

REPORT SUMMARY

REFERENCE NUMBER: 23/505361/FULL		
APPLICATION PROPOSAL: Erection of a four storey 70 bedroom nursing home (use Class C2) with 18 parking spaces, sustainable urban drainage and associated works.		
ADDRESS: Iden Manor Nursing Home, Cranbrook Road, Staplehurst, Tonbridge, Kent, TN12 0ER		
RECOMMENDATION: Approve		
SUMMARY OF REASONS FOR RECOMMENDATION: <p>The proposed development is a Departure from the development plan due to the location of the development in the countryside. However, the 'fall back' of an extant permission has material weight. More relevant is the 'need' for care or nursing home bed spaces where it is noted that delivery within the Borough has fallen short and pipeline supply is limited. It is therefore concluded that the approval of this proposal would make a significant contribution to address the current shortfall of bedspaces in the short to medium term.</p> <p>The design and appearance of the development is considered acceptable within the local context and would not have a harmful impact on the Landscape which is an LLV. The proposal is also considered to be acceptable from a transport and highways perspective. Adjacent to the site is an existing and established nursing/care home (Use Class C2) and it is not considered to unduly impact the wider highway network. Improvements to encourage the use of sustainable transport options are recommended to be secured by condition. The assessment of the proposal has not identified undue harmful impacts to residential amenity. Landscaping, trees and biodiversity and sustainability (low carbon) measures would also be secured by condition.</p> <p>While the proposal is located within the countryside and would be contrary to the spatial hierarchy set out within LPR Policy LPRSS1 and countryside protection policy LPRSP9, the need for the development has been evidenced and accepted. The proposal is considered to otherwise accord with local and national planning policies and is therefore recommended for approval.</p>		
REASON FOR REFERRAL TO COMMITTEE: Called in by Staplehurst Parish Council, if minded for approval		
WARD: Staplehurst	PARISH/TOWN COUNCIL: Staplehurst	APPLICANT: Hoama (Staplehurst) Ltd AGENT: Jackson Planning Ltd
CASE OFFICER: Sean Scott	VALIDATION DATE: 04/12/23	DECISION DUE DATE: 04/03/24
ADVERTISED AS A DEPARTURE: Yes		

Relevant Planning History

06/0364 - Outline application for the erection of a 62 bedroom extension to existing residential care facility with all matters reserved for future consideration as shown on drawing numbers P527/1,2,3,4, site location plan received on 7 February 2006 and supporting statement received on 27 March 2006 - Approved 08.06.2006.

08/2125 - Erection of a four storey 62 bedroom nursing home with 18 parking spaces. (Resubmission of MA/08/0825) as shown on drawing numbers D-001 Rev P3, D-005 Rev P0, D-006 Rev P0, D-010 Rev P6, D-020 Rev P4, D-030 Rev P3, D-040 Rev P4, D-050 Rev

P2, D-100 Rev P3, D-101 Rev P3, D-200 Rev P5, D-201 Rev P1, D-202 Rev P1, M-900 Rev P1, M-901 Rev P1, M-902 Rev P1, M-903 Rev P1, M-904 Rev P0, M-905 Rev P1, M-906 Rev P1 received on 28/10/08 and as amended by additional documents being details of employee numbers and shift patterns received on 18/2/09 and amended design and access statement and drawing numbers D-010 Rev P7, D-020 Rev P5, D-030 Rev P4, D-040 Rev P5, D-050 Rev P3, D-100 Rev P4, D-101 Rev P4, D-200 Rev P6, D-201 Rev P2, D-202 Rev P2 received on 9/4/09 - Approved 27.08.2013. This application is referred to hereafter as the "2013 Permission".

03/0927 - Erection of part single storey part three storey extension which includes new lift, as shown on dwg nos P460/6, 7, 8, 20, 21, 22, 23, location plan and existing and proposed block plans received on 08.05.03. and as amended by additional documents being dwg nos P460/34 Rev A and 36 Rev A received on 24.06.03.
Approved 14.07.2003

MAIN REPORT

1. DESCRIPTION OF SITE

- 1.01 The application site is located approximately 500 metres south-east from the Staplehurst settlement boundary and is thus in the countryside. The site is served by a 500 metre driveway or access road which directly links to Cranbrook Road (A229).
- 1.02 The site is located within the Iden Manor site which contains an existing nursing/care home (Iden Manor Nursing Home) and covers 4.6 hectares. Iden Manor Farm is located to the east, and the Kent & Medway Adolescent Hospital, to the west. To the north of the Iden Manor complex is a grazing paddock and a dairy and to the south is predominantly farmland.
- 1.03 Each floor of the proposal comprises a up to two 'communities' [or living quarters] to serve between 9 and 11 residents, with shared kitchen/dining/lounge facilities as well as nursing facilities. In addition, the ground floor also contains the main entrance, reception, offices and kitchen and service areas.
- 1.04 Relevant designations and policy considerations are: the site is within the Low Weald Landscape of Local Value, Area TPO (ref. 3/2716) covering north-east; SSSI Impact Zone, Agricultural Lane Grade 3, Local Wildlife Site Buffer (within 500m).

2. PROPOSAL

- 2.01 The proposal is for the erection of a four-storey nursing home (use Class C2) comprising 70 bedrooms, with 18 parking spaces, sustainable urban drainage and associated works such as landscaping and bin storage.
- 2.02 It should be noted that while the applicant operates the adjacent care home at Iden Manor, this proposal would be a separate entity in terms of its management.
- 2.03 As indicated in the Relevant Planning History, there is an extant planning application which the applicant can implement (a fallback position), referred to as the 2013 Permission. The 2013 Permission has an identical footprint to this proposal and would be of a similar height and scale.
- 2.04 Should this application be approved and then implemented by the applicant, it would mean that the 2013 Permission could no longer be completed. This is because the proposal would be located on the same footprint.

3. POLICY AND OTHER CONSIDERATIONS

Maidstone Local Plan Review (2024)

- 3.01 The Maidstone Borough Local Plan Review (LPR) was adopted by the Council on the 20 March 2024. There have been two strategic level challenges to adoption. These do not affect the full weight of the LPR policies.
- 3.02 Relevant Local Plan Review policies and those they replace from the Local Plan 2017 are set out in the table below. The Maidstone Borough Local Plan (2017) policies have now been superseded but are given below as some consultees refer to them.

Policy Title (2017/2024)	Maidstone Borough Local Plan (2017)	Local Plan Review (2024)
Maidstone Borough Spatial Strategy	SS1	LPRSS1
Countryside	SP17	LPRSP9
Sustainable Transport	SP23	LPRSP12
Principles of Good Design	DM1	LPRSP15
Natural Environment	DM3	LPRSP14(A)
Open space and Recreation / Publicly Accessible Open Space and Recreation	DM19	LPRINF1
Community Facilities	DM20	LPRINF2
Renewable and Low Carbon Energy Schemes	DM24	LPRINF3
Assessing the Transport Impacts of Development	DM21	LPRTRA2
Parking Standards / Parking	DM23	LPRTRA4
Design Principles in the Countryside	DM30	LPRQD4
Sustainable Design	DM2	LPRQD1
Infrastructure Delivery	ID1	LPRSP13
Nursing and Care Homes / Specialist Residential Accommodation	DM14	LPRHOU7

Neighbourhood Plan: Staplehurst

Kent Minerals and Waste Local Plan 2013-30 as amended by Early Partial Review (2020)Maidstone Landscape Character Assessment 2012 (Updated 2013)

Supplementary Planning Documents: Maidstone Building for Life 12 (2018), Public Art Guidance (2017)

The National Planning Policy Framework (NPPF)National Planning Practice Guidance (NPPG)

4. LOCAL REPRESENTATIONS

Local Residents:

- 4.01 Two representations have been received objecting to the application for the following (summarised) reasons:
- Insufficient screening/landscaping to to reduce the impact of appearance, noise, light pollution and traffic noise.
 - Insufficient car parking, in this instance only 18 car spaces are to accommodate additional staff, family & visitors etc for 70 bed unit.
 - Flooding and drainage concerns.
 - Foul sewage capacity.
 - Light Pollution will impact wildlife (bats) and residential amenity.

- Access road not sufficient to support the development.

Parish Council

- 4.02 Staplehurst Parish Council object and refer the application to Planning Committee if the Planning Officer were minded to approve.
- the application is against Policies DM1 of MBCs Local Plan as it is remote from local infrastructure and the site is prone to flooding.
 - DM30 of MBCs Local Plan design principles in the countryside.
 - note that the site is of significant ecological value, with particular reference to birds, and feel that development would cause irreparable damage.
 - Concerns about light pollution.
 - Support the comments made by the Police.

5. CONSULTATIONS

Environment Agency

- 5.01 No Comment.

Natural England

- 5.02 No objection - Natural England considers that the proposed development will not have significant adverse impacts on statutorily protected nature conservation sites and landscapes.

Southern Water

- 5.03 No Objection – but highlights the impact that the additional foul sewerage flows from the proposed development will have on the existing public sewer network. However, it is evident that this would fall within the remit of Southern Water to provide the necessary reinforcements. An informative will be applied to alert the applicant to the need to engage with the water board.

Kent Police – Designing out Crime Officer

- 5.04 No objection subject to conditions on:

- Secure by Design.

Kent County Council (KCC) Highways and Transportation

- 5.05 Objection for the following reasons:

- Requests S106 Agreement to provide an appropriate crossing facility at the existing access to the footway on the western side of the A229, Cranbrook Road.
- Considers PIC data analysis to be out of date.

KCC Minerals and Waste Planning Policy

- 5.06 No objection: The County Council has no land-won minerals or waste management capacity safeguarding objections or comments to make regarding this matter.

KCC Archaeological Officer - Heritage Conservation

- 5.07 No objection: subject to condition:

- Due to the archaeological potential of the site an condition for an archaeological watching brief is recommended.

KCC Flood and Water Management

- 5.08 Objection for the following reasons:

- We would ask for ground investigation including both infiltration testing (adhering to BRE:365 guidance) and further analysis of the areas proposed for infiltration will be required to support its use. Further to this we would recommend for monitoring of groundwater to be undertaken. This should be undertaken when groundwater is likely to be at its highest. This is to ensure an adequate separation distance between the base of the soakaway and any groundwater can be maintained.
- Requirement for supporting calculations to demonstrate the drainage system's operation and performance for the critical duration 1 year, 30 year, 100 year + climate change allowances storm intensities. This should utilise a modified infiltration rate and demonstrate an appropriate half drain time.

KCC Ecology

5.09 No objection subject to conditions on:

- Construction Ecological Management Plan (CEMP - biodiversity)

MBC Housing and Community Services

5.10 No comment.

MBC Environmental Health Team

5.11 No objection subject to conditions on:

- Lighting details.
- Informative endorsing Mid Kent Environmental Code of Development Practice

6. APPRAISAL

6.01 The key issues are:

- Spatial Strategy
- Need
- Landscape Impact
- Character and Appearance
- Residential amenity
- Transport & Highways
- Biodiversity, Landscaping and Trees
- Sustainable Design
- Other Matters: Flooding and Sustainable Drainage

Spatial Strategy

6.02 Local Plan Review (LPR) Policy LPRSS1 sets out the Borough's Spatial Strategy which includes a clear locational hierarchy directing development to the Maidstone Urban Area, followed by other defined settlement areas and to specific site allocations and gives protection to the rural character of the borough.

6.03 The starting point for assessment of all applications in the countryside is LPR Policy LPRSP9. This Policy makes it clear that the countryside is defined as parts of the Plan area outside of the settlement boundaries. Furthermore, development proposals should not be permitted where they do not accord with other policies of the Plan or would have significant harm to rural character or appearance of the area. The Policy also highlights the importance of development retaining the

separation of individual settlements. It should be noted that the phrase "significant harm" was added to the countryside protection policy at the request of the Inspector.

- 6.04 LPR Policy LPRHOU7 does not allow for new build nursing/care homes outside defined settlement boundaries and extensions, or redevelopment is restricted to existing care/nursing homes within or adjacent to designated settlements.
- 6.05 Given that the proposal is located more than 500 metres from the settlement boundary of Staplehurst, it is the case that it would not comply with the theme of the LPR as articulated through the aforementioned policies which direct development to settlement areas. Therefore, the policy does not accord with the development plan and it is the case that the proposal is considered as a Departure from the development plan in this regard. However, it is recognised that there is a nursing/care home in existence in this location and therefore only limited weight is afforded to this matter especially given that there is an extant consent.
- 6.06 The application history includes sizeable extensions to the Iden Manor Nursing Home, the most recent being approved in August 2013 (ref. 08/2125), referred to otherwise as the 2013 Permission. The applicant has indicated that a start has been made on site and this is not disputed.
- 6.07 There is an existing established nursing/care home currently within the site. There is a strong case to be made regarding the compatibility of the proposed care home use and the intensification of this use.
- 6.08 While the proposed development would represent a Departure from the development plan, it is the case that the intensification of the use support the acceptability of the scheme in principle. This is notwithstanding other policy considerations of the development that will be weighed up in the planning balance as considered below.

Need

- 6.09 When considering Policy LPRHOU7, the proposal would not comply as the site is not within or adjacent to the Staplehurst settlement as defined in the development plan. It is evident that the applicant's case therefore relies on the 'need' for this type of development as a material consideration.
- 6.10 The applicant advises that the proposed facility will be registered to provide nursing care but there will be 'defined floors' with some floors being residential with no allocated nurse on that floor. Other floors would be for nursing/complex care/dementia care that will require a qualified nurse's input. The letter confirms that at least 1 qualified nurse will be on site at all times. The use is therefore considered to be a nursing/care home within Use Class C2 (Residential Institutions).
- 6.11 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.
- 6.12 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.

- 6.13 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.
- 6.14 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.
- 6.15 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.
- 6.16 For the period between 1 April 2019 and 1 April 2024 a net deficit of 185 bedspaces was identified:

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

- 6.17 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.
- 6.18 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.
- 6.19 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"

- 6.20 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.
- 6.21 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 delivery of 70 bedspaces would make significant contribution to address the shortfall in delivery at this established nursing/care home site. This therefore forms a material consideration of significant weight in the planning balance.

Landscape Impact

- 6.22 LPR Policy LPRSP14(A) seeks to protect and enhance the natural environment and specific reference is made to the need to protect positive landscape character, including Landscapes of Local Value (LLV), important hedgerows, features of biological or geological interest, ecosystem services and the existing public rights of way network from inappropriate development and avoid significant adverse impacts as a result of development through the provision of adequate buffers.
- 6.23 The site lies in the countryside and in the Low Weald Landscape of Local Value. It lies in the Landscape Character Area of Staplehurst Low Weald which is of good condition and high sensitivity to change.
- 6.24 It is noted that the location of the proposed development is on the least visually prominent side of the existing nursing home building. It is also the case that the site to the rear is relatively well screened by mature trees. While the proposed building would be large, it is considered to be subordinate to the existing building. It is not considered that the building would dominate views or cause any significant harm to the wider landscape. Furthermore, the expectation, as set out later in the report, is that suitable landscaping will come forward (secured by planning condition) to enhance landscaping which has the potential to further screen the development.
- 6.25 Due to the fallback position as outlined earlier in this report, the changes proposed do not significantly differ from the scale and massing of the 2013 Permission.
- 6.26 On-balance, it is considered that the proposal is unlikely have a significantly harmful impact upon landscape character of the LLV and thus no significant harm to the character and appearance of the countryside. Therefore, the proposal is considered acceptable in relation to landscape impact.

Character and Appearance

- 6.27 LPR Policy LPRSP15 require development proposals to create high quality design and specific reference is made to the need for developments to respond positively to, and where possible enhance, the local, natural or historic character of the area. Policy criteria of most relevance to this application specifies that regard should be paid to site coverage, being reflective and respectful to local landscape and the natural character of the area. LPRQD4 relates to design principles in the countryside and seeks high quality design that is sympathetic to existing buildings and the rural context. The Policy requires that new buildings should, where practicable, be located adjacent to existing buildings or be unobtrusively located and well screened by existing or proposed vegetation which reflect the landscape character of the area.
- 6.28 Due to the fallback position that the applicant claims, it is relevant to draw comparisons with the 2013 permission. The proposed care/nursing home would be in an identical location with a similar footprint. In addition, it includes two stacks of projecting balconies, has a more prominent/entrance reception area and a canopy over the main entrance.

Layout, scale and massing

- 6.29 The proposed new building would be located to the north-east of the existing Iden Manor Nursing Home and would cover a virtually identical footprint to the 2013 Permission. There are no concerns about the increased footprint from a design point of view.
- 6.30 The development is considered to be well laid out with parking in an accessible location to the front of the building, which works around the existing trees and with the existing road layout. There is also an ambulance bay and there would be sufficient space for servicing. The main entrance is via the lower ground floor and

it is considered to be legible and accessible. Bins are located by the parking area and are enclosed by timber screening. Terraced gardens are located alongside the north-eastern and south-eastern elevations of the building and provide amenity space, close to the building. A centrally located courtyard is also available from the lower ground floor.

Design

- 6.31 Initially the applicant submitted a design concept that was similar to that of the 2013 Permission. Notably, the design included rendered walls and zinc cladding across the façade. The applicant has made the following design improvements:
- Replacement of zinc cladding with brick panel features, in a yellow brick to match the stonework of Iden Manor;
 - Replacement of zinc cladding in gables with brick; and
 - Render omitted, to be replaced with yellow brick in contrast to the predominant red brick.
- 6.32 In order to ensure the design quality of the scheme is realised, it is considered prudent to apply the following conditions, should the application be minded for approval:
- Material Details – specific details/samples as required; and
 - Detailed design (including details of balconies)
- 6.33 Provided that the aforementioned conditions are applied to any decision, it is considered that the proposal is acceptable in relation to design and appearance.

Residential Amenity

- 6.34 The proposal is located alongside an existing nursing home. The impact on amenity to the existing care home is unlikely to cause significant harm to amenity (in terms of privacy, daylight/sunlight and outlook) of the existing care home residents due to its location on the north-eastern flank of the existing care home.
- 6.35 It is noted that there would be a significant distance to other neighbouring residential uses, and therefore it is not considered that there would be the undue harmful impacts once the site is in operation with respect to noise and disturbance, privacy and outlook.
- 6.36 Due to the countryside setting, it is considered to be prudent to include a condition for lighting details in the interests of residential amenity and ecology.
- 6.37 When compared with the 2013 Permission, this application includes balconies for shared amenity spaces (lounges/kitchens and dining rooms). This is considered to improve the quality of accommodation for residents on the upper floors and is supported.
- 6.38 Overall, the proposal is considered to be acceptable with respect to the amenity of neighbouring and future occupiers.

Transportation & Highways

- 6.39 LPR Policy LPRSP12 seeks to support sustainable transport options and mitigate the impact of development where appropriate on local and strategic road networks and facilitate the delivery of transport improvements. Chapter 9 of the NPPF promotes the concept of sustainable transport, to address impacts on transport networks, modal shift, reducing environmental impacts and giving consideration to patterns

of movement. Specifically, with regards to modal shift it indicates that opportunities to promote walking, cycling and public transport use should be "identified and pursued".

- 6.40 LPR Policy LPRSP15 requires proposals to accommodate the vehicular and pedestrian movement generated by a proposal on the local highway network and through the site access.
- 6.41 Access to the proposal would use an existing drive (included within the red line), which serves the existing care home (approximately 500m to Cranbrook Road). Staplehurst Railway Station is 2.8 km from the site and can be accessed via the A229 and provides services to Ashford and London.
- 6.42 The nearest bus stops are centred around Pinnock Lane, less than 1 km from the site. The bus stops are served by one bus route, between Maidstone and Hawkhurst and the frequency of the route appears to be most dependable between 0930 and 1915, and hourly.
- 6.43 Parking provision would total 18 parking spaces, with two of those spaces being for Blue Badge users and they are located closest to the entrance to the building. It is noted that an ambulance bay is also provided. When assessed against the Kent Vehicle Parking Standards (SPG4) the parking provision represent a shortfall of 11 spaces. When considering the standards, it is highlighted that SPG4 sets out maximum standards.
- 6.44 The level of parking proposed would remain the same as the 2013 Permission. However, it is recognised that this application proposes 8 more bedrooms. It is considered that due to the care home use, this is not likely to result in a significant uplift in parking demand. It is noted that the Transport Statement makes the case that that the applicant operates the adjacent nursing home and it indicates that there are several overflow parking spaces in the locality available for use. As the LPA has not been furnished with information about the number of spaces or indeed their lawfulness, only limited weight can be afforded.
- 6.45 KCC Highways and Transportation (H&T) has provided a consultation response confirming that that "although the number of parking spaces represents a short fall against adopted standards, the likelihood of overflow parking on the public highway is low".
- 6.46 Cycle parking has been addressed within the Transportation Statement which confirms that at least 7 cycle parking spaces are proposed. The accompanying Proposed Site Location Plan appears to show 4 external Sheffield stands to meet this requirement. Although the location appears to be accessible, this would not be acceptable on its own. Cycle parking should also be covered and secure to promote cycling as a sustainable alternative to the car. Therefore, it is considered relevant to include a planning condition for cycle parking details, should the application be approved.
- 6.47 With regards to traffic impact H&T consider the trip generation to modest and would therefore not be considered as 'significant,' or the resulting impact being 'severe' as specified in the National Planning Policy Framework.
- 6.48 H&T have submitted a holding objection to the proposal on the basis that the applicant should be required to provide:
- Confirmation if it is possible to provide an appropriate crossing facility at the existing access to the footway on the western side of the A229, Cranbrook Road;
 - Submission of revised PIC analysis using the most up to date available data.

- 6.49 In response to this the applicant has provided PIC data. Also, the applicant has provided a rebuttal for crossing facilities for the following reasons:
- this is because alterations to the public highway are proposed as the existing private road is to remain private for the existing route to the nursing home.
 - Due to the conditions of the residents within the nursing home, works on the A229 will not be of any benefit to the proposed extension scheme.
 - The site is approximately 462m away from the A229 and no works are being proposed on the existing private road nor the highway.
 - There is no scope or demand from the development to provide any crossing facility.
- 6.50 Officers take the view that the inclusion of a crossing is unlikely to provide the mitigation that would be necessary for inclusion within an S106 Agreement, nor would it be reasonable and therefore the delivery of a crossing has not been pursued in this instance.
- 6.51 Overall, officers are of the view that the proposal would not be of a scale that it would have a significant negative impact on highways and transportation. The proposal would be an intensification of the C2 use currently in this location, also the extant 2019 Permission does carry some weight. Therefore, on balance the proposal is deemed to be acceptable in relation to highways and transportation.

Biodiversity, Landscaping and Trees

- 6.52 The NPPF speaks of the need to minimise impacts on and provide net gains for biodiversity. One of the key principles, set out at Para 180 (a) states that “if significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused”. This suggests that a more appropriate (perhaps brownfield) and on-site provision should be a preference.
- 6.53 There is a requirement to demonstrate a net gain in biodiversity as reflected by the NPPF. However, in this instance due to the time that the application was submitted there is no requirement to demonstrate an uplift of 10%, which has been a requirement for applications submitted since 12 February 2024. Policy LPRSP14(A), leans on the new requirement, and requires a minimum 20% biodiversity net gain on new residential development. Due to the date that the application was submitted, officers intend to ensure that there is no net loss in biodiversity as a result of the proposal.
- 6.54 The application has not addressed the new policy requirement for biodiversity net gain. However, it is considered that given the size of the site that it is reasonable to assume that a 20% uplift in biodiversity can be achieved on the site. In order to secure the delivery of
- 6.55 While a landscaping scheme has not been submitted, the application is accompanied by an Ecological Report, which recommends a native species-only planting scheme to maximise the biodiversity value of the development’s soft landscape, and it is likely that woodland planting will be necessary to avoid a net-loss of biodiversity. In addition, the proposed site plan for the development indicates that there would be landscaped terraces. It is an appropriate balance between hard and soft landscaping to ensure enhance biodiversity. Conditions for hard and soft landscaping would address this matter.

- 6.56 The KCC Ecology team were consulted and responded to confirm that sufficient ecological information has been provided within the application. In addition, two conditions have been recommended for Ecological Mitigation (construction ecological management plan) and Ecological Enhancements (with a requirement to enhance and maintain biodiversity). Officers are supportive of the conditions, and they are included at the end of the report, should the application be minded for approval.
- 6.57 The Council's Trees consultant has provided comments relation to the proposal. Their response highlighted that the Tree Survey has listed just under 60 trees, some of which are within TPO 4/2005 W1. A small number of relatively inconsequential, low grade Category C trees will be removed, for which there is no objection. The response also noted that 3 Oak and 2 Aspen trees would need variable amounts of crown reduction to facilitate the building and scaffolding. It is also understood that the same trees will also require an incursion of approximately 10% into the (root protection area (RPA). This is considered to result in concerns about the ongoing demands to prune accordingly. The reduction and potential for future pressure for further tree works to trees close to the building is of concern.
- 6.58 To address these concerns conditions are recommended for an Arboricultural Method Statement, tree protection, and tree and hedge retention.
- 6.59 Officers are cognisant that the applicant has a fallback position to build out the 2013 permission. Therefore, within this application there is an opportunity to address the landscaping and tree matters highlighted above within this application. Therefore, appropriately worded conditions for soft landscaping and trees are recommended. These conditions take account of the need to provide native species planting and to include retained trees and replacement trees for any trees lost.

Sustainable Design

- 6.60 LPR Policy LPRQD1 requires new development to provide 10% on site renewables or low carbon energy production where appropriate. In addition, the Policy requires non-domestic development to meet the BREEAM Technical Standard (2018) Very Good rating.
- 6.61 The application is accompanied by an Energy Strategy Report which indicates that the following measures will be incorporated into the proposed building:
- Enhanced building fabric performance has been targeted through improved thermal performance and reduced air permeability.
 - Energy efficient heating, domestic hot water, cooling, ventilation, and lighting systems throughout.
- 6.62 The inclusion of an Air Source Heat Pump serving space heating in addition to photovoltaic array was the found to be the most suitable option for the option of low-carbon technology.
- 6.63 The conclusion of the conceptual design stage energy strategy is to provide the proposed care home with an Air Source Heat Pump serving space heating in addition to a minimum of 100m² (c. 20kW_pe) of photovoltaic array. This solution provides a route to compliance with Approved Document Part L2:2021 of the Building Regulations.
- 6.64 BREEAM has not been addressed within the Energy Strategy Report. To ensure that Policy LPRQD1 is met, a condition is proposed if minded for approval.
- 6.65 A suitably worded condition is also proposed to ensure the recommendations of the Energy Strategy Report are incorporated into the final design for the proposal.

Provided the aforementioned conditions are applied, the proposal is considered to represent a policy compliant scheme in accordance with LPR Policy LPRQD1.

Other Matters

Flooding and sustainable drainage:

- 6.66 The Lead Local Flood Authority highlighted that sufficient details had not been provided. The Applicant has provided further details and officers have recommended a condition to secure a sustainable drainage system. Officers are therefore satisfied that this condition will be sufficient to address drainage matters.

7. PUBLIC SECTOR EQUALITY DUTY

- 7.01 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.

8. CONCLUSION

- 8.01 The proposed development is a Departure from the development plan due to the location of the development in the countryside. However, the 'fall back' of an extant permission has material weight. More relevant is the 'need' for care or nursing home bed spaces where it is noted that delivery within the Borough has fallen short and pipeline supply is limited. It is therefore concluded that the approval of this proposal would make a significant contribution to address the current shortfall of bedspaces in the short to medium term.
- 8.02 The design and appearance of the development is considered acceptable within the local context and would not have a harmful impact on the Landscape which is an LLV. The proposal is also considered to be acceptable from a transport and highways perspective. Adjacent to the site is an existing and established nursing/care home (Use Class C2) and it is not considered to unduly impact the wider highway network. Improvements to encourage the use of sustainable transport options are recommended to be secured by condition. The assessment of the proposal has not identified undue harmful impacts to residential amenity. Landscaping, trees and biodiversity and sustainability (low carbon) measures would also be secured by condition.
- 8.03 While the proposal is located within the countryside and would be contrary to the spatial hierarchy set out within LPR Policy LPRSS1 and countryside protection policy LPRSP9, the need for the development has been evidenced and accepted. The proposal is considered to otherwise accord with local and national planning policies and is therefore recommended for approval.

EIA Screening

EIA Development	No
Comments	Not of a sufficient scale to warrant an EIA.

9. RECOMMENDATION

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:

HEADS OF TERMS

- A minimum 20% biodiversity net gain units across the site, to align with a Biodiversity Net Gain Assessment 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 first occupation of the development.

CONDITIONS:

1) Time Limit

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) Approved Drawings and Documents

Drawing/Document Title	Drawing no.	Rev no.
Site Location Plan	L100	P3
Ex Proposed Block Plans	L101	P1
Car Park Layout	L102	P1
Extension - Lower Gr Floor Plan	L220	P2
Extension - Ground Floor Plan	L221	P1
Extension - First Gr Floor Plan	L222	P1
Extension - Second Floor Plan	L223	P1
Extension - Roof Plan	L224	P2
MV - North elevations (approved & Proposed)	L230	P3
MV - East elevations (approved & Proposed)	L231	P4
MV - West elevations (approved & Proposed)	L232	P4
MV - Southelevations (approved & Proposed)	L233	P3
MV - Section elev A-A (approved & Proposed)	L234	P4
MV - Section elev B-B (approved & Proposed)	L235	P4
MV - Section elev C-C (approved & Proposed)	L236	P4
MV - Section elev D-D (approved & Proposed)	L237	P4
MV - North & East context elevations	L238	P3
MV - South & West context elevations	L239	P3
Design and Access Statement	-	P2

3) Archaeological Watching Brief

Prior to commencement of development, the applicant, or their agents or successors in title, will secure the implementation of a watching brief to be undertaken by an archaeologist approved by the Local Planning Authority so that the excavation is observed and items of interest and finds are recorded. The watching brief shall be in accordance with a written programme and specification which has been submitted to and approved by the Local Planning Authority.

Reason: To ensure that features of archaeological interest are properly examined and recorded.

4) Arboricultural Method Statement

No development including site clearance and demolition shall take place until an Arboricultural Method Statement (AMS) in accordance with the current edition of BS 5837 has been submitted to and approved in writing by the local planning authority. The AMS should detail implementation of any aspect of the development that has the potential to result in the loss of, or damage to trees, including their roots and, for example, take account of site access, demolition and construction activities, foundations, service runs and level changes. It should also detail any tree works necessary to implement the approved scheme and include a tree protection plan.

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

5) Tree protection

The development hereby approved shall not commence until details of tree protection in accordance with the current edition of BS 5837 have been submitted to and approved in writing by the local planning authority. All trees to be retained must be protected by barriers and/or ground protection. No equipment, plant, machinery or materials shall be brought onto the site prior to the erection of approved barriers and/or ground protection except to carry out pre commencement operations approved in writing by the local planning authority. Nothing shall be stored or placed, nor fires lit, within any of the protected areas. No alterations shall be made to the siting of barriers and/or ground protection, nor ground levels changed, nor excavations made within these areas without the written consent of the local planning authority. These measures shall be maintained until all equipment, machinery and surplus materials have been removed from the site.

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

6) Materials

The development hereby approved shall not commence above slab level until, written details and samples of the materials to be used in the construction of the external surfaces of the building hereby permitted have been submitted to and approved in writing by the local planning authority and the development shall be constructed using the approved materials; red brick, yellow brick,

Reason: To ensure a satisfactory appearance to the development.

7) Landscaping Scheme

The development hereby approved shall not commence above slab level until a landscaping scheme has been submitted to and approved in writing by the Local Planning Authority. 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) details of the number, size, species, maturity, spacing and position of existing/proposed native trees and landscaping;
- c) a ten [10] year landscape management plan (Only non-plastic guards shall be used for the new trees and hedgerows);
- d) Retention of existing trees and the provision of new native trees within the landscape.

- e) Provision of a native species planting scheme which shall include woodland enhancements and ensure no net loss in biodiversity .

The details shall specifically include, but not be limited to, landscaping to the parking area, terraces and woodland planting.

Reason: In the interests of landscape, visual impact, and amenity of the area and 10 year period is to ensure appropriate screening and for species to establish within the Landscape of Local Value.

8) Detailed Design

Prior to the commencement of facade works, detailed drawings plan/section/elevation at 1:20 of the following shall be submitted to the Local Planning Authority for approval in writing:

- Typical window (reveal, header, sill);
- Brickwork features;
- Communal entrances;
- Typical Balcony/balustrade;
- Eaves, verges, roof parapets, and
- Rainwater goods.

The development shall only be implemented in accordance with the approved details.

Reason: To ensure a satisfactory standard of external appearance.

9) Hard Landscaping

The works shall not commence above slab/podium level until details of hard landscape works (where possible virtual samples) have been submitted for approval by the Local Planning Authority. The hard landscape works shall be carried out in accordance with the approved details before first occupation.

Reason: To ensure a satisfactory appearance to the development.

10) Ecology Enhancements

No development shall occur above slab level, until details of how the development will enhance biodiversity have been submitted to, and approved in writing by, the local planning authority. Details will include native species planting, as well as habitat boxes for bats and breeding birds. Boxes for breeding birds will be targeted at house martin and will need to be suitably sited to encourage use. Any boxes included for wildlife will be building integrated and/or woodcrete to ensure durability. The approved measures will be implemented and retained thereafter.

Reason: in order to support biodiversity.

11) Renewables

No development above slab level 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 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

12) Surface Water Drainage

Development shall not begin in until a detailed sustainable surface water drainage scheme for the site has been submitted to (and approved in writing by) the local planning authority. The detailed drainage scheme 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 30 and 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.
- that the surface water drainage system is in adherence with the drainage hierarchy.
- A minimum of 50% reduction in discharge rate for all rainfall events compared to existing rates.

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

Reason: To ensure the development is served by satisfactory arrangements for the disposal of surface water and to ensure that the development does not exacerbate the risk of on/off site flooding. 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.

13) Surface Water Drainage - Verification

The development hereby permitted shall not be occupied until a Verification Report, pertaining to the surface water drainage system and prepared by a suitably competent person, has been submitted to and approved by the Local Planning Authority. 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 pursuant to the requirements of paragraph 175 of the National Planning Policy Framework.

14) Lighting Details

No external lighting shall be installed until a detailed scheme of lighting has been submitted to, and approved in writing by the Local Planning Authority prior to the commencement of the development. This scheme shall take note of and refer to the Institute of Lighting Engineers Guidance Notes for the Reduction of Obtrusive Lighting, GN01, dated 2005 (and any 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. 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 neighbouring amenity.

15) Tree and hedge retention

All existing trees and hedges on, and immediately adjoining, the site, shall be retained, unless identified on the approved Tree Work Plan, [drawing ref. TWP-231120, dated 20 November 2023] as being removed, except if the Local Planning Authority gives prior written consent to any variation. All trees and hedges shall be protected from damage in accordance with the current edition of BS5837. Any trees or hedges removed, damaged or pruned such that their long term amenity value has been adversely affected shall be replaced as soon as is reasonably practicable and, in any case, by not later than the end of the first available planting season, with plants of such size and species and in such positions to mitigate the loss as agreed in writing with 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

16) BREEAM

The building(s) 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 shall be issued to the Local Planning Authority for approval in writing within 6 months of the first occupation of the building(s) to certify that at a Very Good BREEAM UK New Construction Version 6.1 rating has been achieved.

17) Retention of Nursing/Care Home Use

The Nursing/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.

18) Landscaping Implementation

All landscaping specified in the approved landscape details shall be carried out in the first planting season (1 October to end of February) following the first occupation/use of the building(s) 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. The reason for the longer 10 year period is to ensure appropriate screening and for species to establish within the Landscape of Local Value.

INFORMATIVES

- 1) Southern Water – sewage capacity
- 2) Highways Permissions
- 3) Environmental Code of Development Practice