

APPLICATION: MA/08/2125 Date: 18-Feb-2009 Received: 18-Feb-2009

APPLICANT: Whitepost Healthcare Group

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

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

AGENDA DATE: 30th April 2009

CASE OFFICER: Peter Hockney

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

- It is contrary to views expressed by the Parish Council

POLICIES

Maidstone Borough-Wide Local Plan 2000: ENV6, ENV28, ENV34, H26, T13, CF1
Kent and Medway Structure Plan 2006: SP1, EN1, EN5, EN8, SS8, EP7, TP19, NR5, NR10, NR11

Government Policy: PPS1, PPS3, PPS7

HISTORY

MA/08/0825 – Erection of a 4 storey extension consisting of 62 bedrooms, with car park adjacent – WITHDRAWN.

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

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

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

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

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

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

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

CONSULTATIONS

Staplehurst Parish Council wishes to see the application REFUSED for the following reasons:-

"Councillors considered the application in detail and recommended REFUSAL for the following reasons; the proposal, due to its height and mass, would overwhelm and detract from the existing building which is worthy of listed status, great concerns exist at the lack of adequate parking provision (which is two less than the earlier application) for visitors, staff and service vehicles, traffic conflicts would occur on the single track road giving access to the adjacent farm and proposed car park, the impact of the proposal on local Health Services does not appear to have been assessed, nor any external lighting or Section106 proposals that we are aware of."

No comments have been received as yet on the amended details.

The Environment Agency, following the submission of a revised Flood Risk Assessment raise no objections to the development and recommend conditions.

Southern Water raise no objections to the development although note that the current sewage system is inadequate to accommodate the increased flows and recommends a condition and an informative regarding foul sewerage disposal.

The Upper Medway Internal Drainage Board raise no objections to the application subject to the surface water drainage meeting the requirements of the Environment Agency.

West Kent PCT requests a financial contribution totalling £61,008 to provide additional care to meet the demand of the development.

Kent Highway Services have no objections in terms of highway matters and consider the level of car parking to be acceptable.

MBC Environmental Health Manager raises no objections to the application.

MBC Building Surveying have no comments to make on the application.

REPRESENTATIONS

One letter of objection has been submitted by a planning agent on behalf of three neighbouring properties on the following grounds:-

- The access road is not in the ownership of the applicant.
- The visual impact of the extension as a condition on the outline consent restricting the extension to two full storeys with additional accommodation in the roof space.
- The scale of the extension is not modest and dominated by car parking.
- Concern regarding the foul sewage disposal as the sewer crosses land outside the applicant's ownership.
- Concern regarding the surface water drainage and the risk of flooding.
- Insufficient car parking for the scale of the development.

CPRE Maidstone does not oppose the application but seeks conditions to ensure the materials are not particularly intrusive, the landscaping preserves the green areas, drainage in order to prevent flooding and to fund addition primary care requirements.

SITE LOCATION

The site comprises a substantial late 19th century property located to the east of the A229 and to the south of Staplehurst Village, the end of the access road is opposite the village boundary. Although the building may be considered to be of some historic interest (built by 1889) it is not a listed building. Access to the site is via a long access road from the A229 which also serves the adjacent complex of buildings comprising the former Convent of the Good Shepherd, which is now used as a rehabilitation centre. This is a private road leading up to the site and other sites and is not an adopted highway, however there is nothing to stop the public walking up the access road. The site lies within the open countryside and within a Special Landscape Area.

Iden Manor previously formed part of the Convent of the Good Shepherd but has been used for many years as a nursing home. A single storey extension with a three storey lift / stair element was permitted under MA/03/0927. This extension, together with internal alterations to the existing building provided two additional bedrooms.

There is an existing parking area to the front of the main building accessed from the shared access road.

The site and its surroundings are generally flat in nature although there are land level changes in small areas of the site including a lower area to the north east of the building (where the extension is to be built) with the remainder of the site flat or gently sloping. The area where the proposed extension would be erected is approximately 3 metres lower than the ground level of the main building.

There is a high level of mature landscaping including tall trees that surround the existing building and provides a soft setting for the building and the site in general. This includes a significant area of woodland to the north east of the building, which provides a backdrop for the buildings and screens it from views from the east and ensures that the building is not visible from the footpath KM307 located approximately 260 metres north east of the building. To the south east of the building are the main grounds of the nursing home which includes a main lawn area with mature trees and a belt of trees along the south east boundary of the site.

BACKGROUND

An outline application for an 82 bed extension (MA/04/0625) was refused on the grounds relating to the scale and mass of the extension which was considered to overwhelm the original building to the detriment of its character and setting. The proposal was also considered to constitute an intrusive development, which would be detrimental to the character and appearance of the countryside and the Special Landscape Area.

Following this refusal a further outline application (MA/06/0364) for a 62 bedroom extension with all matters reserved for future consideration was submitted and granted consent. This application was permitted in June 2006 and remains extant with reserved matters needing to be submitted prior to 8 June 2009 this is a material consideration to be taken into account in the determination of this application. A condition was imposed on this permission limiting the proposed extension to two full height storeys with additional accommodation contained within the roofspace.

The proposed extension would be located in the same place, on the north east elevation of the existing building, as the indicative permission for the 2006 outline approval. However, the indicative footprint of the outline consent and the use of two full storeys with rooms in the roofspace, as specified by the imposed condition, would

not result in adequate floorspace to accommodate the 62 bedrooms of the required size to meet the current standards.

This is the reason why this current full application has been submitted.

PROPOSED DEVELOPMENT

The application is a full application for the erection of an extension to the existing nursing home. The extension would be constructed over four floors with much of the third floor accommodation fully contained within the roof space. The extension would comprise an additional 62 bedrooms. Due to the lower land levels, the ground floor of the extension would be set lower than the ground floor of the main building, it would be approximately 9 metres to the eaves and 14.8 metres to the ridge. It would have a floor area of approximately 28.5 metres by 46.5 metres. The extension would include an internal landscaped courtyard area within the proposed extension to provide an area of sheltered amenity space for the residents and light to the bedrooms on the floors above.

The proposal currently before Members has been amended following negotiations between officers and the applicant in order to provide an improved and acceptable design. The main alterations include greater vertical emphasis, which would be a closer match for the main building through the elongation of the brick panels. There would be two of the vertical sections projecting out approximately 1.2 metres from the main wall on the south east elevation, which would result in a more layered context to the building creating a more visually interesting elevation. The elevations include an increased level of articulation and have been broken up more to reduce the mass of the building. The eaves level has been reduced by approximately 1.2 metres to reduce the perceived bulk of the extension. The eaves detail now includes a significant overhang and painted eaves boarding to match the detailing on the main building. Additional glazing has been introduced to the south east corner of the extension which lightens its appearance and results in a much less dense and heavy end to the building.

The base of the building at ground floor level would be rendered in a colour to match the existing stonework on the main building. The remainder of the walls would be brickwork broken up with metal cladding panels. The roof would be slate or reconstituted slate.

The development would also include the increase in the level of car parking by 18 spaces on the site, resulting in a total of 34 spaces, and additional landscaping on the site. There would be an alteration to the entrance area and the ambulance drop off area.

PRINCIPLE OF DEVELOPMENT

The site is located in the countryside where there is a general theme of restraint on development. Policy SS8 of the Kent and Medway Structure Plan (2006) outlines the exceptions when development would be permitted and unlike ENV28 of the Maidstone Borough-Wide Local Plan (2000) does not allow an exception for institutional uses. Nursing Homes therefore do not specifically fall within any of the general exceptions, however, one of the exceptions relates to business development in accordance with policy EP7(ii). Policy EP7 states that:-

No provision for business development will be made elsewhere in rural Kent except where:

- (i) it involves the re-use, adaptation or redevelopment of an existing building, as covered by SS8(ii); or**
- (ii) it is required for the expansion of an established business and/or for the processing, storage, distribution or promotion and research concerning produce from Kent agriculture, horticulture or forestry;**

and good access can be provided to the primary road network and bus or rail services.

The nursing home is an existing business and therefore its expansion is accepted under EP7(ii) also, the site is located off the A229, which is part of the primary road network and is a bus route.

Therefore, as the site is in use as an existing nursing home and policy EP7 of the Kent and Medway Structure Plan (2006) and guidance contained in PPS7 allow for the expansion of existing businesses in rural areas I consider that the principle of an extension to the existing nursing home to be acceptable. Policy H26 of the Maidstone Borough-Wide Local Plan (2000) also allows for the extension of existing nursing homes.

This view is confirmed by the fact that outline permission was granted for a 62 bedroom extension to the nursing home in 2006. This is an extant permission and a strong material consideration when assessing this application.

The main issue for consideration in this case is the impact of the proposed extension on the character and appearance of the countryside.

DESIGN AND VISUAL IMPACT

The site is located in a Special Landscape Area and therefore particular attention has to be given to the landscape characteristics of the site and the wider area. The building is not a listed building and therefore there is no policy requirement to preserve or

enhance the architectural integrity of the building and the protection of its setting. It is important to remember that there is an extant outline consent for a 62 bedroom extension to the existing building.

The building and proposed extension would be visible from the access road, however, it would not be dominant or incongruous in the landscape. A significant level of landscaping is proposed to the front of the site including tree planting in order to further screen the extension and parking area and to soften its impact on the landscape. The building is approximately 395 metres from the A229 (as the crow flies) and there would be no views of the development from here. There are no public footpaths in the immediate vicinity where views of the extension would be possible. The closest footpath (KM307) would be approximately 250 metres with Iden Manor Farm between it and the application site and separated by an area of existing woodland. The site is well screened by the adjacent woodland area and other mature trees and is not visible from wider views in the landscape.

Although the proposed development is a large extension, it would add an additional 3274 square metres of floorspace, in terms of its relationship with the main building it would not be a dominant feature. The existing building is substantial containing approximately 3000 square metres of accommodation and quite sprawling in nature and is capable of accommodating such a sizeable extension without detriment to its character. Care has been taken in the design to ensure that the extension would not be higher than the main ridge of the highest part of the building and to line the eaves levels through the building. This restriction combined with the gaps between the sections of the building, its staggered nature and the modern design of the extension would ensure that the extension would not appear as a dominant feature when viewed together with the existing building from the access road and from within the site. The amendments that have been made to the design of the proposed extension have resulted in an improved development that would complement the main building.

The proposed ground floor aspect of the extension would make use of the different land levels and be cut approximately 3 metres into the ground. This would mean that the level of the first floor of the extension would match the ground floor level of the main building when viewed from the south east. In fact any views of the extension from the south east would mean that the ground floor would be screened by the bank to the garden area.

The bands of metal cladding and render (of a colour to match the stonework of the main building) and the positioning of the proposed windows would pick up on the horizontal aspects of the main building and continue this theme into the extension. The gabled features at third floor level with the eaves overhang would replicate those gables with steeply pitched roofs contained within the main building.

The proposed parking area to the front of the building would provide 18 additional spaces required as a result of the extension. It is usual to attempt to reduce the level

of car parking to the front of sites for design reasons, however, in this case if the parking area was located adjacent to the proposed extension, it would result in the loss of a number of existing mature trees. Another option was explored to place the parking on the opposite side of the access track from the building. However, this would extend the built development into a previously undeveloped area and would not protect the characteristics of the Special Landscape Area. The proposed parking area would be heavily landscaped and this would screen it from any views from the access road thereby preventing a harsh appearance to the front of the building.

As stated previously the extension is large (creating 3274 square metres of floorspace), however, the existing building is a large building and consent has been granted in principle for a 62 bedroom extension. Furthermore the existing screening by mature landscaping that would be retained as part of the proposal would prevent any demonstrable harm being caused to the character and appearance of the surrounding area.

I consider that the extension would be acceptable in terms of its design with the amendments and would not be of an excessive scale, particularly as permission has been given for the principle of a 62 bedroom extension.

IMPACT ON RESIDENTIAL AMENITY

There are no residential properties in a position to be affected by the proposed development in terms of loss of light, overshadowing, loss of privacy or an overwhelming impact. The nearest occupied property is over 100 metres from the proposed extension at Iden Manor Farm to the north east of the extension beyond the area of woodland.

HIGHWAY SAFETY AND PARKING CONSIDERATIONS

The access road from Cranbrook Road is outside of the applicant's ownership and there are no proposals to alter the access point where the access road meets Cranbrook Road. The junction of the access road and Cranbrook Road currently accommodates traffic to and from the application site, Iden Manor Farm and Winthrop Hall. The increase in traffic as a result of this application, in terms of additional visits or greater numbers of deliveries, would not result in a highway safety danger. The Highways Engineer does not consider that the application warrants a refusal on highway grounds.

The proposed parking arrangements for the development would create an additional 18 spaces including 2 disabled spaces. This level of provision would meet the parking standards and be acceptable for the additional demand created by the proposed extension. This is based on the additional information provided by the applicant, which identifies the shift patterns of the staff. Kent Highways are satisfied with the provision in relation to the staff numbers and the shift patterns. I consider that the level of car

parking is acceptable and that a reason for refusal on this ground would not be justified.

OTHER CONSIDERATIONS

The proposed extension would be located on an area of existing regularly mown grass and an area of hardstanding. This is an unsuitable habitat for wildlife, including reptiles, amphibians, breeding birds and bats. An ecological survey has been submitted, which confirms this view. Within the survey there are mitigation measures proposed to ensure that the area remains an unsuitable habitat and to prevent the migration of Great Crested Newts into the site during construction.

The increase in the number of residents of the nursing home would result in increased requirement for healthcare from the West Kent Primary Care Trust and a Visiting Medical Officer and general medical care. As a result of this requirement the PCT have requested a contribution of £61,008 to cope with the additional demand from this development. This is a reasonable request with a sound basis and I consider it appropriate to attach a condition requiring payment for additional healthcare costs. This is the same approach that was taken on the previously approved outline application MA/06/0364.

An issue is raised in the letter of objection that the applicant does not own the access road and the application site does not include this. The applicant does not own the access road and I do not consider it necessary to include this road in the application site.

Concern is raised by the objector about the suitability of surface water and foul drainage. Consultations have been carried out with the Environment Agency, the Upper Medway Drainage Authority and Southern Water. No objections were received from these organisations in terms of surface water drainage or foul sewage drainage and conditions are recommended to be imposed to ensure these details are examined fully.

CONCLUSION

The principle of a 62 bedroom extension has been established following the granting of outline consent in 2006.

The proposed extension would be a modern addition to the main building but would not result in a dominating feature or result in harm to the character and appearance of the Special Landscape Area.

There would be no adverse impact on the residential amenity of any nearby occupiers and the proposed level of car parking would be adequate for the increased level of demand.

The disposal of both foul and surface water has been considered and no objections raised from the Environment Agency or Southern Water and conditions are recommended to provide additional details.

The increased requirement for healthcare provision is proposed to be dealt with via an appropriate legal agreement secured by a condition.

Overall I consider the application is acceptable.

RECOMMENDATION

GRANT PLANNING PERMISSION subject to the following conditions:

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

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

2. The development shall not commencement until, written details and samples of the materials to be used in the construction of the external surfaces of the buildings hereby permitted have been submitted to and approved in writing by the Local Planning Authority and the development shall be constructed using the approved materials;

Reason: To ensure a satisfactory appearance to the development in accordance with Policy QL1 of the Kent and Medway Structure Plan 2006.

3. The development shall not commencement until, large scale elevational details showing the recesses and projections of the extension hereby permitted have been submitted to and approved in writing by the Local Planning Authority and the development shall be constructed using the approved materials;

Reason: To ensure a satisfactory appearance to the development in accordance with Policy QL1 of the Kent and Medway Structure Plan 2006.

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

programme for the approved scheme's implementation and long term management. The scheme shall be designed using the principles established in the Council's adopted Landscape Character Assessment and Landscape Guidelines;

Reason: No such details have been submitted and to ensure a satisfactory appearance to the development in accordance with policies ENV6, ENV28 and ENV34 of the Maidstone Borough-Wide Local Plan (2000) and EN1, EN5, SS8 and QL1 of the Kent & Medway Structure Plan 2006.

5. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the building(s) or the completion of the development, whichever is the sooner; and any trees or plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation;

Reason: To ensure a satisfactory setting and external appearance to the development in accordance with policies ENV6, ENV28 and ENV34 of the Maidstone Borough-Wide Local Plan (2000) and EN1, EN5, SS8 and QL1 of the Kent & Medway Structure Plan 2006.

6. All trees to be retained must be protected by suitable fencing to a height not less than 1.2 metres at a distance as specified in Table 1 or Figure 2 of BS 5837 (1991) 'Trees in Relation to Construction' before any equipment, machinery or materials are brought onto the site and shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed, nor fires lit, within any of the areas fenced in accordance with this condition and the ground levels within those areas shall not be altered, nor shall any excavation be made, without the written consent of the Local Planning Authority;

Reason: To safeguard existing trees to be retained and to ensure a satisfactory setting and external appearance to the development in accordance with policies ENV28 and ENV34 of the Maidstone Borough-Wide Local Plan (2000) and EN1, EN5 and SS8 of the Kent and Medway Structure Plan (2006).

7. The development shall not commencement until details of surface water drainage have been submitted to and approved in writing by the Local Planning Authority and the development shall be carried out in accordance with the approved details;

Reason: To prevent the increased risk of flooding in accordance with policies NR10 and NR11 of the Kent and Medway Structure Plan (2006).

8. The development shall not commencement until details of foul sewerage disposal have been submitted to and approved in writing by the Local Planning Authority and the development shall be carried out in accordance with the approved details;

Reason: To ensure adequate foul sewerage disposal is provided in accordance with policy NR5 of the Kent and Medway Structure Plan (2006).

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

Reason: To protect wildlife in the surrounding area in accordance with policy EN8 of the Kent and Medway Structure Plan (2006).

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

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

Reason: To ensure the maintenance of the character and appearance of the area in accordance with policies ENV28 and ENV34 of the Maidstone Borough-Wide Local Plan (2000) and EN1, EN5, SS8 and QL1 of the Kent and Medway Structure Plan (2006).

11. No development permitted by this planning permission shall commence until an arrangement, through an appropriate legal mechanism has been made and lodged with local planning authority and the local planning authority has subsequently approved the details of the legal mechanism. The said legal mechanism will secure the payment of a financial contribution towards the

provision of primary health care facilities to meet the needs arising from the development, in accordance with a detailed scheme to be agreed in writing with the local planning authority. Such a scheme shall include provision for its implementation prior to the occupation of the development hereby permitted.

Reason: To ensure that the provisions of policy CF1 of the Maidstone Borough-Wide Local Plan 2000 are complied with.

12. The development shall not commence until details of the proposed surface material for the car parking area have been submitted to and approved in writing by the Local Planning Authority and the development shall be carried out in accordance with the approved details.

Reason: In order to ensure a satisfactory appearance to the development in accordance with policies ENV28 and H26 of the Maidstone Borough-Wide Local Plan (2000).

Informatives set out below

Attention is drawn to Sections 60 and 61 of the Control of Pollution Act 1974 and to the Associated British Standard Code of practice BS5228:1997 for noise control on construction sites. Statutory requirements are laid down for control of noise during works of construction and demolition and you are advised to contact the Environmental Health Manager regarding noise control requirements.

Clearance and subsequent burning of existing woodland or rubbish must be carried out without nuisance from smoke, etc. to nearby residential properties. Advice on minimising any potential nuisance is available from the Environmental Health Manager.

Plant and machinery used for demolition and construction shall only be operated within the application site between 0800 hours and 1900 hours on Mondays to Fridays and between 0800 hours and 1300 hours on Saturdays and at no time on Sunday and Bank Holidays.

No vehicles may arrive, depart, be loaded or unloaded within the general site except between the hours of 0800 and 1900 Mondays to Fridays and 0800 and 1300 hours on Saturdays and at no time on Sundays or Bank Holidays.

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

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

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

The proposed development, subject to the conditions stated, is considered to comply with the policies of the Development Plan (Maidstone Borough-Wide Local Plan 2000 and Kent and Medway Structure Plan 2006) and there are no overriding material considerations to indicate a refusal of planning consent.

MA/08/2125

**Iden Manor Nursing Home,
Cranbrook Road, Staplehurst**

Representations

Staplehurst Parish Council have commented on the amended details stating that the amended plans do not alter the Parish Council's earlier responses.

A further letter of objection has been received from a planning agent on behalf of neighbouring landowners. This raises the following points:-

- That the application involves works outside the applicant's ownership and no Ownership Certificate B has been served.
- That the development is too large and in the context of the main building should not be seen as an extension but a new nursing home.
- Inadequate car parking for the development leading to parking on the access road and difficulty for access to Iden Manor Farm.

Officer Comment

The issue of ownership has previously been explored with the agents for the applicant and it has been confirmed that the development will take place wholly on land within the applicant's control, furthermore an Ownership Certificate A was submitted with the application confirming this. Following the receipt of the latest objection on this issue further enquiries were made of the agent, who has again confirmed that the development would be carried out on land within the applicant's ownership.

The size of the extension and its impact have been dealt with in the main report. The fact is that the development is an extension to an existing nursing home and not the erection of a new nursing home.

The proposed levels of car parking includes the creation of 18 spaces, this combined with the existing car park to the front of the building would result in a total of 34 spaces. This is an appropriate level of car parking for the proposed development. There would be no resultant highway safety issue that could justify a reason for refusal.

Recommendation

Following advice from the Head of Legal Services and discussions with the agent (who states they should be able to submit a Unilateral undertaking with 1 week) with regard to the payment of a financial contribution to the Primary Care Trust I propose the deletion of condition 11 and the alteration to the recommendation to read as follows:-

SUBJECT TO:-

The prior completion of a legal agreement, in such terms as the Head of Legal Services may advise, to secure the payment of an appropriate contribution towards the provision of primary health care services.

I BE DELEGATED POWER TO GRANT PLANNING PERMISSION SUBJECT TO THE CONDITIONS ATTACHED TO THE MAIN REPORT (with the below amendments included)

It has come to my attention that many of the condition state 'The development shall not commencement until,' These should read 'The development shall not commence until' and I therefore propose to correct these.

In addition the condition 4 refers to an out of date document and should read:-

All trees to be retained must be protected by suitable fencing as specified in BS 5837 (2005) 'Trees in Relation to Construction – Recommendations' before any equipment, machinery or materials are brought onto the site and shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed, nor fires lit, within any of the areas fenced in accordance with this condition and the ground levels within those areas shall not be altered, nor shall any excavation be made, without the written consent of the Local Planning Authority;

Reason: To safeguard existing trees to be retained and to ensure a satisfactory setting and external appearance to the development in accordance with policies ENV28 and ENV34 of the Maidstone Borough-Wide Local Plan (2000) and EN1, EN5 and SS8 of the Kent and Medway Structure Plan (2006).