice (Transport Assessment and Travel Plans, Access to local amenities and public transport, Suitability for walking, wheeling and cycling, Street design, Safety, Cycle parking and facilities)

NHS

5.04 No response

UK Power Networks

5.05 No response

Natural England

5.06 No response

KCC Adult Services

5.07 No response

KCC Commissioning

5.08 No response

KCC Highways

5.09 No objection subject to:

- a financial contribution towards the planned improvements at Linton crossroads.

- Construction Management Plan

5.10 Further comments: In terms of the zebra crossing,

1. Concern over visibility on the approach to the crossing as this would be located between two bus stops
2. To determine if the proposed crossing facility is appropriate, traffic speeds and volumes in addition to pedestrian counts are required.
3. Manual for Streets 2 states that zebra crossings shall only be installed where speeds are 30mph or below. There is a need to assess the suitability of the existing road layout for this proposed speed limit reduction.
4. No potential works have been subject to a Safety Audit. A stage 1 audit typically relates to the initial design and is typically done at the planning stage when off-site highway works are proposed (with a stage 2 audit done as part of the detailed design/S278 approval process).

(Officer note: the Stage 1 RSA has been submitted and KCC has been consulted with a response target date of 13 June 2024)

KCC PROW

- 5.11 No objection.

KCC Archaeology

- 5.12 Objection: Some predetermination evaluation work including geophysical surveying followed by targeted trial trenching is essential prior to determination of this application to ensure appropriately informed decisions are made.
- 5.13 Additional comments: Iron Age linear features through parts of Coxheath, Boughton Monchelsea and Chart Sutton are surviving landscape features over 2000 years old and probably associated with the Scheduled Boughton Camp. Need a far better understanding of where and what the archaeology is on this site and its significance or confidence that the outline application has flexibility to accommodate archaeological safeguarding mitigation.
- 5.14 Further comments: Reiterate need for archaeological fieldwork prior to determination.

Kent Police

- 5.15 No objection subject to SBD guidance to address designing out crime.

KCC Commissioning

- 5.16 No response

KCC Adult Services

- 5.17 No response

NHS

- 5.18 No response

KCC Flood and Water Management

- 5.19 No objection subject to conditions on:
- the drainage delivered for the care home in the event that the outline element is not delivered.
  - Deep bore soakaways proposed need to be supported by ground investigations
  - water quality and treatment of surface water needed before discharging into the deep bore soakaway in line with Part E Chapter 26 of the CIRIA SuDS Manual (2015).



- a climate change factor of 45% needed

For completeness the submission should include the phasing/implementation of the main drainage elements and climate change allowances.

Upper Medway IDB

5.20 No objection-

KCC Minerals and Waste

5.21 No objection: there is a justifiable exemption from the presumption to safeguard the landwon mineral present on the site (Limestone- Kentish Ragstone

KCC Ecology

5.22 No objection subject to conditions on:

- Construction Ecological Management Plan for biodiversity
- Lighting and biodiversity
- Ecological Enhancement

MBC Housing

5.23 No objection

5.24 There is no clear definition of any intended age range requirements. Given the number of bungalows proposed, we would prefer to see applicants aged over 50 who have either retired from employment on health or disability grounds or who are unable to work for the same reasons are given an opportunity to be considered for a tenancy. To broadly align with the demand, the indicative mix of sizes would be for the majority to be 1 bedroom units with no more than 10 x 2 bedroom units.

MBC Parks and Open Space

5.25 No objections- on-site open space exceeds requirement of 1.585 ha.

MBC Environmental Protection

5.26 No objection subject to conditions on:

- Air Quality Emissions Reduction
- Contamination
- External lighting
- Construction Method Statement
- Plant noise
- EV charging for commercial uses

## **6. APPRAISAL**

6.01 The key issues are:

- Spatial Strategy
- Need/Benefits
- Landscape and Visual Impact
- Environmental Sustainability
- Highways and Parking

- Landscaping/Open Space
- Design and Layout
- Archaeology
- Residential Amenity
- Biodiversity Net Gain (BNG)

### Spatial Strategy

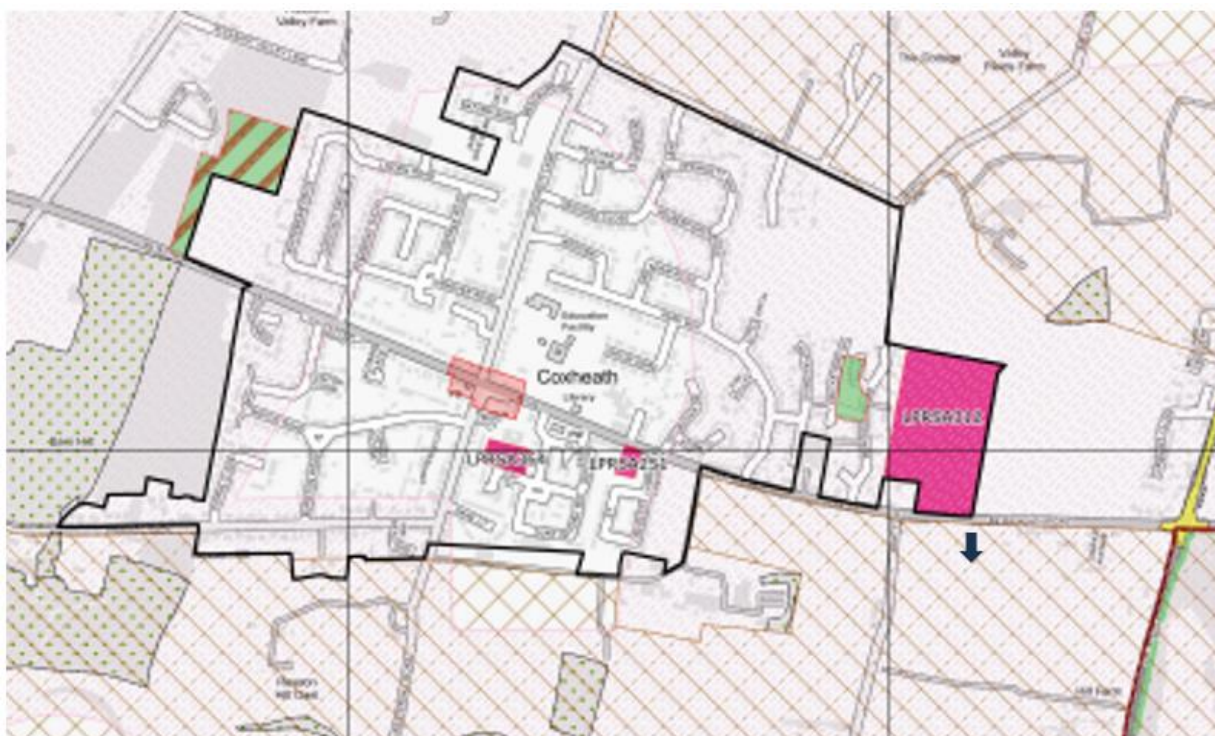
6.02 The application site lies in the countryside and the location does not accord with the Spatial Strategy of the LPR which directs development in general to defined built areas and site allocations.

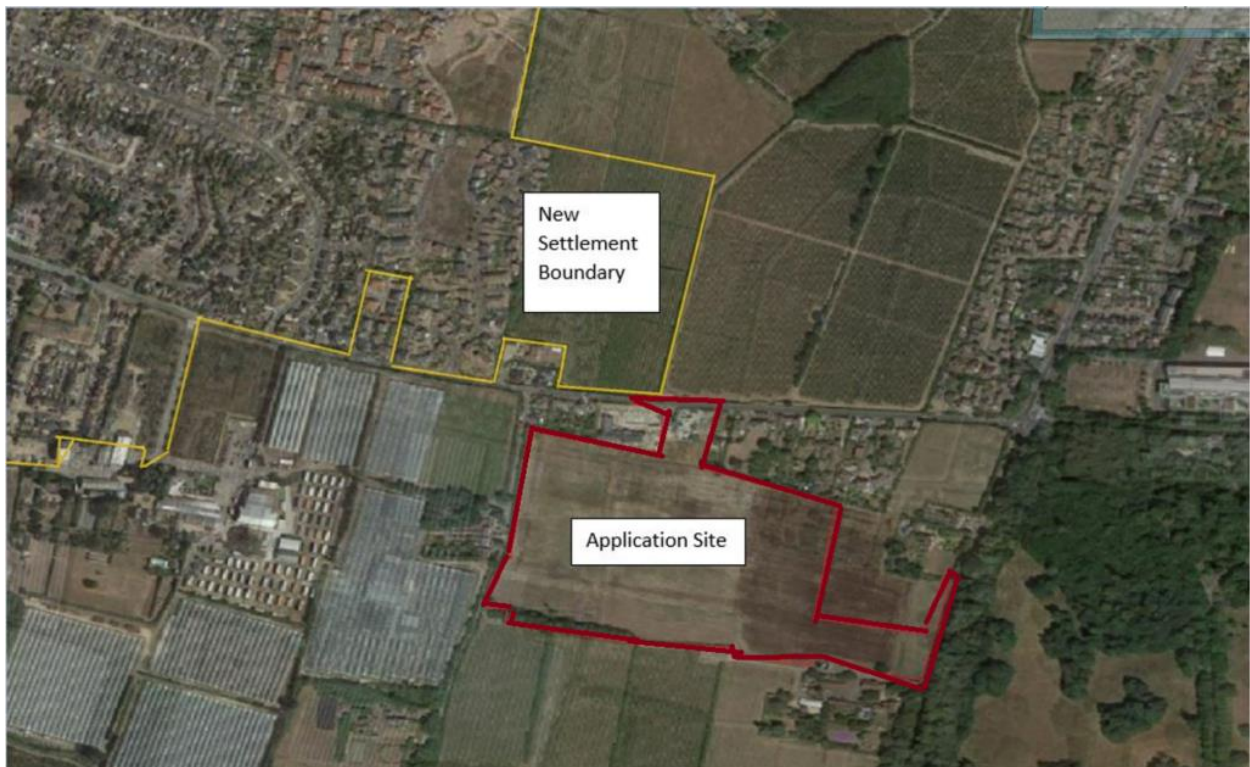
6.03 The starting point for assessment of applications in the countryside is policy LPRSP9 which states that development proposals in the countryside will only be permitted where:

- a) there is no significant harm to local character and appearance, and
- b) they accord with other Local Plan policies.

(Officer note: The word “significant” in the policy LPRSP9 is a change from SP17 in the MBLP2017, having been recommended to be added by the Inspector after the Stage 2 Examination Hearings)

6.04 Whilst the application site is not in a settlement, it is in close proximity to Coxheath as defined in the Development Plan. The settlement boundary of Coxheath has recently been altered in the Local Plan Review Policies Map 2024 to accommodate a housing allocation LPRSA312 for 85 units north of Heath Road (known as “Beacon Park”). This enlarges the settlement boundary by 175m to the east at the South East corner which aligns with the proposed access point (see arrow below) into the application site.





- 6.05 The application site is close to ribbon development on both Heath Road to the north and Vanity Lane to the west and there is also a pocket of dwellings to the north east of the site onto Linton Hill.
- 6.06 The site is in the Greensand Ridge are of Local Landscape Value but is predominantly a large arable field which, other than its openness, has relatively limited landscape value in itself.
- 6.07 Except for the point of access, which is a gap in a significant length of ribbon development on Heath Road, the site benefits from a high level of containment from within the wider landscape which is intended to be further screened by new tree, shrub and woodland planting.
- 6.08 Other than the private views affected of dwellings close to the site, most visual impact to the public domain is therefore at Heath Road near the access point. However, the development is in the context of existing built form fronting onto that Road and the 30m setback behind landscaping will help to reduce the impact over time. Viewing into the site will be along a tree-lined avenue and there will be a direct vista south to the new woodland buffer which will eventually form a landscaped backdrop to the overall development. The Care Home is 2 storeys high and is a large building form (as is the norm in the modern form of this development type) but is sited at the front of the site and set in a gap within the existing ribbon development which is considered to reduce its harm to the character and appearance of the area such that it is not a "significant" harm.
- 6.09 From the south (including the Greensand Way), the visual impact as seen from PROWs would be acceptable due to screening from topography, the depth of the proposed woodland buffer along the Coxheath Plateau, and because the development types proposed on the southern part of the site would be low rise.
- 6.10 From the west, there is a 4m tall hedge to Vanity Lane which, combined with the narrowness of that Lane, means the site is visually well screened for users of the lane except for a small gap across the side of the dwelling of Winfield. The

Reserved Matters application for the bungalows would be able to secure landscape screening of that gap to further visually contain the site.

- 6.11 To the east of the site is Linton Hill. This is sunken below the application site which is therefore well screened by a combination of a retaining stone wall, a grass bank then mature vegetation. A 16m wide buffer of proposed woodland planting would further screen the proposal on the eastern side.
- 6.12 It is concluded that in terms of criterion a) of LPRSP9, there is no significant harm to the character and appearance of the area.
- 6.13 In terms of criterion b) of the LPRSP9, a relevant other Local Plan policy in regard of the Retirement Bungalows and the Care Home is policy LPRHOU7 of the Local Plan Review. This policy allows for retirement dwellings (C3) to be provided in locations where adjacent to the settlement boundary (provided, inter alia, it is sustainably located).
- 6.14 Therefore LPRHOU7 can be regarded as more permissive in terms of locational criteria for retirement dwellings because the MBLP 2017 did not allow for the principle of retirement dwellings outside of the settlements. This has arisen because of the significant extent of need for this type of housing by acknowledging that supply has not kept pace with demand. Therefore, retirement dwellings are no longer unacceptable in the countryside in principle following the adoption of the Local Plan Review.
- 6.15 Policy LPRHOU7 also refers to Care Homes and it has also been modified compared to the previous Policy DM14 of the MBLP. It is now more permissive for extensions to existing Care Homes. However, it does not change the locational restrictions of new build Care Homes. Therefore, the proposed Care Home does not accord with the development plan and other material considerations will need to be considered as detailed below under "Need and Benefits".
- 6.16 The Supported Living Units are dwellings within Class C3 but are not specifically positively mentioned in the new policies of the LPR2024.
- 6.17 Similarly, bespoke development such as a Hospice has no positive locational policies in the in LPR2024.
- 6.18 Therefore, the retirement dwellings element of the proposal in principle is considered to comply with the locational criterion of LPRHOU7 due to the application site's close proximity to Coxheath as enlarged in the new LPR Policies Map.
- 6.19 However, it is concluded that for the Care Home, the Supported Living Units and the Hospice, the location is not in accordance with the spatial strategy or countryside protection policies in the development plan and outweighing material considerations are necessary for a grant of planning permission. These will principally focus on an assessment of need and benefits as detailed below and an absence of positive allocations in the Development Plan.

### **Need and Benefits**

- 6.20 Paragraph 62 of the NPPF states that Local Authorities should seek to make suitable provision for all housing need. It states that:
- "the size, type and tenure of housing needed for different groups in the community should be assessed and reflected in planning policies (including, but not limited to, older people, people with disabilities)"*
- 6.21 Paragraph 92 of the NPPF requires planning decisions to take into account and support the delivery of local strategies to improve health, social and cultural well-

being for all sections of the community. The NPPG expressly addresses specialist housing for the elderly, stating that that the need to provide housing for older people is critical.

- 6.22 The NPPF's definition of sustainable development includes a social objective. Paragraph 60 states it is important that a sufficient amount and variety of land can come forward where it is needed, that the needs of groups with specific housing requirements are addressed.
- 6.23 The Office of National Statistics in "*Living longer and old-age dependency – what does the future hold?*" estimates that by 2050, some 20 million people, will be aged 65 and over, which will then be a quarter of the estimated UK of 80 million. This is an increase from approximately 1 in 5, or 13 million, in 2019.
- 6.24 Need for various types of housing in the Borough was most recently assessed in the Strategic Housing Market Assessment (SHMA) update 2021 which was commissioned from "Iceni" to inform the LPR.
- 6.25 The SHMA shows that in 2019, percentage of people 65 and over in the Borough of Maidstone in 2019 was 19.2%, slightly lower than in Kent (20.2%) and the South East (19.5%) but higher than the England average (18.4%).
- 6.26 In the Borough, the number of people aged 65 and over is projected to increase by 48% over the 2019- 2037. This compares with overall population growth of 26%. Therefore Maidstone is projected to see a notable increase overall in the older person population and a skewering increase in the proportion of the older age categories, most significant in the 85+. As a generality, people are living longer lives and the proportion of older people in the population is increasing.
- 6.27 Therefore the evidence is that the Borough has a significant past and planned growth in population, and in particular an ageing population. However, the LPR2024 does not allocate any specific sites for any of the age-related uses proposed in this application.
- 6.28 The LPR does carry forward the "Housing Mix" policy: LPRSP10(A) which states that the Council will work with partners to support the provision of specialist and supported housing for elderly, disabled and vulnerable people. The LPR and also specifically refers to the Garden Communities of Lidsing and Heathlands including typologies for "generational living". However, those 2 developments are not expected to produce dwellings for a number of years. Moreover, the LPR is unclear in terms of what quantum is required to be delivered at these two locations.
- 6.29 The Council has therefore effectively, in planning policy terms, adopted a stance for the short and medium term of a reliance on windfall sites to meet the key needs provision of specialist and supported housing for elderly, disabled and vulnerable people, despite the NPPF and NPPG guidance referred to above.
- 6.30 Housing mix policies in the Local Plan are unquantified in terms of setting targets and how to meet needs, and there is no monitoring in the Authority Monitoring Reports (AMRs). The key acknowledgement in the Development Plan that retirement homes and Care Homes are not as viable as other residential uses in Maidstone comes from a lesser or zero percentage for affordable housing. However, there is otherwise limited acknowledgement that developers of properties for older people are less able to compete on land price with traditional market housebuilders. This is despite being effectively directed to the same parcels of land within settlements for policy compliant schemes.
- 6.31 This proposal seeks to provide windfall development for accommodation needs of older people, a hospice and homes for adults with learning disabilities/autism in

the light of no allocations in the MBLP2017 or LPR2024 and the long timeline of any scope for provision of any of these uses within the 2 Garden Communities.

6.32 The detailed need cases for each element are detailed below:

#### Hospice

- 6.33 The Hospice has been based at Preston Hall Aylesford since 1991. The agent advises that the existing Hospice building is no longer a modern healthcare environment and needs frequent costly and disruptive repairs and is not energy efficient. Furthermore, the Aylesford site now constrained by modern housing development that has recently taken place at Preston Hall.
- 6.34 The population of the Heart of Kent catchment area is both growing and ageing, due to people living longer and often having more complex medical needs as well as general growth in population. The number of people needing vital end of life care in England is expected to rise as is the number of people with dementia. The need for the Hospice's services and facilities will therefore increase.
- 6.35 As a charity, the Heart of Kent will need to raise funds of approx. £15m to construct the building which is likely to take several years. The financial situation of the charity is challenging and the Hospice is unlikely to be able to compete to secure land against other commercial developers in policy compliant locations (such as KIMS adjacent junction 7 of the M20, which was mentioned by some of the objectors).
- 6.36 The siting and timeline of the Hospice coming on stream later than the rest of the elements in the overall application means that it can benefit in savings in development costs by using some of the key infrastructure that will be put in place for the earlier phases of the development.
- 6.37 It is considered that the need for a new Hospice to serve Maidstone and the surrounding areas has been demonstrated and is a material consideration of significant weight. This is because there is a policy vacuum on this type of use and, moreover, it is of clear benefit to have such a facility.

#### Supported Living Units

- 6.38 These will be specially designed for people with learning disabilities and autism to live independently albeit fully supervised.
- 6.39 The SHMA does not assess any accommodation needs for those with learning disabilities/autism nor does the AMR monitor any supply.
- 6.40 A 2023 research report by Learning Disability and Autism Housing Network/Housing LIN found that generally, the number of people with learning disabilities or autism requiring care and support is estimated to increase by nearly 20,000 over the next 15 years. The report estimated that in England there will be a need for between 1800 and 2300 units per annum over the period to 2037.
- 6.41 Kent County Council's Adult Care policy recognises the need for these types of independent living units and provision is a top priority in several of their published strategy and policy documents.
- 6.42 Developers of Supported Living Units are unable to compete on land price with market housebuilders. These units are required to be relatively small, low level and require space around them to provide a quiet environment. These constraints further limit the availability of locations and sites that are suitable and affordable. They do not receive any grant funding from Homes England or similar subsidies.

6.43 It is considered that the need for this form of development in Maidstone has been demonstrated and is a material consideration of significant weight. This is again because there is a policy vacuum and no allocations but, moreover, there is a need for such facilities and thus this element is a clear benefit.

Care Home

6.44 This is to provide residential, nursing and dementia care within Use Class C2.

6.45 Kent has seen a steady decline in small independent care homes with occupancy numbers under 30 over the past five years. The existing stock tends to be older small sized premises which tend not to have suitably private facilities such as en-suites/wet rooms. Consequently, some smaller Care Homes in the Borough are closing or gaining change of use such as a 30 bedspace Care Home in Tovil site gaining planning permission to become a House in Multiple Occupation (ref 23/503311/FULL). A 24 bed Nursing Home at the Vale in Shepway is subject of a current planning application (ref 23/503025/FULL) for residential redevelopment on the argument that it cannot be brought up to modern standards economically.

6.46 The size of Care Homes is being driven up by the need for economies of scale. The new build Care Homes applied for in the Borough since 2018 have been for numbers of bedrooms ranging from 63 to 87. Maplewood Care Home in Shepway was recently redeveloped from 28 bedspaces to 72.

6.47 Bearing in mind the need for large buildings to bring necessary economies of scale, outside amenity space and parking and servicing, the operators of Care Homes are unlikely to be able to compete with market housebuilders in terms of acquiring greenfield sites allocated in the Development Plan.

6.48 The SHMA update May 2021 which covers the period 2019-2037 estimates need as 1228 care or nursing home bedspaces equating to average of 68 per annum.

6.49 Recent major planning permissions for care bedspaces include a site within a new housing estate at Sutton Road (66 bedspaces), Eclipse Park (69 bedspaces) and the redeveloped Dorothy Lucy Centre/Maplewood with a net gain of 44 bedspaces and a minor development at 74 Bower Mount Road (net gain of 6). The planning permission in Tovil is a loss of 30 bedspaces.

6.50 Between 1 April 2019 and 1 April 2024 there is a net deficit of 185 bedspaces.

need to date since 01.04.19	(68 pa x 5 years)	340
granted planning permission since 01.04.19	66+69+44+6 -30	155
Deficit to date based on completions plus pipeline	340-155	185

6.51 Some 5 years into the 18 year period, current net supply is running at less than half the cumulative need. No new build Care Homes have been permitted in the Borough since mid-2022. If the Vale planning application is permitted, that would be a **further** loss of 24 bedspaces.

6.52 It is the case that there is generally a delay of 4-5 years between a Care Home company initially securing a potential development site and the opening of the facility if planning permission is successfully achieved and implemented. On that basis, the deficit described above will further worsen over the next few years.

6.53 In a recent appeal decision in March 2024, for a large 87 bedspace Care Home at Forsham Lane, Sutton Valence, the Inspector dismissed the appeal on the basis of that application site being clearly distinct from the village of Sutton Valence and local housing on Headcorn Road but did state:

*"the proposed development would make a positive contribution towards the provision of care home spaces for which there is a clear, ongoing need in this area. Furthermore, there is no clear alternative as to where these places will be provided. As such, the provision of housing for older and disabled people is a significant benefit of this scheme"*

- 6.54 This is a very clear conclusion on the unmet need for Care Home bedspaces by a government inspector at a recent appeal and so is a material consideration in favour of the Care Home element.
- 6.55 There is a policy vacuum for new build Care Homes and no allocations. It is concluded overall that the current unmet need in the Borough for a new build modern Care Home has been demonstrated and is a material consideration of significant weight in the planning balance.

#### Retirement Units- Affordable

- 6.56 In the Borough, the need for Retirement units in the SHMA2021 averages at 75 per annum. Recent AMRs do not indicate any significant delivery of this category of C3 housing in the early part of the monitoring period. It is accepted that there are limited developments for people of retirement age within the Borough, and capacity is limited. The unmet and growing need for elderly accommodation in the Borough is accepted.
- 6.57 There are no allocations in the Local Plan Review to meet this need. However, as mentioned above, LPRHOU7 positively facilitates more windfall development for this specific type of dwelling.
- 6.58 Despite Housing Mix policies in the Local Plan and positive guidance in the NPPF and NPPG, market housebuilders tend not to build bungalows or dwellings suited to the elderly in the quantities that will meet the clear future demographic changes.
- 6.59 The bungalow product offered, provided it is controlled in occupation/use by conditions and legal agreement has merits. Specialised bespoke elderly accommodation can increase the number of family sized homes that can be released, which is a benefit.

#### Benefits

- 6.60 The benefits of co-location are that the uses for health/care relate to the healthcare function of the new GP surgery. Hospice staff inevitably work in partnership with other parts of the health and social care system. Hospices are a main provider of palliative care education and training to the NHS, including GPs, district nurses and other NHS staff. Hospices build relationships with local care homes and provide education, training and advice to support to Care Home staff. Hospice clinical teams work alongside district nurses, social care services and GPs to provide support, including supporting people with dementia.
- 6.61 The agent advises that the Hospice and Care Home can support the adults in the Supported Living Units by providing volunteering roles.
- 6.62 It is concluded that by forming an integrated health and social care hub, the co-location of the proposed uses, together with being sited next to a modern GP Surgery, has merit of some weight in the overall consideration of the scheme.

#### **Landscape and Visual Impact**

- 6.63 Countryside protection policy LPRSP9 require the distinctive landscape character of the Greensand Ridge to be conserved and enhanced as a Landscape of Local



Value, retention of the separation of individual settlements and account to be taken of the evidenced Landscape Character, i.e., the Maidstone Landscape Character Assessment (2012) and the Maidstone Landscape Character Assessment Supplement 2012.

- 6.64 The site is the northern extent of the Greensand Ridge Landscape of Local Value. It is within the landscape character area of Coxheath Plateau within Greensand Orchards and Mixed Farmlands character type.
- 6.65 The landscape scheme will include the following 'Actions' in the Landscape Character Assessment for this area:
- Conserve and reinforce woodland blocks;
  - Remove unnecessary fencing along woodland edges where possible; and
  - Conserve and reinforce enclosing roadside vegetation
- 6.66 The applicant's LVIA (Landscape and Visual Impact Assessment) assesses 12 representative views, none are assessed as experiencing a 'Major' adverse effect from the proposed development. The LVIA states that the viewpoints would typically experience a negligible or minor adverse effect at both year 1 and year 10 of the operational phase of the proposed development. These conclusions are accepted.
- 6.67 The new woodland will also accord with one of the actions of the Landscape Character Assessment to enhance the woodland cover along the Coxheath Plateau.
- 6.68 The 50m – 60m wide woodland belt is proposed between the development and the village of Linton to the south. This together with the 380m distance between the Hospice site and the village boundary and the consequent absence of intervisibility will ensure that there is no coalescence of settlements.
- 6.69 However, the proposals would encroach into the countryside and clearly there would be harm from this scale of built development in an LLV. The proposed development would change the settlement pattern by introducing development at depth to ribbon development. This is a harm and would need to be outweighed by other material considerations as discussed above.

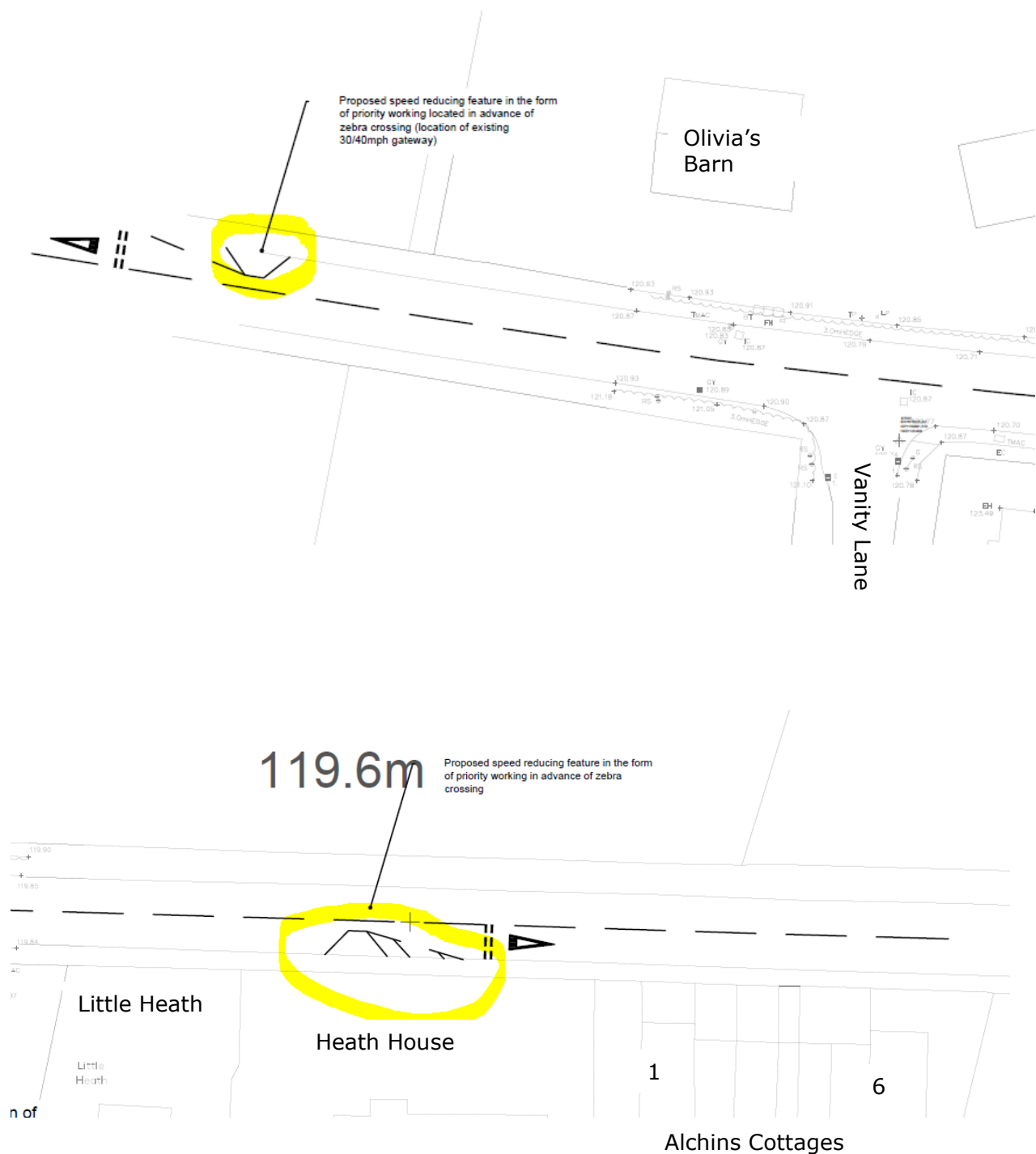
### **Environmental Sustainability**

- 6.70 Coxheath is identified within the LPRSP6(A) as a Rural Service Centre which should be supported to retain vital services. Thus the policy endorses its relatively good environmental sustainability.
- 6.71 In terms of walking into the village, the continuous lit footway route is on the northern side of Heath Road and so the application would need to ensure safe access by this mode to be environmentally sustainable. The existing crossing point outside the GP surgery is not controlled and the speed limit is 40mph. Therefore the applicants are agreeable to enhancing the crossing to a zebra crossing and extending the 30mph eastwards. by The enhancement of the crossing will improve scope for non-vehicle access to the GP surgery, increasing its sustainability. The detail of these changes is discussed in detail below.
- 6.72 To the east of the proposed access is the A229 Linton Hill which is a public transport corridor with regular and relatively frequent AM and PM peak services to and from Maidstone town centre in which there are further public transport connections There are 4 Bus stops at the Crossroads on this route approximately 370m away from the site entrance and are therefore within safe walking distance by using footways with streetlights.

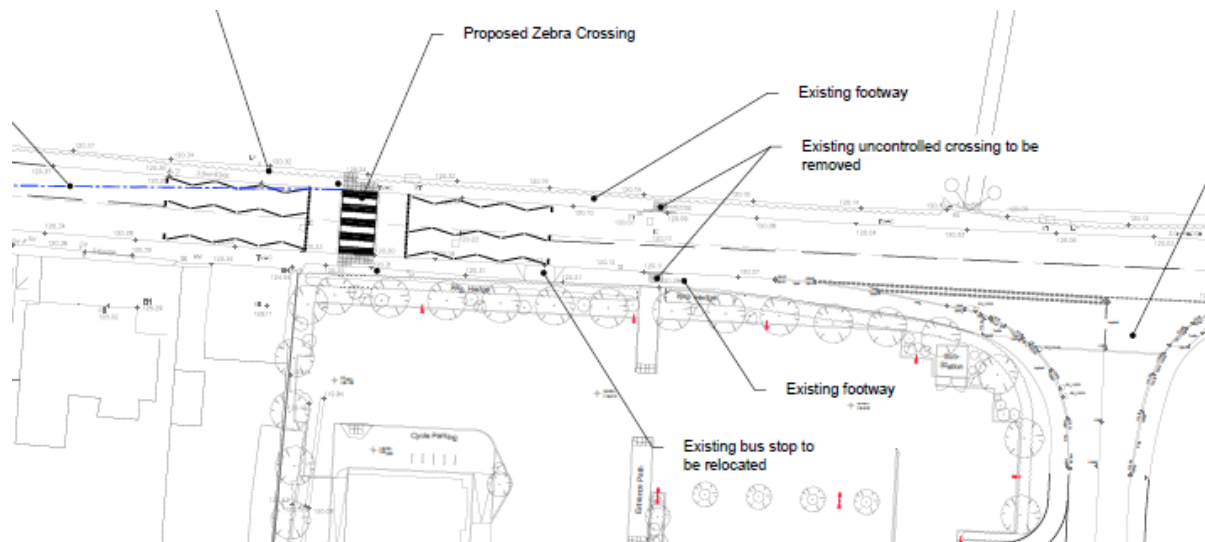
- 6.73 Currently, there is a frequent bus route no 89 from Coxheath to Maidstone along Heath Road, directly to the front of the application site, with bus stops immediately to the north of the new GP surgery, approx. 30-50 m from the application site's entrance. This route has a 2 bus per hour frequency Mon to Saturday, hourly on Sundays.
- 6.74 In conclusion, whilst the application site is not in a settlement, it is effectively adjacent to one, potentially has lit footway access to the services within Coxheath along a 30mph road and relatively good bus services including ones that access Maidstone Town Centre. The environmental sustainability of the application site is therefore concluded to be acceptable overall subject to the highway improvements being secured.

### **Highways and Parking**

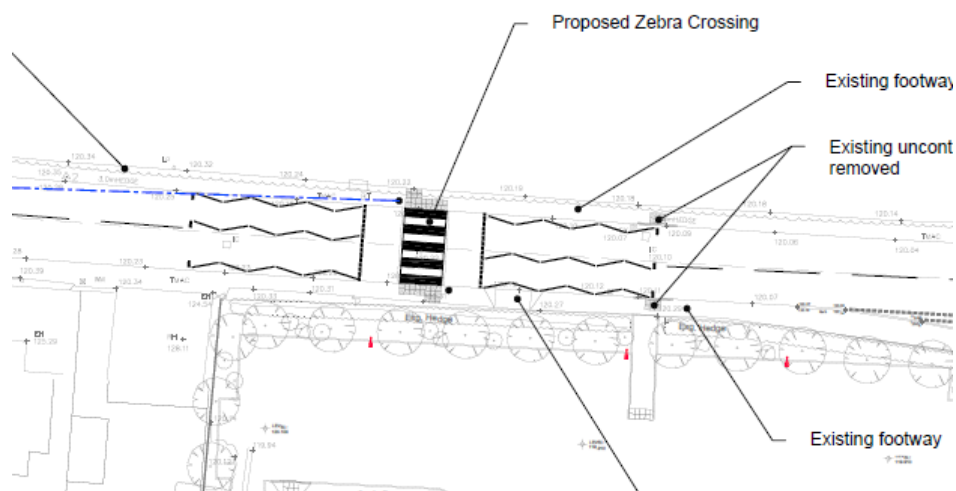
- 6.75 The NPPF Paragraph 111 states that: *"Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or if the residual cumulative impacts on the road network would be severe."*
- 6.76 The proposal includes an enhancement of the existing crossing on Heath Road to a zebra crossing and a reduction in the speed limit from 40mph to 30 mph including via potential traffic calming. Such highway safety enhancements would need to be secured prior to any occupation of the development and that would take the form of a "Grampian style" condition. There has to be confidence that a suggested Grampian condition securing Heath Road highway improvements would meet the legal tests. The PPG summarises the legal position which is *"Such conditions should not be used where there are no prospects at all of the action in question being performed within the time-limit imposed by the permission."*
- 6.77 Works within the highway of Heath Road would need to subject of separate approval of KCC as Local Highway Authority (via s278 agreements). Therefore KCC's support of the principle of the works including the potential traffic calming measures needs clarity to allow for a Grampian style condition to be legitimately imposed as suggested.
- 6.78 A Stage 1 Road Safety Audit (RSA) has been submitted and KCC's comments have been sought.
- 6.79 The RSA recommends the eastbound and westbound bus stops being relocated away from the zebra crossing for safety. This accords with KCC concerns already detailed above.
- 6.80 Zebra crossings should only be installed where the 85<sup>th</sup> percentile speed is under 35mph. The Road Safety Audit suggests that due to the eastern section of Heath Road closest to Linton Crossroads being very straight with good visibility and not in a built up area, measured traffic speeds on the relevant section of Heath Road are such that a **potential** way of ensuring that speeds are reduced is by constructing traffic calming measures, in addition to installing 30mph signage (including 2x Interactive Speed indication Signs).
- 6.81 The traffic calming measures suggested by the auditor are 2 "priority working" build outs both sides of the zebra crossing.
- 6.82 An indicative location of these have been provided (the 2 build outs highlighted in yellow). One is proposed to the west of the crossing, where the existing 30/40mph change occurs, close to Olivia's Barn. The second to the east of the crossing, outside Heath House.



6.83 The proposed location of the zebra crossing towards the west of the GP Surgery as illustrated below was dictated by the need to not prejudice future vehicular access to the allocated housing site at "Beacon Park" (LPRSA312). The position of the access to Beacon Park cannot, for highway safety reasons, be too close to either the existing GP surgery access nor the new Heath Road crossing and it also needs to have visibility splays appropriate for measured vehicle speeds.



6.84 Nevertheless, it is understandable that the occupant of Forge Cottage has objected an option of the location of the zebra crossing including the zig-zag lines directly in front of that property. The agents were asked to investigate if there were scope to move the crossing more to the east and further away from Forge Cottage and still comply with technical standards and not prejudice access into the LPRSA312 housing site. They have confirmed that would be possible and KCC’s views have also been sought.



6.85 The applicant’s Transport Assessment (TA) for the site access junction confirms that it will operate with spare capacity.

6.86 Linton Crossroads operates overcapacity but the development is estimated to have only a 1% impact during peak periods. The agent has agreed a financial contribution to be passed to KCC for improvements to the local highway corridor (which could include Linton Crossroads). The new housing allocation at Beacon Park is also required to make a contribution to Linton Crossroads improvements under the terms of the policy and that was expressly added by the Inspector during the LPR Examination.

6.87 The landowner of the application site has already been obligated to a land transfer at the SW corner of Linton Crossroads to KCC for improvements to the junction. This was secured in a s106 from a planning permission for warehouse

building for Berry Gardens. If any additional land owned by the landowner is needed by KCC to carry out the works and/or to erect a temporary works compound, the landowner has agreed to this in principle. This would need to be secured by a s106 legal agreement.

- 6.88 Linton Crossroads improvement is in the Council's Infrastructure Development Plan (IDP) to be funded by a mixture of s106 contributions (money and land) and CIL. KCC is of the view that the scheme remains a priority due to compliance with MBC policies, availability of contributions and being 'delivery ready'.
- 6.89 The TA shows that the greatest generators of traffic from the scheme are the Hospice and retirement bungalows which are proposed in outline and thus will not come forward for several years. The Hospice in particular would generate by far the greatest proportion of trips, especially at peak times. The Hospice will need to raise funds for its construction costs which may take several years, consequently delaying the main traffic impact on the crossroads.
- 6.90 On the basis of 1% impact, that most of the impact is from the Hospice which is delayed several years into the future and taking account of KCC's continued commitment to the implementing the improvements, the financial and land contributions requested by KCC are considered to be necessary and reasonable to include in the s106 agreement.
- 6.91 Due to the scale of the overall development, the retirement units phase includes an emergency access only to Vanity Lane.
- 6.92 Parking provision for the 2 detailed elements are in line with parking standards, being 28 for the Care Home for visitors and staff and 10 for the Supported living units. Cycle parking will be 12 and 2 spaces respectively. Parking for the Hospice and retirement bungalows and would be detailed at Reserved Matters stage but is indicated as able to comply with standards. KCC raises no concerns on parking. The detailed layout has been demonstrated to accommodate turning for emergency vehicles and refuse freighters.
- 6.93 Subject to KCC's agreement to the measures proposed in the Stage 1 Road Safety Audit, there would be no highways or parking concerns with the scheme which is concluded to comply with policies LPRTRA2 and LPRTRA4 respectively.

### **Landscaping/Open Space**

- 6.94 Natural Environment policies seek to ensure that new development protects and enhances the natural environment.
- 6.95 The development does not impact on existing trees. Advance landscaping in the form of the woodland buffer is to be delivered prior to occupation, secured by condition.
- 6.96 There is an opportunity for entrance landscaping given the proposed set back of the Care Home. A tree lined avenue will be created using a set back of the Supported Living Units being 4m from the footway with the creation of a focal point with public art related to the open amenity space at the southern end, visible from the site entrance. This allows for a N-S vista through to the woodland buffer from Heath Road.
- 6.97 The proposal shows semi- natural space totalling 3.94ha in the form of the woodland buffers and an area of species rich meadow grassland associated with the wet sustainable drainage scheme (SuDS). The reduction in the number of retirement bungalows allows for adequate central green space of at least 0.45ha to act as an amenity and for community based activities. The overall offer for amenity green space is 1.24ha. The agent has agreed to include a community

orchard/garden associated with the Retirement bungalows of 0.05ha in lieu of allotments which is considered to be acceptable. No sports fields/pitches as such are included but in the light of the mix of users, an open space of at least 20m by 8m can be secured within the Retirement Bungalows phase for active/social recreation such as outdoor gym or boules area/outdoor chess.

- 6.98 Play Space of 0.5ha (including 0.4ha of natural timber play within the wildflower meadow) is proposed for young children visiting residents of the site.
- 6.99 The Care Home will have private amenity space as will the Retirement Bungalows.
- 6.100 To conclude, the scheme exceeds Open Space policies LPRINF1 in terms of quantity with a total of over 3ha compared to a requirement of 1.58ha. Typologies are met with the exception of sports facilities as detailed above. However, taking into account the types of occupants in the development, the overall Open Space offer is concluded to be acceptable.

### **Design and Layout**

- 6.101 National policy in the NPPF, NPPG and National Design Guide requires the creation of high-quality buildings and places, in-keeping with the positives of the surrounding context of built environment and landscape setting and creates a strong sense of place. These are carried forward in LPR policies LPRSP15 and LPRQD4.
- 6.102 The Care Home building has been designed appropriately to respond to the character of the neighbouring GP surgery. The mass and scale have been broken up by a staggered roofscape, articulation, vertical emphasis with contrasting materials and window variety with use of projections, gables, dormers and balconies to create a varied and articulated appearance. Materials will be required to be vernacular to reflect the location in the countryside.
- 6.103 The design and layout of the proposed Supported Living units accord with policies that require good design. The units will be positioned around a central courtyard with parking and landscaping. The positioning and scale of these units will not be dominant or be visually intrusive. They have a simple form and articulation and interest has been secured in the form of buttresses and decorative "hit and miss" brickwork patterns.
- 6.104 The retirement bungalows are in outline. Single storey building forms especially when in semi-detached and terraces are more difficult to articulate due to the dominance of the roofs and so it will be important at Reserved Matters stage to secure a good quality of design. The original number of 70 units has been revised to 58. However, a condition is suggested that the number be no more than 52 so that an appropriate parkland density, spacious layout and layout can be secured with a design and layout appropriate for this countryside location and the Landscape of Local Value including more landscaping buffers on its outer edges, especially along Vanity Lane.
- 6.105 The Hospice is in outline but notwithstanding, relatively detailed indicative elevations have been submitted of a contemporary design with a large single storey circular building at the rear with an oasthouse-like "roundel" and a 2 storey building with double pitched roof. Materials are indicated to include hanging tiles and timber.
- 6.106 Due to the location of the Hospice and its importance in the overall scheme, a high quality design is essential. The form and design illustrated for the Hospice is considered to be of appropriate quality and in the event that planning permission were granted, it would be necessary to ensure the quality of the design is

adhered to in order to comply with the NPPF and local plan policies for development in the countryside.

### **Archaeology**

- 6.107 The site falls within an area where there is the potential for Iron Age archaeology. This is based upon the high status residencies nearby, including Linton Park, Court Lodge and Hill Place Farm. The submitted archaeological report identifies potential for remains within a linear feature noted on LiDAR information. It has therefore been recommended by KCC's Heritage officer that pre-determination trial trenching and/or geophysical investigations take place.
- 6.108 The agent is aware of KCC's stance but has not agreed to undertake any trenching prior to determination, citing timing and funding problems.
- 6.109 However, the agent has submitted a statement on behalf of all 4 applicants that they accept the risk that post determination trenching may evidence it is necessary for Iron Age or later archaeological remains being preserved in situ. An acceptable level of pre-commencement trial trenching would have to take place by condition and the legal agreement would commit all applicants to a revision of the scheme as necessary.
- 6.110 On balance it is considered that the archaeological interest can be dealt with by appropriate condition and legal agreement and that will in combination ensure compliance with the NPPF and local policies LPRSP14(B) and LPRENV1 for safeguarding heritage assets.

### **Residential Amenity**

- 6.111 There are a small number of residential properties, fronting on to both Heath Road and Vanity Lane which are in close proximity to the site. The 2 closest properties to the site are 'Winfield' on Vanity Lane and 'Apple Tree Cottage' Heath Road by virtue of it being set back in its plot and being nearest the access road.
- 6.112 Winfield is a chalet bungalow with 2 dormer windows facing the NW corner of the application site, including one small balcony with French doors. The indicative layout of the retirement units shows that a bungalow could be proposed close to the corner. However, the consideration of Reserved Matters would need to ensure that residential amenity would not be harmed.
- 6.113 Apple Tree Cottage has recently been extended and remodelled and there are very large expanses of floor to ceiling windows at both ground floor and first floor level facing the application site. It is not disputed that the expansive views that this property currently enjoys over open countryside will be lost, especially to the southwest and west. However, there is no "right to a view" in planning terms.
- 6.114 Beyond the side boundary is proposed a single storey element of the Care Home with eaves of 3m and a tabletop roof ridge of 5m. This would be 4m west from the common boundary. The 2-storey element of the Care Home would be 11m west from the common boundary with an eaves of 5.8m and a ridge height of 10.2m. It is considered that these distances mean that there is no harm to residential amenity in terms of enclosure or loss of sunlight/daylight. The Care Home has been redesigned and the windows to first floor rooms that face the flank of Apple Tree Cottage are to be obscure glazed or louvred to reduce overlooking.
- 6.115 The Care Home due to its size, does extend back into the site, along the side boundary to the rear garden of Apple Tree Cottage. Along part of the common boundary, the Care Home at its highest has eaves of 5.8m and a ridge height of 10m. It will be sited over 16m west from the common boundary. It is considered

that this separation distance prevents loss of residential amenity to Apple Tree Cottage in terms of domination and loss of sunlight/daylight. The Care Home footprint does wrap slightly around the neighbouring rear garden but at considerable distances of over 40m from the common boundary. The relationship of the Care Home to the nearest affected dwelling far exceeds normal privacy/outlook distances. It is considered that even though this is a Care Home and not conventional housing, there is no harm to residential amenity and complies with policy LPRSP15 "Principles of Good Design".

### **Biodiversity Net Gain (BNG)**

- 6.116 The application was submitted before national BNG legislation was enacted and is thus exempt from those Regulations. However, policy LPRSP14(A) is now adopted refers to 20% BNG for residential development. Whilst the hospice element is not residential, nonetheless, 20% onsite BNG overall is being proposed and this will accord with LPRSP14(A).
- 6.117 It is suggested that the legal agreement will include the requirement for the onsite BNG being secured and regular monitoring over a period for 30 years for which a bespoke monitoring fee will be sought from the applicant.

### **Other Matters**

- 6.118 Affordable Housing policies LPRSP10(B) and SP20 state that the Council will seek provision of 20% affordable housing for schemes that provide for retirement housing and this would be the subject of a legal agreement in the event that planning permission be granted. Not all of the affordable Retirement dwellings will be subject to a legal agreement (to allow for Homes England grant funding) but the tenure is secured by reason of the application description which refers to 100% affordable. The s106 will also secure a geographical lettings cascade focused on local wards having priority. It will also allow for occupation by aged 50 or over if retired through disability or long term health issue as requested by the Housing Officer.
- 6.119 The applicants have agreed that for the Supported Living Units, these will be advertised through the Kent County Council procurement process and to be open to all Providers on the Kent County Council Approved Framework List with Maidstone BC Nominations Rights for placement referrals to ensure local people have priority access.
- 6.120 The NHS has not responded to a consultation on the application in terms of impact on primary healthcare. The Greensand GP surgery is not currently closed to new patients and has not made objections to the application. Healthcare facilities is a CIL funded infrastructure. Hence there is not considered to be any justification for seeking financial contributions nor to refuse the planning application on this issue.
- 6.121 Mitigation measures would be needed such that external lighting accords with policy LPRQD2, especially for ecology along the mature tree-lined and hedgerow-lined site boundaries. Further reptile surveys results would determine necessary mitigation and compensation to facilitate the proposed development. Ecological enhancement can be secured by condition to accord with policy LPRSP14(A).
- 6.122 An air quality report was submitted due to the likelihood of traffic from the development travelling through the Maidstone AQMA. A condition can secure mitigation measures and this accords with advice from environmental protection officers at MBC to comply with policy LPRTRA1.



- 6.123 A condition can secure renewable and low energy technology measures such as PV panels, air source heat pumps, building fabric efficiency and electric vehicle infrastructure. The Care Home and Hospice should achieve a BREEAM standard of "very good" to accord with policy LPRQD1.
- 6.124 New policy LPRQD1 requires new dwellings to secure water consumption no greater than 110/litres/person/day. In the light of the water supply stresses in the area, it is considered that a target of 100/litres/person/day would be reasonable and necessary for the residential units (ie the retirement bungalows and the supported living units).
- 6.125 Policy LPRQD6 includes space standards and meeting accessibility and adaptable dwellings standard M4(2) for all dwellings. Wheelchair accessible standard M4(3) to be met for approx. 15% of the affordable houses secured under the proposed legal agreement.
- 6.126 The development is not considered to impact on heritage asset of Linton Conservation Area or Linton Park Registered Park and Garden due to the separation and substantial existing and enhanced screening to the eastern boundary of the site, thus according with policies LPRSP14(B) and LPRENV1 for safeguarding heritage assets.
- 6.127 As discussed above, the allocated site at LPRSA312 (Beacon Park) now has to be factored into the consideration of the highway improvements scheme. If Beacon Park were to come forward, it would be able to provide land that may allow for the necessary equipment and infrastructure essential for a signalised crossing to Heath Road, ie a further upgrade. Clearly, timelines are uncertain but this scenario is taken account of in the recommended legal agreement with the expectation that Beacon Park will provide the necessary extra land and that the cost of any further upgrade to a signalised pedestrian crossing (subject to a s278 agreement with KCC) will be shared between both sites.

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

- 6.128 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.

#### **Community Infrastructure Levy**

- 6.129 The proposed development is CIL liable. The Council adopted a Community Infrastructure Levy on 25 October 2017 and began charging on all CIL liable applications approved on and from 1 October 2018. The actual amount of CIL can only be confirmed once all the relevant forms have been submitted and relevant details have been assessed and approved. Any relief claimed will be assessed at the time planning permission is granted or shortly after.

### **7. CONCLUSION**

- 7.01 In accordance with section 70(2) of the Town and Country Planning Act 1990 and section 38(6) of the Planning and Compulsory Purchase Act 2004, the decision must be taken in accordance with the development plan unless there are material considerations that indicate otherwise.
- 7.02 The application site lies in the countryside and the location does not accord with the Spatial Strategy LPRSS1 which directs development to defined built areas and site allocations.
- 7.03 In terms of countryside protection policy LPRSP9, there is no significant harm to the character and appearance of the area due a high level of landscape

containment from within the wider landscape and further screening by new tree, shrub and woodland planting.

- 7.04 Long and medium range views of the site are or can be made acceptable in landscape terms by planting and tree screening. The application site is an arable field with a character of openness but otherwise of limited landscape merit in its own right. However, the development is on the Greensand Ridge Area of Local Landscape Value and thereby causes direct harm.
- 7.05 Policy LPRHOU7 does allow for retirement units to be built adjacent to settlements in environmentally sustainable locations and those criteria are concluded to be met.
- 7.06 The new build Care Home, the Supported Living Units and the Hospice do not have any positive LPR policies relevant and are contrary to development plan. Outweighing material considerations are necessary for a grant of planning permission.
- 7.07 The need for a new modern replacement Hospice to serve Maidstone has been demonstrated and the Supported Living Units are justified at this site, based on KCC Adult Social Care policies for more independent living units of this type. The current net supply of Care Home bedspaces is running at less than half the cumulative need and that situation is likely to worsen in the next few years with a lack of a pipeline of new planning permissions for modern Care Homes and some smaller, out of date Care Homes closing or being redeveloped.
- 7.08 There is an unmet need for all the proposed uses and they all have difficulties in competing for policy compliant sites within settlements. Moreover, it is agreed that by forming an integrated health and social care hub, the co-location of the proposed uses has merit of some weight in the overall consideration of the scheme.
- 7.09 The location has relatively good environmental sustainability which can be enhanced by enhancement to a zebra crossing to Heath Road and a speed limit reduction to 30mph. However, confirmation is needed that KCC do not object to the zebra crossing options put forward and speed limit reduction in principle. They also need to agree on the acceptability of the potential new traffic calming proposed in the Stage 1 Road Safety Audit now received.
- 7.10 The application includes a commitment to enter into a s106 planning obligation for financial contributions and land transfers in regard of the local highway corridor/Linton Crossroads.
- 7.11 Acceptable amounts and typologies of Open Space can be secured. There is good quality design of the buildings as required by both the NPPF and local policies for development in the countryside.
- 7.12 Archaeological interest can be dealt with by requiring trial trenching post determination on the basis that all applicants accept the risk that important remains may need to be retained in situ. The applicants have agreed within a legal agreement to commit to redesigning the scheme layout if necessary. There is no other harm to local heritage assets.
- 7.13 The consideration of the Reserved Matters for the retirement bungalows and the revised siting and design of the Care Home mean that there is no harm to neighbouring residential amenity.
- 7.14 Overall, the harm from non-compliance with the spatial strategy, countryside protection and direct harm to the Area of Local Landscape Value are outweighed by the unique benefits of the overall hybrid application and the individual need

cases of each component. It is recommended that planning permission be granted subject to conditions and s106 Legal Agreement. This is subject to receiving no objections from Kent County Council on the highway works for an improved crossing to Heath Road and associated speed limit reduction to 30mph to justify the Grampian condition imposed for those improvements.

**EIA Screening**

EIA Development	No
Comments	<p>The application type is within Schedule 2 (10b) of the Regulations and exceeds the applicable threshold of a 5ha site. However, the NPPG acknowledges that only a "very small proportion" of Schedule 2 projects will require an EIA.</p> <p>The site is not within or near to a 'sensitive area' defined under the EIA Regulations.</p> <p>The development is not of a scale such that any impacts upon natural resources, waste, pollution, human health, water resources, biodiversity, landscape/visual, heritage, highways, or the environment would be of a magnitude to result in significant environmental effects. Potential impacts are considered to be localised with the scope for mitigation.</p> <p>Therefore, an EIA is not required.</p>

**RECOMMENDATION subject to receiving no objections from Kent County Council on the highway works required for a controlled crossing on Heath Road and an associated speed limit reduction to 30mph**

GRANT planning permission subject to the following conditions and the prior completion of a legal agreement to secure the heads of terms set out **below with delegated authority to the Head of Development Management to be able to settle or amend any necessary Heads of Terms, planning conditions and/or informatives in line with the matters set out in the recommendation and as resolved by the Planning Committee:**

s106 to require prior payment of monitoring fees of £1,759.50 for first obligation and £879.75 for each additional planning obligation.

HEADS OF TERMS

1. A bond to cover the woodland belt's long term management
2. Securing a single management company to ensure the site will be managed and maintained as a whole
3. Reservation of land parcel for development by a Hospice for Heart of Kent charity only
4. £40,000 towards local highway corridor improvement
5. At the SW corner of Linton Crossroads, in addition to the land already secured under s106 for 16/508659/FULL, sufficient land to be made available at the request of KCC Highways and Transportation for implementation of improvement works including land for a temporary works compound,
6. In conjunction with any future development of LPRSA312 (Beacon Park) a 50% contribution towards future upgrade of crossing of Heath Road to Toucan signalised controlled crossing with maintenance bay in general

accordance with the location indicated on drawing 17168 H-03 rev P1, payment to be made on request by KCC.

7. 20% affordable housing for the retirement units
8. At least 15% of the s106 affordable dwellings to meet M4(3) (wheelchair accessible)
9. Retirement bungalows to be for retired persons aged 60 or over (or aged 50 or over if retired through disability or long term health issue).
10. A geographical lettings cascade on all retirement units via Kent HomeChoice
11. All supported living placements to be advertised through the Kent County Council procurement process and to be open to all Providers on the Kent County Council Approved Framework List with Maidstone BC Nominations Rights for placement referrals to ensure local people have priority access.
12. The submission of a S73 Planning Application or new planning application as appropriate which must have a design and layout to avoid any conflict with any identified heritage assets required to remain in situ.
13. a minimum 20% biodiversity net gain units across the site in line with the Biodiversity Net Gain Assessment 5357E/23/01 with 30 year management and monitoring plan and payment of bespoke fee to be agreed for monitoring in years 2, 5, 10, 15, 20, 25 and 30 from the date of first use/occupation of each phase of the development.

CONDITIONS:

- 1) The full detailed elements of 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 outline elements of the development hereby approved shall not commence until approval of the following Reserved Matters has been obtained in writing from the local planning authority:

- a) Scale
- b) Layout
- c) Appearance
- d) Landscaping

Application for approval of the Reserved Matters shall be made to the local planning authority before the expiration of 2 years from the date of this permission.

The development hereby permitted shall be begun either before the expiration of three years from the date of this permission, or before the expiration of 3 years from the date of approval of the last of the Reserved Matters to be approved, whichever is the later;

Reason: No such details have been submitted

- 3) The development hereby permitted shall be carried out in accordance with the following approved plans/documents:

Additional Information ASP-CH-019-PL009 Indicative Materials Received on 04 April 2024

Additional Information 17168 H 02 Rev P2 Tracking plan- Care Home Received on 09 April 2024

Additional Information 17168-H-04 Zebra Crossing Received on 27 March 2024

Amendment DHA-31461-07 Rev A Access Received on 27 February 2024

Amendment ASP-CH-019-PL008 Rev E Block Plan- Care Home Received on 27 February 2024

Amendment CHK-TOD-95-ZZ-VS-A-95-001 CGI Images- Supported Living Received on 27 February 2024

Amendment ASP-CH-019-PL003 Rev D Ground Floor Plan Care Home Received on 27 February 2024

Amendment DHA-31461-04 Rev A Hybrid Masterplan Received on 27 February 2024

Amendment 1053-L-01 Rev A Indicative Landscape Care Home Received on 27 February 2024

Amendment DHA\_31461\_06B Land Use Plan Received on 27 March 2024

Amendment DHA-31461-05 Rev A Landscape Plan Received on 27 February 2024

Amendment ASP-CH-019-PL001 Rev A Location Care Home Received on 27 February 2024

Amendment DHA\_31461\_09 Rev B Phasing Received on 06 March 2024

Amendment CHK-TOD-20-01-DR-A-80001-P02 Proposed Bin and Bike Store (Supported Living) Received on 27 February 2024

Amendment ASP-CH-019-PL006 Rev F Proposed Elevations Received on 04 April 2024

Amendment CHK-TOD-20-01-DR-A-30001-P02 Proposed Elevations Supported Living Received on 27 February 2024

Amendment ASP-CH-019-PL004 Rev E Proposed First Floor Plan Received on 04 April 2024

Amendment CHK-TOD-20-01-DR-A-20001-P02 Proposed Ground Floor Plan Supported Living Received on 27 February 2024

Amendment CHK-TOD-20-01-DR-A-20002-P02 Proposed Roof Plan Supported Living Received on 27 February 2024

Amendment ASP-CH-019-PL005 Rev D Roof Plan Care Home Received on 27 February 2024

Amendment ASP-CH-019-PL002 Rev F Site Plan Care Home Received on 27 February 2024

Plan / Drawing DHA/31461/03 Hybrid Application Plan Received on 08 November 2023

Plan / Drawing DHA/31461/08 Storey Heights Plan Received on 08 November 2023

Plan / Drawing PJC/6387/23/B Tree Retention Plan 1 of 2 Received on 08 November 2023

Plan / Drawing PJC/6387/23/B Tree Retention Plan 2 of 2 Received on 08 November 2023

Plan / Drawing DHA/31461/10 Woodland Plan Received on 08 November 2023

Reason: To clarify which plans/documents have been approved.

- 4) Notwithstanding the illustrative details on drawing 4363 SK10, the Reserved Matters for the affordable retirement units shall show no more than 52 dwellings and shall accord with the following parameters:
- a) Maximum size of 2 bedrooms
  - b) No buildings over 1.5 storeys in height.
  - c) The use of vernacular materials being stock bricks, ragstone, and clay and/or natural slate roof tiles.

Reason: To ensure that the development is of a high standard of design in countryside location and to accord with the terms of the application.

- 5) The Reserved Matters shall include the following minimum areas of on-site public open space:
- 0.05ha of children and young person's space;
  - 0.24ha of amenity green space (which shall include an area of open recreational provision measuring at least 20m by 8m);
  - 3.94ha of natural/semi-natural open space and 0.05ha of community orchard/garden.

Details, an implementation timetable and long term management arrangements of the children's play area and the open recreational provision shall be submitted to and approved by the Local Planning Authority as part of the Reserved Matters and shall be implemented as approved and retained thereafter.

Reason: To accord with the submission and to provide adequate public open space.

- 6) All development shall take place in accordance with the Tree protection measures in accordance with the current edition of BS 5837.

Reason: To ensure the protection of existing trees as part of the development

- 7) All dwelling(s) hereby approved shall meet the accessible and adaptable dwellings building regulations Part M4(2) standard or any superseding standard. No dwelling(s) shall be occupied unless this standard has been met and the dwelling(s) shall be thereafter retained as such.

Reason: To ensure the development is in accordance with local and national policy and meets acceptable standards of accessible and adaptable dwellings

- 8) The Reserved Matters for the affordable retirement units hereby approved shall include at least 15% of the units meeting wheelchair user dwellings building regulations Part M4(3) standard or any superseding standard. None of the units approved as wheelchair user dwellings shall be occupied unless this standard has been met and the dwellings shall be thereafter retained as such.

Reason: To ensure the development is in accordance with local and national policy and meets acceptable standards of accessible and adaptable dwellings

- 9) The retirement and supported living dwellings hereby approved shall meet a higher level of water efficiency of 100 litres per person per day as per the methodology in the Building Regulations Part G2 or any superseding standard. No dwellings shall be occupied unless this standard has been met.

Reason: To ensure a sustainable form of development in the light of a local water supply stressed environment.

- 10) The Care Home and Hospice hereby approved shall achieve a Very Good BREEAM UK New Construction Version 6.1 rating including maximising energy and water efficiencies under the mandatory energy and water credits. A final certificate for each phase shall be issued to the Local Planning Authority for approval in writing within 6 months of the first occupation of the relevant building to certify that at a Very Good BREEAM UK New Construction Version 6.1 rating has been achieved.

Reason: To ensure a sustainable form of development

*Pre Commencement*

- 11) No development shall commence until the applicant, or their agents or successor in title for each phase, has implemented a programme of archaeological work including field evaluation as a first stage. The programme of archaeological works will comprise:

- a) Prior to any development works the applicant (or their agents or successors in title) shall secure and have reported a programme of archaeological field evaluation works, in accordance with a specification and written timetable which has been submitted to and approved in writing by the local planning authority.
- b) Following completion of archaeological evaluation works, no development shall take place until the applicant or their agents or successors in title, has secured the implementation of any safeguarding measures to ensure preservation in situ of important archaeological remains and/or further archaeological investigation and recording and a public engagement strategy, in accordance with a specification and timetable which has been submitted to and approved by the local planning authority. The archaeological safeguarding measures, investigation and recording shall be carried out in accordance with the agreed specification and timetable.
- c) Within 6 months of the completion of archaeological fieldwork. a Post-Excavation Assessment Report shall be submitted for approval in writing by the local planning authority. The Post-Excavation Assessment Report shall be in accordance with Kent County Council's requirements and include a description and assessment of the results of all archaeological investigations that have been undertaken in that part (or parts) of the development; an Updated Project Design outlining measures to analyse and publish the findings of the archaeological investigations, together with an implementation strategy, and updated public engagement strategy and timetable for the same and a scheme detailing the arrangements for providing and maintaining an archaeological site archive and its deposition following completion. The measures outlined in the Post-Excavation Assessment Report shall be implemented in full and in accordance with the agreed timings.

Reason: To ensure that features of archaeological interest are properly examined, recorded, reported and disseminated and where necessary, preserved in situ.

- 12) No development shall take place until the following information has been submitted to and approved in writing by the Local Planning Authority:
- confirmation that the details required for the Hospice element, pursuant to condition 1 of this outline planning permission (herein referred to as the Reserved Matters) have been submitted to the Local Planning Authority, are deemed valid and are in general compliance with illustrative details 0749/141(C) (Site Plan); 0749/170(A) (3D Concept Model Views); 0749/150(A) (Site Sections) and section 06A of the Design and Access Statement and shall include the use of vernacular materials being stock bricks, ragstone and clay hanging/roof tiles with bonnet tiles to the roof hips.

Reason: To ensure that the development is of a high standard of design and layout in countryside location.

- 13) No development of each phase shall take place until related details of the proposed finished floor levels of the building(s), all ground levels of the development, and existing site levels shown at 0.5m contour intervals for that phase have been submitted to and approved in writing by the Local Planning Authority. The proposed finished floor levels of all buildings shall be as close to existing site levels as feasible with land raising and retaining structures being avoided where possible. Where any land raising or retaining structures are required they must be clearly justified and kept to the minimum height necessary. The development shall be completed strictly in accordance with the approved details.

Reason: In order to secure a satisfactory form of development having regard to the topography of the site

- 14) Prior to the commencement of the development a Construction Method Statement shall be submitted to and approved in writing for each phase by the Local Planning Authority (where phases come forward concurrently this can be provided as one document that covers both phases). The document shall be produced in accordance with the Code of Construction Practice and BS5228 Noise Vibration and Control on Construction and Open Sites, the Control of Dust from Construction Sites (BRE DTi Feb 2003) and the Institute of Air Quality Management (IAQM) Guidance on the Assessment of Dust from Demolition and Construction. The construction of the development shall then be carried out in accordance with the approved methodology.

Reason: In the interests of amenity.

- 15) No development shall take place of any phase (including ground works and vegetation clearance) until a related construction environmental management plan (CEMP (Biodiversity)) for that phase has been submitted to and approved in writing by the local planning authority.

The CEMP (Biodiversity) will include the following:

- Risk assessment of potentially damaging construction activities;
- Results of any necessary updated species surveys (e.g., badgers) and any resultant necessary avoidance, mitigation, compensation measures;
- Identification of 'biodiversity protection zones' and the use of protective fences, exclusion barriers and warning signs. This will include reference to Japanese knotweed exclusion zones and an up-to-date Japanese knotweed



management plan, including actions to be taken during site clearance and construction to prevent legislation breaches in relation to the species (if relevant);

- Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of species or habitat-specific method statements);
- The location and timing of sensitive works to avoid harm to biodiversity features and a demonstration that works are aligned with the proposed phasing of construction;
- Persons responsible for implementing the works, including times during construction when specialist ecologists need to be present on site to undertake/oversee works;
- Details of any necessary protected species licences;
- Reference to other related documents such as the arboricultural report/method statement;
- The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person, and;
- Disposal of any wastes for implementing work.

The approved CEMP (Biodiversity) shall be adhered to and implemented throughout the construction period in accordance with the approved details.

The submission of each Reserved Matters application must include a review of the approved construction ecological management plan CEMP (biodiversity) and either an updated CEMP (biodiversity), or evidence that the CEMP (biodiversity) should be submitted to the LPA for written approval and implemented as approved.

Reason: In the interests of biodiversity.

- 16) No development above slab level shall take place in each phase until details of a scheme for the enhancement of ecology on the building/phase has been submitted to and approved in writing by the Local Planning Authority. The scheme shall consist of the enhancement of ecology through permanently retained integrated methods into the fabric of the building(s) by means such as swift bricks, bat tubes and bee bricks, and through the provision within the application site of measures such as bird and bat boxes, bug hotels, log piles, wildflower planting and hedgehog corridors. The development shall be implemented in accordance with the approved details prior to the first use/occupation of any building or phase to which the details relate and all features shall be retained and maintained thereafter.

Reason: To enhance ecology.

- 17) No development shall commence in any phase until a scheme relevant to that phase has been submitted to and approved in writing by the Local Planning Authority. The scheme shall detail and where possible quantify the measures or offsetting schemes to be included in the development which will reduce the transport related air pollution of the development during construction and when in occupation. The details should have regard to the DEFRA guidance from the

document Low Emissions Strategy "Using the planning system to reduce transport emissions January" 2010.

Reason: Due to the scale of the development and to reduce any air quality impacts.

- 18) The development hereby permitted shall not be commenced within each phase until the following components of a scheme to deal with the risks associated with contamination of the site shall have been submitted to and approved, in writing, by the local planning authority:
- a) A preliminary risk assessment which has identified:
    - all previous uses
    - potential contaminants associated with those uses
    - a conceptual model of the site indicating sources, pathways and receptors
    - potentially unacceptable risks arising from contamination at the site.
  - b) A site investigation, based on (a) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.
  - c) A remediation method statement (RMS) based on the site investigation results and the detailed risk assessment (b). This should give full details of the remediation measures required and how they are to be undertaken. The RMS should also include a verification plan to detail the data that will be collected in order to demonstrate that the works set out in the RMS are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

A Closure Report for each phase shall be submitted for approval in writing by the Local Planning Authority within 3 months completion of the works within that phase. The closure report shall include full verification details as set out in (c). This should include details of any post remediation sampling and analysis, together with documentation certifying quantities and source/destination of any material brought onto or taken from the site. Any material brought onto the site shall be certified clean. Any changes to these components require the express consent of the local planning authority. The scheme shall thereafter be implemented as approved.

Reason: To ensure that the site does not pose any risk to human health.

- 19) No development shall take place within any phase until a detailed sustainable surface water drainage scheme for the whole site has been submitted to and approved in writing by the local planning authority. The detailed drainage scheme shall be based upon the Flood Risk Assessment ref CS/17168 prepared by DHA (November 2023) and shall demonstrate that the surface water generated by this development (for all rainfall durations and intensities up to and including the climate change adjusted critical 100 year storm) can be accommodated and disposed of without increase to flood risk on or off-site. The drainage scheme shall also demonstrate (with reference to published guidance):
- that silt and pollutants resulting from the site use can be adequately managed to ensure there is no pollution risk to receiving waters.

- appropriate operational, maintenance and access requirements for each drainage feature or SuDS component are adequately considered, including any proposed arrangements for future adoption by any public body or statutory undertaker.

The drainage scheme shall be implemented in accordance with the approved details.

Reason: To ensure all phases of the development are served by satisfactory arrangements for the disposal of surface water. These details and accompanying calculations are required prior to the commencement of the development as they form an intrinsic part of the proposal, the approval of which cannot be disaggregated from the carrying out of the rest of the development.

- 20) No development shall take place of any phase until a Waste Management Plan for that phase has been submitted to and approved in writing by the local planning authority. The Plan shall follow the Waste Hierarchy within the Kent Minerals and Waste Local Plan and include the following:
- a) Measures to minimise the production of construction, demolition, and excavation waste.
  - b) Measures for the storage, collection, and management of waste arising from the occupation of each phase of the development.

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

Reason: To comply with the Kent Minerals and Waste Local Plan.

*Pre Slab Level*

- 21) In relation to the full detailed element of the development, no development above floor slab level shall take place until a landscaping scheme and timetable for implementation which shall follow the principles of the Landscape Masterplan has been submitted to and approved in writing by the Local Planning Authority for each phase. The landscaping scheme shall include:
- a) a scheme designed in accordance with the principles of the Council's landscape character guidance (Maidstone Landscape Character Assessment Supplement 2012).
  - b) generally based upon the Landscape Parameter Plan DHA/312461/05 rev A hereby approved.
  - c) the timetable should include advance planting of the woodlands L3, L4 and L6 on DHA/312461/05 rev A and phased planting with the development where practicable.
  - d) details of the number, size, species, maturity, spacing and position of existing/proposed native trees and landscaping
  - e) any new hedgerows shall be double staggered with approximately 45cm spacing and consisting of 70% Hawthorn or Blackthorn, 5% Dogwood, 10% Field Maple, 10% Hazel, 2.5% Holly and 2.5% Wayfaring Tree
  - f) a ten-year landscape management plan (Only non-plastic guards shall be used for the new trees and hedgerows).

The details shall specifically include significant areas of landscaping to the Heath Road frontage and all the boundaries of the site.

Reason: In the interests of landscape, visual impact, and amenity of the area and to ensure a satisfactory appearance to the development.

- 22) No development of any phase above floor slab level shall take place until the details for the planting of street trees including details of services, tree pits, and mechanical irrigation measures which shall follow BS 8545:2014, have been submitted to and approved in writing by the local planning authority for that phase. The development shall be carried out in accordance with the approved details and thereafter retained.

Reason: To ensure a satisfactory appearance to the development.

- 23) No development above floor slab level shall take place until details of a budget, scheme and timetable for the provision of Public Art in accordance with Maidstone Borough Council's Public Art Guidance 2017 has been submitted to and approved in writing by the Local Planning Authority. The piece of artwork commissioned shall be installed thereafter as approved.

Reason: To provide cultural benefits commensurate with the scale of the development.

- 24) Notwithstanding the materials details submitted, above ground construction work of each phase shall not commence until written details and samples of the materials to be used in each phase of the construction of the external surfaces of the buildings hereby permitted have been submitted to and approved by the Local Planning Authority for that phase. The development shall be constructed using the approved materials. The details shall include use of coursed Kentish ragstone to key buildings. All facing brick shall be clay stock bricks and all roofs shall be clay and/or slate (including roof tiles reconstituted with slate waste).

Reason: To ensure a satisfactory appearance to the development in the countryside making use of vernacular materials.

- 25) Prior to the above ground construction of the Care Home, constructional details of the following shall be submitted to and approved by the Local Planning Authority:
- pitched roof parapets with a ridge tile termination to the flat roofs (scale of at least 1:50)
  - louvres for privacy as shown on drawing ASP-CH-019-PL006 Rev F

Reason: In the interests of rural visual amenity and residential amenity.

- 26) Above ground construction work on the approved buildings of the development shall not commence until full details of the following matters for each phase have been submitted to and approved by the Local Planning Authority for that phase:
- a) new external windows/doors in the form of large scale drawings.
  - b) details of eaves and roof overhangs in the form of large scale drawings
  - c) details of balconies, projecting bays and porch canopies
  - d) details of window headers and cills and door headers
  - e) brick patterns

Reason: To ensure an appropriate design and appearance for the development in a countryside location.

- 27) No development above floor slab level within each phase shall take place until details of any external utility pipes and paraphernalia on the elevations of

buildings for that phase have been submitted to and approved in writing by the local planning authority. Any external features shall be sited and coloured to minimise their impact. The development shall be carried out in accordance with the approved details.

Reason: To ensure a high-quality development.

- 28) Notwithstanding the details submitted, above ground construction work within each phase of the development shall not commence until details of all fencing, walling and other boundary treatments within that phase (including any fencing to the attenuation pond) have been submitted to and approved by the Local Planning Authority. The details shall include sections of Kentish ragstone walling at key locations. Any timber post and rail fencing shall be rivened/cleft timber style. The development shall be carried out in accordance with the approved details before the first occupation and maintained thereafter.

Reason: To ensure a satisfactory appearance to the development in the countryside and to include vernacular materials

*Pre-Occupation*

- 29) Before the Care Home hereby permitted is first occupied, as indicated on drawing ASP-CH-019-PL006 Rev F, louvres shall be installed to the east elevation and the proposed windows on the east elevation shall be obscure glazed and shall be incapable of being opened except for a high -level fanlight opening of at least 1.7m above inside floor level and shall subsequently be retained as such;

Reason: To prevent overlooking of adjoining properties and to safeguard the privacy of existing and prospective occupiers.

- 30) No building hereby permitted shall be occupied until a Verification Report, pertaining to the related surface water drainage system and prepared by a suitably competent person, has been submitted to and approved by the Local Planning Authority for each phase. The Report shall demonstrate that the drainage system constructed is consistent with that which was approved. The Report shall contain information and evidence (including photographs) of details and locations of inlets, outlets and control structures; landscape plans; full as built drawings; information pertinent to the installation of those items identified on the critical drainage assets drawing, and the submission of an operation and maintenance manual for the sustainable drainage scheme as constructed.

Reason: To ensure that flood risks from development to the future users of the land and neighbouring land are minimised, together with those risks to controlled waters, property and ecological systems, and to ensure that the development as constructed is compliant with and subsequently maintained to accord with the National Planning Policy Framework.

- 31) The development shall not be occupied until the access as shown on drawing no. 12371 H-01 P1 in the Transport Assessment has been provided and thereafter the visibility splays within the application site shall be kept free of obstruction above a height of 1 metre.

Reason: In the interest of highway safety.

- 32) No part of the development shall be used or occupied until the following off-site highway works have been provided in full in accordance details to be submitted to and approved by the Local Planning Authority.

- Pedestrian and cycle access via the proposed main access
- Provision of Zebra Crossing to Heath Road
- 30mph speed limit extended to at least 20m east of the access to Heath Road or a distance in accordance with an approved Road Safety Audit
- 2x Interactive Speed indication Signs

Reason: In the interests of highway safety.

- 33) The development shall not be occupied until details and an implementation timetable of measures to prevent use of the emergency access other than by emergency vehicles, pedestrians, and cyclists has been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.

Reason: In the interests of highway safety.

- 34) The elements of the scheme with full planning permission shall not be occupied until vehicle parking and turning areas have been provided for each phase as hereby approved and those areas shall not be used for any other purpose thereafter.

The elements on the outline application shall not commence above dpc level until details of the parking spaces 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. The approved details of the parking/turning areas shall be completed before the first use of the buildings hereby permitted in outline and shall thereafter be kept available for such use.

No development, whether permitted by the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order, with or without modification) or not, shall be carried out on the areas indicated or in such a position as to preclude vehicular access to them;

Reason: Development without adequate car parking/turning provision is likely to lead to parking inconvenient to other road users and in the interests of road safety.

- 35) No building/phase shall be occupied until secure and covered cycle parking relating to that building/phase has been provided in accordance with details to be submitted to and approved by the Local Planning Authority. They shall be retained thereafter.

Reason: In the interests of sustainable travel.

*Ongoing compliance*

- 36) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no development within Schedule 2, Part 1, Class(es) A, AA, B, D, E, G; Part 2 Class A or Part 14 Class A shall be carried out without the permission of the local planning authority;

Reason: To safeguard the character and appearance of the development and the enjoyment of their properties by existing and prospective occupiers.

- 37) The Care Home hereby approved shall only be used for Class C2 (Residential Institution) as residential accommodation and care to people in need of care and for no other purpose.

Reason: To ensure the Local Planning Authority retains control over the development because of the specific need considerations justifying the development in the countryside.

- 38) The Supported Living Units hereby permitted shall only be used as 14 residential supported living apartments within Use Class C3(b) of the Town and Country Planning (Use Classes) Order 1987 (as amended) for occupiers in need of supported living accommodation and shall only be operated as assisted living apartments with on-site support with management by a Registered Provider, as described within the submitted Planning Statement ref DGH/CJH/LJ/31461.

Reason: To ensure the Local Planning Authority retains control over the type of occupiers because of the specific need considerations justifying development in the countryside.

- 39) The Hospice hereby approved shall only be used as a Hospice by Heart of Kent charity and for no other purpose.

Reason: To ensure the Local Planning Authority retains control over the development because of the specific need considerations justifying the development in the countryside.

- 40) If, during development, contamination not previously identified is found to be present at the site:

a) no further development within each phase (unless otherwise agreed with the LPA) shall be carried out until a revised remediation strategy detailing how this unforeseen contamination will be dealt with has been submitted to and approved by the LPA for that phase. The revised remediation strategy shall be implemented as approved.

b) prior to any development being occupied within a phase, a verification report demonstrating the completion of works set out in the approved remediation strategy(ies) and the effectiveness of the remediation for that phase shall be submitted to and approved by the Local Planning Authority. The report shall include details of:

- sampling and remediation works conducted and quality assurance certificates to show that the works have been carried out in full in accordance with the approved methodology.
- Details of any post-remedial sampling and analysis to show the phase has reached the required clean-up criteria shall be included in the verification report together with the necessary documentation detailing what waste materials have been removed from the site.

Reason: To ensure that the site does not pose any further risk to human health by demonstrating that the requirements of the approved verification plan have been met and that remediation of the site is complete.

- 41) No external lighting, whether temporary or permanent, shall be placed or erected within each phase of the site unless details have been submitted to and approved in writing by the local planning authority. Any details shall be in accordance with the Institute of Lighting Engineers Guidance Notes for the Reduction of Obtrusive

Lighting, GN01, dated 2005 (or subsequent revisions), and shall include a layout plan with beam orientation and a schedule of light equipment proposed (luminaire type; mounting height; aiming angles and luminaire profiles) and an ISO lux plan showing light spill. Any details to be submitted shall also follow the recommendations within the Bat Conservation Trust/Institute of Lighting Professional's 'Guidance Note 8 Bats and Artificial Lighting at Night'. The scheme of lighting shall be installed, maintained and operated in accordance with the approved scheme unless the Local Planning Authority gives its written consent to any variation.

Reason: In the interests of ecology and rural amenity.

- 42) The development shall not commence above slab level in each phase until details and an implementation timetable for hard landscape works for that phase have been submitted to and approved by the local planning authority. The development shall be carried out in accordance with the approved details before the first occupation of the relevant phase.

Reason: To ensure a satisfactory appearance to the development.

- 43) No phase shall be occupied unless a Sustainable Travel Plan for that phase has been submitted to and approved by Local Planning Authority. It will follow the Draft Framework Travel Plan ref PL/TV/31461 and include, as a minimum, monitor and review mechanisms; plus the following measures to be implemented prior to occupation:

A Welcome Pack available to all new occupants/residents online and as a booklet, containing information and incentives to encourage the use of sustainable transport modes from new occupiers, including:

1. Maps showing the site in relation to walking, local buses, cycle routes, cycle stands, the nearest bus stops, and rail stations.
2. Approximate time it takes to walk or cycle to various local facilities.
3. Site specific public transport information including up to date public transport timetables.
4. Links to relevant local websites with travel information such as public transport operator information, cycling organisations and the Council.
5. Details of local 'Car Share' and 'Car Club' schemes, including links to County & District Councils sponsored schemes.
6. Information on public transport season tickets and offers.
7. Information on specific incentives including Walk to Work or "Cycle to Work" initiatives, plus secure cycle storage.
8. Information on the health, financial and environmental benefits of sustainable travel.
9. Free tasters tickets for local buses and/or vouchers for bike maintenance/parts at local shops.

At least 1 parking bay of the Retirement Bungalow phase shall be allocated to a residential or publicly accessible car club vehicle, available for use on occupation. A successful car club scheme will require dedicated marked and signed car parking spaces for vehicle(s) to be provided in perpetuity, ideally available also to members not living in the development. The developer shall incentivise new



residents to join the car club with a £30 free driving credit per dwelling and lease of the vehicle(s) for the first 6 months.

Reason: To ensure a sustainable form of development

- 44) The rating level of noise emitted from the proposed plant and equipment to be installed on the Care Home or Hospice (determined using the guidance of BS 4142: 2014 Rating For Industrial Noise Affecting Mixed Residential And Industrial Areas) shall be low as possible. In general this is expected to be 5dB below the existing measured background noise level LA90, T. In exceptional circumstances, such as areas with a very low background or where assessment penalties total above 5, the developer's consultant should contact Maidstone Environmental Protection Team to agree a site specific target level.

Reason: In the interests of residential amenity

- 45) Prior to the first operation of the Care Home or Hospice, a scheme and maintenance schedule for the extraction and treatment of fumes and odours generated from cooking or any other activity undertaken, shall be submitted to and approved in writing by the Local Planning Authority for the relevant buildings. The scheme shall be designed in accordance with the EMAQ publication Guidance on the Control of Odour and Noise from Commercial Kitchen Exhaust Systems (September 2018 & any subsequent revisions). Any approved equipment, plant or process provided or undertaken shall be installed prior to the first operation of the relevant premises and these shall thereafter be operated and retained in compliance with the approved scheme.

Reason: In the interests of residential amenity.

- 46) No development above slab level for each phase shall take place until details and evidence of the measures necessary to incorporate at least 10% on-site renewable or low carbon energy production measured as a percentage of overall consumption for that phase have been submitted to and approved in writing by the Local Planning Authority. Such details shall include measures for battery energy storage unless this is demonstrated with evidence to be unfeasible. The approved details shall be implemented prior to the first use/occupation of any unit to which the details relate and thereafter retained.

Reason: To ensure a sustainable form of development

- 47) All landscaping specified in the approved landscape details shall be carried out in the first planting season related to each phase (1 October to end of February) following the first occupation/use of the building(s) or phase or in accordance with a timetable previously agreed with the Local Planning Authority. In the case of open space/public/communal areas (areas outside of operational building work) following completion of these areas or in accordance with a timetable previously agreed with the Local Planning Authority.

The approved landscaping shall be retained for at least 10 years following its implementation and shall be managed and retained strictly in accordance with the approved specification/management plan, and any approved or retained seeding or turfing which fails to establish or any trees or plants which, before a period of 10 years from the completion of the development has expired, die or become so seriously damaged or diseased that their amenity value has been adversely affected, shall be replaced in the next planting season with plants of the same species and size as detailed in the approved landscape scheme unless the local

planning authority gives written consent to any variation. No replacement planting or removal of any planting shall take place without the prior written consent of the local planning authority.

Reason: In the interests of landscape, visual impact and amenity of the area and to ensure a satisfactory appearance to the development.

**Informatives**

- 1) Kent Police
- 2) Southern Water
- 3) KCC Highways
- 4) Environmental Protection