

# **APPENDIX ONE**

**Item no. 14**

**Page no. 46**

**Address**

**Reference no. MA/12/2046**

**Ledian Farm Upper Street LEEDS**

**Officer comment**

I wish to apologise to Members and to correct an error in the ground of refusal as set out on page 89.

**Amendment to recommendation**

Amend ground of refusal to read.

The proposed development would result in a significant encroachment into countryside beyond the defined settlement boundary of Leeds village. The resultant development would substantially reduce the openness of the area causing harm to the overall character and appearance of the countryside and the conservation area. To permit the development, in the absence of any overriding need for the development to be located on the site adjacent to a settlement which is not a rural service centre or where the likely benefits of the development are not of overriding weight, would be contrary to the provisions of policy ENV28 of the Maidstone Borough-wide Local Plan 2000 and the advice in the NPPF 2012.

**GRID REF: TQ8152**

This is a detailed black and white map of a residential area in Kent. The map shows a large, irregularly shaped plot outlined in a thick black line, which is the subject of the planning application. This plot is situated between a 'Track' to the north and a 'Path (unp)' to the south. To the east of the outlined plot is a 'Tank' and a 'Path (unp)'. Further east, the map shows a cluster of buildings including 'The Old Post Office', 'El Sub Sta', 'Lillian Farm', 'Lillian', 'Yew Tree Cott', 'Rosebank', 'Ingemore', 'Yew Tree House', 'Cherrybank', 'Kings Lodge', 'Kings Cottages', 'The Ten Bells (PH)', 'Churchill Cottages', 'Kent House', 'Highwood House', 'The Breridays', 'Rosenmount House', 'Haldene', 'Kilam', 'Ringers', 'MILNERS', and 'Burgess Hall Drive'. To the north of the outlined plot are 'Tower House' and 'Tower Cottage'. To the east, along 'UPPER STREET' and 'B 2163', are 'Little Holmstead', 'The Nook', 'The Forge Cottage', 'Lark Fences', 'New House', 'Gambia Cottages', 'Tower Cottage', 'Fox Cottage', 'Brick Cottage', 'Post Box House', 'LB', 'Flint Cottages', 'Yew Tree Cott', 'Playground', 'Mistead Cottage', 'The Ab', 'The Old Post Office', 'El Sub Sta', 'Lillian Farm', 'Lillian', 'Yew Tree Cott', 'Rosebank', 'Ingemore', 'Yew Tree House', 'Cherrybank', 'Kings Lodge', 'Kings Cottages', 'The Ten Bells (PH)', 'Churchill Cottages', 'Kent House', 'Highwood House', 'The Breridays', 'Rosenmount House', 'Haldene', 'Kilam', 'Ringers', 'MILNERS', and 'Burgess Hall Drive'. A scale bar in the top right corner indicates a distance of 90.0m.



**Rob Jarman**  
**Head of Planning and Development**

APPLICATION: MA/12/2046 Date: 12 November 2012 Received: 23 November 2012

APPLICANT: English Care Villages & Gallagher Props.

LOCATION: LEDIAN FARM, UPPER STREET, LEEDS, MAIDSTONE, KENT, ME17 1RZ

PARISH: Leeds

PROPOSAL: Hybrid planning application for the redevelopment of Ledian Farm to provide a Continuing Care Retirement Community scheme (C2 Use Class).

Detailed planning application for the demolition of existing buildings and erection of 16 Assisted Living Units, conversion of Ledian Oast to form 2 Assisted Living Units, erection of Village Centre building comprising 36 Care Bedrooms, 25 Close Care Units, 16 Assisted Living Units, Wellness centre, ancillary shop (open to the public), restaurant, cafe, bar, library, craft room, laundry, kitchen and administration areas, with alteration to existing access and creation of new pedestrian and vehicular accesses to Upper Street, access roads, parking and landscaping.

Outline application with access to be determined and all other matters reserved for future consideration for the erection of 38 Assisted Living Units.

as shown on drawing nos. 2222.011, 2222/100E, 101D, 102C, 103, 110, 111, 112, 120B, 121, 122, 123A, 124A, 125A, 200B, 201B, 07-69-01, 02, 03A, 1253/L/6revE 1253/L88, booklet of typical unit types and sustainability statement, design and access statement, transport statement, landscape and visual impact assessment, planning statement, flood risk assessment, sustainable travel statement, contamination report, ecology report, tree survey report and arboricultural method statement received 12/11/2012, drawing no 1253/L/7revD received 22/11/2012, suggested heads of terms received 31/01/2013, drainage strategy report and preliminary risk assessment received 19/02/2013, Ready for Ageing? report received 18/03/2013 and additional information on need received on 27/03/2013 and 21/05/2013, 23/08/2013 and 12/09/2013.

AGENDA DATE: 21st November 2013

CASE OFFICER: Steve Clarke

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

- The recommendation is contrary to the views of Leeds Parish Council.
- The proposals represent a departure from the Development Plan and have been advertised as such

**1. POLICIES**

- Maidstone Borough-Wide Local Plan 2000: ENV6, ENV28, H26, H27, T13, CF1
- Government Policy: NPPF 2012

**2. HISTORY**

2.1 The front part of the site closest to the B2163 Upper Street, has a number of businesses currently operating in approximately 22 units created from the former agricultural buildings on the site. The uses include a number of car repair, metal working storage and office uses. The existing uses are not subject to hours of use or days of use restrictions. The most relevant planning history is set out below.

- MA/13/0723: An application for a new planning permission to replace extant outline planning permission MA/09/1514 (Outline application for the erection of 64 bed residential care home with 7 close care bungalows, day centre with 6 close care apartments, conversion of Ledian Oast to provide two dwellings and erection of 12 dwellings with access and garaging. With access considered across the site at this stage and appearance, layout and scale to be considered in respect of the 12 dwellings and oast conversion. Landscaping reserved for future consideration across the site) in order to extend the time limit for implementation: Delegated Powers to Approve subject to the prior completion of a s106 agreement or Unilateral Undertaking: Agreement not yet completed.
- MA/12/2047: Application for listed building consent for partial demolition of existing ragstone boundary wall to Upper Street to provide pedestrian access and re-building and repair where required: APPROVED 09/01/2013
- MA/12/2040: An application for conservation area consent for partial demolition of existing boundary wall to Upper Street to create pedestrian and vehicular

access to new Continuing Care Retirement Community development: APPROVED 28/12/2012

- MA/12/1788: Request for a screening opinion as to whether the proposed Continuing Care Retirement Community (consisting of a village core with 36 care bedrooms, 25 close-care units, 16 linked assisted living units, administration, welfare and communal areas, village square comprising shop, cafe, laundry, hairdressers, and Wellness centre, 56 Assisted living units including conversion of existing oast, access, parking and landscaping) at Ledian Farm Upper Street Leeds is development requiring an Environmental Impact Assessment: ENVIRONMENTAL STATEMENT NOT REQUIRED 25/10/2012
- MA/09/1514: Outline application for the erection of 64 bed residential care home with 7 close care bungalows, day centre with 6 close care apartments, conversion of Ledian Oast to provide two dwellings and erection of 12 dwellings with access and garaging. With access considered across the site at this stage and appearance, layout and scale to be considered in respect of the 12 dwellings and oast conversion. Landscaping reserved for future consideration across the site: APPROVED 20/05/2010
- MA/08/1523: Decommissioning and complete removal of existing base station and relocation to open land to the west, of a 15 metre lattice tower including head frame with 3 sector antenna, equipment housing and ancillary works: APPROVED 19/09/2008
- MA/04/1591: External alterations to existing building, comprising of installation of 4 no. roller shutter doors, 4 no. access doors and other alterations: APPROVED 03/02/2005
- MA/95/1639: Prior notification of telecommunications development for the erection of a 15 metre high tower together with associated equipment cabin 2 microwave dishes and aerial: APPROVED 06/12/1985
- MA/85/0609: Continuation of use of buildings for vehicle repairing, light industrial and ancillary purposes: APPROVED 26/02/1986
- MA/85/0606: (Units 8a, 8b & 8c) Replacement of building with temporary single garage for storage and two single storey workshops, extension of garden to Ledian Farmhouse: APPROVED 05/03/1986
- MK/2/72/0535: Erection of 13 new houses and garages and conversion of existing building into 5 flats: WITHDRAWN 25/12/1972

### **3. CONSULTATIONS**

#### **3.1 Leeds Parish Council:** Do not object and comment as follows:

'The Parish Council has considered the above planning application and does not wish to raise any objections to the proposals. However we would like consideration to be given to a Section 106 agreement being placed on the application for the enhancement and improvement of the playing facilities at Leeds Playing Field. There is a need for the children's play area, tennis courts and car park to be refurbished.

We would therefore ask that consideration is given to our request and that if necessary this application is reported to the Planning Committee to enable the Parish Council's views to be taken into account.'

#### **3.2 Environment Agency:** Originally objected to the proposals on the following grounds:

**1:** There is insufficient information to demonstrate that the risk of pollution to controlled waters is acceptable.

**2:** The submitted FRA has not included sufficient detail to support the proposals at this stage.

#### **Reasons for objections**

##### **1: Risk to controlled waters**

There are two strands to this objection. These are that:

1. We consider the level of risk posed by this proposal to be unacceptable.
2. The application fails to give adequate assurance that the risks of pollution are understood and that measures for dealing with them have been devised. The risk therefore remains unacceptable.

The site lies on the Hythe Formation. The formation is classed as a Principal Aquifer in terms of the large amounts of water it can yield for supply and our national position for the protection of groundwater. The aquifer may be vulnerable to pollution from any contaminants present at the site. Insufficient information has been submitted with the planning application.

The planning application contains a report called Due Diligent Commercial Environmental Report, dated January 2007, which indicates that site uses may have included vehicle repair and bodywork business. The report also recommends a phase 1 Environmental Risk Assessment should be undertaken. A phase 1 report has not been submitted with this application.

National Planning Policy Framework paragraph 109 states that the planning

system should contribute to and enhance the natural and local environment by preventing both new and existing development from contributing to or being put at unacceptable risk from, or being adversely affected by unacceptable levels water pollution. Paragraph 120 states that local policies and decisions should ensure that new development is appropriate for its location, having regard to the effects of pollution on health or the natural environment, taking account of the potential sensitivity of the area or proposed development to adverse effects from pollution. Government policy also states that planning policies and decisions should also ensure that adequate site investigation information, prepared by a competent person, is presented (NPPF, paragraph 121).

## **2: Flood Risk**

The site is situated within Flood Zone (FZ) 1, an area associated with a low probability of flooding. For development proposals on sites comprising one hectare or above, the vulnerability to flooding from other sources as well as from river and sea flooding, and the potential to increase flood risk elsewhere through the addition of hard surfaces and the effect of the new development on surface water run-off, should be incorporated in a Flood Risk Assessment (FRA). The submitted FRA has appraised these risks but has not included sufficient detail to support the proposals at this stage. Although we have no objections to the principal of the development, we are obliged to object due to the lack of supporting detail.

### ***Overcoming objections***

#### ***1. Risk to controlled waters***

The applicant should provide information to satisfactorily demonstrate to the local planning authority that the risk to controlled waters has been fully understood and can be addressed through appropriate measures. This should include a land contamination assessment covering risks to controlled waters.

As this part of the Government planning guidance suggests, the submitted document does not meet the minimum requirement for information to be submitted with a planning application for this site. What is required is a suitable document as described above, namely a report of a desk study and site reconnaissance (walk-over) which uses this information to develop a site conceptual model. Such information is routinely put together by environmental consultants in documents variously referred to as "desk studies", "preliminary risk assessments", "phase 1 reports" or similar.

The minimum requirement that should be provided by an applicant is the report of a desk study and site reconnaissance (walk-over). This will, in some cases, be sufficient to develop a conceptual model of the source of contamination and pathways by which it might reach vulnerable receptors as well as the means by which the identified pollutant linkages can be broken. While they may provide a

useful indication of the possible presence of contamination, the commercial searches provided on the internet will not be sufficient to establish the presence or absence of contamination.

All investigations of land potentially affected by contamination should be carried out by or under the direction of a suitably qualified competent person and in accordance with BS10175 (2001) *Code of Practice for the Investigation of Potentially Contaminated Sites*. The competent person would normally be expected to be a chartered member of an appropriate professional body (such as the Institution of Civil Engineers, Geological Society of London, Royal Institution of Chartered Surveyors, Institution of Environmental Management) and also have relevant experience of investigating contaminated sites.

Advice on the assessment and development of land affected by contamination is contained in guidance published by the British Urban Regeneration Association (BURA), the National House Building Council (NHBC) and the Environment Agency. The BURA Guide includes checklists for the desk study, site investigation and remediation.

## **2: Flood Risk**

The Masterplan included with the Flood Risk Assessment includes an attenuation pond at the North West corner of the site, however no other drainage features are included. The surface water system should be designed as early on in the scheme as possible, particularly for this type of development which will need to incorporate source, site and regional control. It is prudent to have an outline design which factors in the size and location of the proposed drainage features which will be included as this will have a major influence on the design and layout of the development. The FRA appraises potential problems with the location of soakaways for example due to the local ground instability, and suggests that any soakaways are located a minimum of 10m from any foundations/structures. Also the space requirements of swales and filter strips also need to be taken into account. Paragraph 5.3.3 states that the proposals will be verified by site investigation to confirm the detailed design prior to the commencement of construction but we are unable to agree to the proposals until an outline proposal has been realised. This will require some estimation of storage requirements and further site investigation. On receipt of satisfactory detail, we can recommend a condition of planning for which a full network analysis and drainage strategy will be required to discharge that condition.

The submitted FRA references several Sustainable urban Drainage System (SuDS) measures which may be incorporated into the development including soakaways, permeable paving, filter strips, swales, and ponds. We welcome these measures to deliver benefits to the development and local community through the provision of amenity and the enhancement of biodiversity.

We would also encourage the developer to install grey water recycling facilities and methods for rainfall collection for domestic purposes. Although the benefits of such systems are small regarding reduced storm water storage and discharge from the developments, there is the additional benefit of reduced consumption of domestic potable water. Depending on the design of the development, green roofs may also be feasible, and are increasingly being used by architects to add a different dimension to house design.'

3.2.1 Subsequent to the receipt and consideration of the comments set out above, the applicants submitted a Drainage Strategy Report and a Preliminary Risk Assessment (in respect of contamination) seeking to address the concerns that had been raised by the Environment Agency.

3.2.2 This result in the following additional comments being made in respect of flood risk:

'We can **remove our flood risk objection** based on details supplied in the Outline Drainage Strategy Report prepared by PBA, ref: 3444 and dated February 2013. However, we would recommend that the report is used to inform final detailed design of the means of surface water disposal, which should be covered by the following condition of planning:

Condition: Prior to completion of the development, a sustainable surface water drainage scheme for the site should be submitted to and approved in writing by the local planning authority. The drainage strategy should demonstrate the surface water run-off generated up to and including the 100yr critical storm will not exceed the run-off from the undeveloped site following the corresponding rainfall event, and so not increase the risk of flooding both on- or off-site. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed.

Reason: To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site.'

3.2.3 Subsequently further comments in relation to the Preliminary Risk Assessment were made as follows:-

'I can now confirm that the preliminary site report or phase 1 investigation has been carried out in line with relevant guidance. The recommendations for further investigations at the site to determine any required appropriate remediation works should be carried out and relevant proposals agreed with the LPA before any site clean-up works are commenced.

### **Surface water drainage**

Only clean uncontaminated water should drain to the surface water system. Roof drainage shall drain directly to the surface water system (entering after the pollution prevention measures). Appropriate pollution control methods (such as trapped gullies and interceptors) should be used for drainage from access roads and car parking areas to prevent hydrocarbons from entering the surface water system.

There should be no discharge into land impacted by contamination or land previously identified as being contaminated. There should be no discharge to made ground. There must be no direct discharge to groundwater.

The site is located in the Hythe formation. The use of soakaways in the Hythe Beds can promote instability of the geology via washout of the sandier horizons, leading to the opening and enlargement of fissures within the Hythe Beds, and subsequent collapse. The use of soakaways the Hythe Formation should be carefully designed to reduce the risk of washout of the sandier horizons.'

### **3.3 Natural England:** Do not raise objections:-

They have considered their standing advice in relation to bats in their comments and conclude that the proposals are licensable. They state that permission may be granted subject to a appropriate conditions including a detailed mitigation and monitoring strategy.

### **3.4 English Heritage:** Were consulted as the site area affecting the Upper street Leeds Conservation Area is greater than 1000m<sup>2</sup>. They have commented as follows:-

'We do not wish to comment in detail, but offer the following general observations.

#### **English Heritage Advice**

Leeds Upper Street Conservation Area is characterised by its linear pattern of development hugging the line of Upper Street. There are several pockets of modern housing centred around Farmer Close and Burgess Hall Drive that extend away from Upper Street, but these developments are compact in form and the conservation area still derives significance from the manner in which its morphology illustrates the settlement's historic dependence on the road. The overriding sense of the place is consequently a linear historic settlement bounded by agricultural land.

Ledian Farm on the west side of Upper Street includes remnants of a historic farmstead, but now consists mainly of modern agricultural sheds. It currently extends westwards into the countryside no further than the adjacent Burgess Hill

Drive housing and a previous application for a residential care home fell within the existing developed site (ME/09/1514).

The detailed element of the current application for a retirement care home remains within the existing farm site and English Heritage does not wish to comment on this aspect of the current proposals. However, this application also includes a proposal in outline for further development in a field to the west which we consider requires careful consideration in relation to its effects on the conservation area. The NPPF requires that when considering the impact of a proposed development on the significance of a designated heritage asset (such as a conservation area), great weight should be given to the asset's conservation.

Although this site is just outside the conservation area, we recommend that in determining this application your Council should take account of its likely impact on the significance that the conservation area derives from its characteristic linear form.

#### Recommendation

We would urge you to address the above issues, and recommend that the application should be determined in accordance with national and local policy guidance, and on the basis of your specialist conservation advice.'

### 3.5 **KCC Social Services**

Have confirmed that the Families and Social Care section are developing an accommodation strategy which will detail the need for extra care and care homes down to district level but that this will not be available until later this year (2013). They confirm that they have provided a letter of support for this scheme but state that the scheme is more likely to attract individuals with their own funds rather than requiring support from KCC and this makes it difficult to confirm need. They also state that it is felt that a scheme would benefit that area of the district and the demographics do show an increase in older people and those with dementia.

- 3.5.1 Further comments on the applicant's latest information are awaited and will be reported to Members at the meeting.

### 3.6 **Kent Highway Services:** Raise no objections and comment as follows:-

'The application proposes the provision of 133 retirement and care units with associated facilities. 47 full time staff and 56 part time staff are to be employed.

The existing site access onto the B2163 Upper Street has substandard visibility splays and this is to be replaced with a new access, approximately 30m to the

south of the existing access where improved vision splays can be achieved; this is to take the form of a simple priority junction.

Tracking diagrams have been presented which indicate that the access arrangements and turning areas are adequate for refuse collection, service vehicles and emergency services. 105 parking spaces are proposed and this level of provision has been calculated using parking demand patterns at similar sites with comparison also made to SPG4. The level of parking is considered to be acceptable.

Traffic generation has been estimated based on data obtained from existing care communities and then checked and compared against TRICs data. The site is likely to generate 17 vehicle trips during the AM peak with 20 during the PM peak and 289 daily (two way trips). This has been compared to the level of traffic generated by the previously permitted outline application (MA/09/1514) and there is little difference in the level of traffic movements. It is considered that this level of traffic generation can be accommodated on the existing highway.

The crash history of the surrounding highway has been analysed and no road safety issues have been found.

A Sustainable Travel Statement has been prepared which includes measures to encourage alternative modes of transport to the private car and includes a Village Transport Service providing a mini bus service to local facilities and also a residents car club in order that residents can use a hired vehicle when required. The existing bus service through Leeds is the number 13 bus which travels between Hollingbourne and Maidstone. There are services available on weekdays and some on Saturdays but the provision of the mini bus service for residents would assist in enabling residents to travel by public transport. I would recommend that the bus stop on west side of Upper Street to the south of the site be improved by the provision of bus boarders to aid accessibility for the residents of this development.

Links are provided between the development site and the public footpath to the south of the site and this is to be improved; please note however that the use of resin bonded gravel is no longer recommended by KCC Highways due to the aggressive nature of the material and the injuries sustained in a fall, instead asphalt concrete is recommended.

Additionally I would recommend that an emergency access be provided, perhaps between the site and Burgess Hall Drive. If it is not possible to provide an emergency access I would recommend that consultation be made with the

emergency services to ensure that they are satisfied with this layout in the event of an emergency occurring.

Traffic calming should be provided along the main access road into the site to prevent speeding I would suggest the use of chicanes.'

- 3.6.1 Kent Highway Services have now confirmed that there will be no requirement for an emergency access to be provided following further discussions with the applicant. They have also welcomed the applicant's agreement to provide a 'bus-boarder at the bus stop just to the south of the site access. This can be secured through the s278 agreement that will be necessary in relation to the provision of the new access and works within the highway.

- 3.7 **KCC Heritage Conservation:** Raise no objection and comment as follows:-

'The site of the application lies within an area of archaeological potential associated with prehistoric and Roman potential. The site is also within the historic village of Leeds which has medieval origins. Ledian Farm is noted as a post medieval or earlier farm complex and although it seems none of the historic buildings survive anymore, structural remains may survive below ground.

In view of this heritage interest I recommend the following condition is placed on any forthcoming consent:

AR1 No development shall take place until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written specification and timetable 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.'

- 3.8 **KCC Biodiversity:** Commented originally as follows:

'The *Ecological Scoping Survey* report (2012) has been submitted in support of this application. The report focuses on reviewing the site's suitability for bats, reptiles and amphibians compared with the status at the time of surveys conducted during 2008.

The report refers to an initial scoping survey undertaken during 2007 and specific bat, reptile and amphibian surveys carried out during 2008. These reports have not been submitted with this application and the *Ecological Scoping Survey* report (2012) contains insufficient detail regarding the previous surveys for Maidstone BC to be satisfied that the survey standard and methods used were appropriate and adequate.

We have been able to locate the *Badger Survey & Report (2008)*, *Full Bat Survey & Report (2008)* and *Full Herpetile Survey & Report (2008)* submitted in support of the previous application (MA/09/1514), but have not found the initial 2007 ecological scoping survey.

Sufficient information needs to be provided regarding the potential ecological impacts that could arise as a result of the proposed development. Consideration of protected species impacts is particularly key; up-to-date information regarding the protected species that are present and likely to be affected must be available to inform Maidstone BC's determination of the application, and European protected species presence necessitate further consideration by Maidstone BC to ensure that the requirements of the EC Habitats Directive are adequately met.

While we have not seen the initial 2007 ecological scoping survey report, we advise that we are satisfied that the protected species with potential to be present and affected by the proposed development have been identified; badgers, bats, reptiles and amphibians. However, the level of detail provided regarding the assessments of impacts is not sufficient to enable an informed decision to be taken by Maidstone BC.

#### *Bats*

Detailed descriptions of all of the buildings on the proposed development site have not been provided. We have reviewed the *Full Bat Survey & Report (2008)* and the *Ecological Scoping Survey* report (2012) to try to get a clear picture of the site status and potential for bat use. This has not been straightforward as a result of inconsistent references to the buildings between and within the reports. The *Full Bat Survey & Report (2008)* refers to the "*the main house and adjacent period barn*" offering medium to high roosting potential, whereas the *Ecological Scoping Survey* report (2012) advises that "*buildings A, B, C and L*" have features preferred by bats for roosting. Both reports consider that the industrial units on the site provide low potential for roosting bats, although it is also stated within the *Full Bat Survey & Report (2008)* that "*there are many significant or notable opportunities identified in most of these buildings which may be exploited by bats*".

Emergence and return surveys were undertaken during 2008. The *Full Bat Survey & Report (2008)* lacks clarity and reaches confusing conclusions; despite the fact that bats were recorded during the surveys, it is concluded that "*overall this site is of low potential for bats, with medium to good potential for the house and the period barn*".

It is stated within the *Ecological Scoping Survey* report (2012) that "*visual*

observations of all buildings (internally and externally)" were undertaken during the site visit on the 2nd August 2012. The report refers to 13 buildings and we do not consider a 2.5 hour visit (which included a reptile survey) adequate to have carried out a detailed survey of all the buildings.

A bat roost was identified in the oast house (building L) during the August 2012 survey. We advise that as the emergence/return surveys are now 2.5 years old, it is appropriate and necessary for new emergence/return surveys to be undertaken with the results submitted to inform Maidstone BC's determination of the application. There needs to be a greater understanding of the roost's status, and given that this building was not identified as a potential roost during the 2008 surveys, there may also have been changes to other buildings on the site.

Prior to determining the application, Maidstone BC needs to reach a conclusion as to whether a European protected species mitigation licence will be required, and if so whether it is likely to be granted (requiring consideration of the three tests). Further emergence/return surveys will inform the need for a licence to enable the demolition of buildings A, B and C to take place.

There is some uncertainty in the *Ecological Scoping Survey* report (2012) regarding whether the conversion of the oast house will affect the roof, and therefore whether the roost can be retained during and post development. Confirmation of this must be sought.

The report makes some recommendations with regard to lighting and we advise that the guidance in *Bats and Lighting in the UK* must be followed. We include a summary of the requirements at the end of this advice note.

#### *Reptiles and amphibians*

*Full Herpetile Survey & Report (2008)* presents the results of the reptile survey. Grass snakes and viviparous lizards were recorded in low numbers during the ten-visit survey. While grid references are provided for the refugia used in the survey, the lack of visual representation or description makes it difficult to gain any understanding of reptile use of the site. The highlighted sentences within Appendix 1 of the *Ecological Scoping Survey* report (2012) also result in some confusion regarding the survey results.

In addition to the two reptile species identified during the 2008 surveys, slow worms were also recorded on the site during the 2012 survey visit.

We have some concern that the cessation of arable production in the fields that form the western side of the site has potential to result in rapid increases in their suitability for reptiles. While recommendations are provided in the *Full Herpetile Survey & Report (2008)*, no advice has been provided in the *Ecological Scoping Survey* report (2012) and there is some uncertainty as to whether the 2008

recommendations have been implemented. If the fields are allowed to naturally re-colonise with no habitat management, their ecological interest will increase and when works to this area come forward, if permission is granted, there will be a need for more significant mitigation than currently anticipated.

There is no indication that the suitability of the eastern part of the site has changed since the 2008 surveys, but we consider it appropriate for further surveys to be sought by Maidstone BC due to the age of the previous survey results. We advise that these could be secured by condition due to the minimal changes to the site and the retention/creation of habitat proposed in the western section of the site, though as further surveys for bats are required, the reptile surveys could be undertaken and these results also submitted to inform the determination.

We advise that the proposed mitigation for reptiles (*Ecological Scoping Survey* report, 2012) appears excessive for the numbers recorded during the 2008 survey. Mitigation will be required but we advise that this must be appropriate to the likely numbers of animals present; the updated survey will inform the levels that are likely to be necessary.

We advise that the lack of suitable ponds within 500m of the site limit the potential for great crested newt presence and we do not advise further survey work for this species.

#### *Badgers*

The *Badger Survey & Report (2008)* did not record badgers using the site, though signs were identified during the survey of the wider area. The location of the signs is connected to the site and there remains potential for badger presence on the site. We advise that further surveys for badgers will need to be undertaken to ensure that their status on the site has not changed. This requirement could be a condition of planning, if granted, though regular checks should be undertaken before construction begins to ensure that no badgers have moved on to the site.

#### *Other matters*

Work to vegetation or built structures that may provide suitable nesting habitats should be carried out outside of the bird breeding season (bird breeding season is March to August) to avoid destroying or damaging bird nests in use or being built. Mitigation measures should be included in the development plans and implemented during construction in order to protect breeding birds that may use the vegetation, or any built structures that will be removed, if it falls in the breeding season mentioned above. This includes examination by an experienced ecologist prior to starting work and if any nesting birds are found during work development must cease until after the juveniles have fledged. Any work that

affects possible nesting sites should be completed outside of the breeding season.

We advise that the area of habitat creation/retention to the west of the site has potential to present significant ecological enhancement opportunities, in keeping with the NPPF principles. However, the outline nature of this part of the site presents some uncertainty regarding the habitat creation, the potential for this area to be used as a receptor site for reptile translocation and the function of the area as part of the SuDS design for the wider site. We advise that clarification is sought as to how the timing of the development of the two parts of the site will be integrated to ensure that the site as a whole functions appropriately with regards to ecology and SuDS.

- 3.8.1 Additional information was subsequently submitted by the applicants seeking to address the issues set out above. This resulted in the following additional comments being received.

'The agent's e-mail does provide clarification on the points that we queried. Particularly the confirmation that the oast house loft will not be subject to conversion and could therefore be available for use in the mitigation/compensation scheme, if required.

We would like to clarify that consideration of the potential for impacts is not restricted to roosts alone; works to a wider area may result in changes that could impact bats and bat use of the area, including their ability to enter and leave the roost unobstructed by lighting and the presence of hedgerows as features that guide commuting behaviour and provide foraging habitat.

If the application was proposing the removal of the hedgerow to the north of the oast building we would have some concern that flight-lines to and from the roost would be impacted. This does not appear to be the case for this application.

The information provided in the email and ecology reports suggests that it is likely that a European protected species mitigation licence will be required; the oast building has a confirmed roost and three of the buildings that are proposed for demolition have been assessed as of high potential for bats.

We advise that there is sufficient clarification provided to conclude that it is unlikely that a licence would not be granted, though a licence application would need to be accompanied by updated emergence surveys.

As such, with regards to impacts to bats, we recommend that further emergence surveys are required as a condition of planning permission, if granted. We advise

that the applicant should use a licensed bat ecologist with an appropriate level of mitigation experience to make the process as smooth as possible.'

3.8.2 Subject to the above recommendations being secured by means of appropriate conditions no objections are raised by the KCC Biodiversity team.

3.9 **KCC (Mouchel):** Have confirmed the following:-

'Being (Use Class) C2, KCC will not be seeking any contributions towards those services we normally deal with, namely Education, Adult Education, Libraries, Youth or Social Services.'

3.10 **KCC Public Rights of Way Officer:** No objections and considers the public footpath to be unaffected.

3.11 **West Kent PCT:** Have made the following comments:-

'In terms of this particular application, a need has been identified for contributions to support the delivery of investments highlighted within the PCT's Strategic Service Development Plan. These improvements to the primary care infrastructure will enable the PCT to support the registrations of the new population, in addition to the commissioning and delivery of health services to all. This proposed development noted above is expected to result in a need to invest in the most immediate local surgery premises at The Orchard, Horseshoes Lane, Langley ME17 3JY.

This contribution will be directly related to supporting the improvements within primary care by way of extension, refurbishment and/or upgrade to the surgery premises in order to provide the required capacity.

The application identifies unit sizes to calculate predicted occupancy multiplied by £360. All units have been calculated on an assumption of single-bedded units. Care Homes are presumed to be single occupancy and calculated as one person occupancy. The PCT reserve the right to re calculate if this is incorrect.

The application lists a number of smaller developments within two linked submissions:

Detailed submission

Assisted Living units: 38

Care bedrooms: 36

Close Care Units: 25

99 units/bedrooms

Outline submission

A further 38 Assisted Living Units

For this particular application the contribution has been calculated as such:

- 99 units (Detailed submission) @ £360 = £35,640
- 38 units (Outline submission) @ £360 = £13,680
- Total contribution requested £49,320

NHS West Kent therefore seeks a contribution of £49,320 plus support for our legal costs in connection with securing this contribution.'

3.11.1 The applicant subsequently queried the request for the contribution and a further detailed response was subsequently received. (The concerns of the applicant are set out in italics and the PCT response produced below.)

*1. We have proposed to the PCT that we would make available much needed intermediate care beds to reduce bed blocking by elderly patients. This allocation of some 12 beds in an inward investment of some £1.8m would serve local people, and is the subject of continuing discussions with the PCT.*

The principle of providing intermediate care beds is accepted but this will be reliant on the securing of a contract with the Clinical Commissioning Group and Secondary care providers. It can be argued that any effort to keep patients from hospital admission will undoubtedly place additional burden on the primary care services locally. Patients will require regular monitoring and continued and this is likely to increase access to nursing and GP services. This will place pressure on the limited primary care facilities available within the village.

*2a. The care village will provide day care for older people living locally with the availability for them to consult the domiciliary care team regarding any health concerns.*

Whilst the domiciliary care team may be accessible, patients will still have issues and symptoms that will need to be addressed by the GPs and Nursing team, meaning that they will still require access to the local primary care facilities.

*b. The Wellness Centre will run fitness programs and wellness clinics for those living outside the village as well as those within it.*

This is a good principle for the residents however it will be unlikely to replace the need for access to GP/Nursing services.

*c. Village Transport will provide appropriate vehicles for elderly local people with care and personal mobility issues to access services and facilities including hospitals, GPs, dentists and opticians.*

The issue of transport to the services is not an issue. The statement suggests however that the Developer is aware of the need of its residents to access primary and secondary care services. The PCT can foresee this need and is therefore seeking contributions to support the expansion of the services required to provide the appropriate capacity for the proposed residents of the Care Village.

*d. The result is a substantial reduction in home visits by GPs and district nurses, an enormous and hugely inefficient deployment of their time and resources.*

Unless the Practice is able to physically accommodate the additional clinics and appointments needed to support the additional residents, the reduction in home visits will not be seen and instead, the practice may be put under further pressure to visit those clients within the care village.

*e. Healthcare professionals, both private and NHS will be able to use the facilities to deliver a range of clinics and services appropriate for older people living in the area.*

This facility will certainly be welcomed, however it is unlikely to address the need for dedicated GP facilities. Whilst a range of private and complementary services may be provided, it may not be considered appropriate or convenient for commissioned NHS services to be provided from the site. To deliver outreach GP and Nursing services, there is a requirement for a high quality facility, with all the appropriate IT networking and clinical standards. Within small GP surgeries, it may not be cost effective, or feasible for outreach services to be provided.

*f. A clinical room will be available for use by visiting GPs. Their 'surgeries' will be for patients whose condition will already have been assessed by the domiciliary care team to ensure its relevance.*

Your provision of a clinical room for visiting GPs defeats the object of access to a multi-disciplinary centre. Your offer relies upon a local GP agreeing to provide a service off-site. Such outreach clinics are not easy to manage and can be a waste of resources for the practice. The limited facility may only provide opportunity for a GP or a Nurse to practice and would rely heavily on the appropriate IT systems being in place. Although detail is limited at this stage, your proposal does not appear to provide for co-location of a range of clinicians. Modern NHS Guidelines would seek to see clinicians working as part of a team and no longer supports lone-working in this way.

*g. We believe that the services and facilities we will provide greatly mitigate the appropriateness of any contribution but we are receptive to learning the basis of*

*your request, and how any contribution would actually be utilized by the local GP practice.*

In reality, the level of contributions is minimal compared to the cost of the scheme and the expected profits to be drawn by the Developer. The impact however on the local primary care services is far greater. The contribution requested at £49k is unlikely to provide any substantial development by way of additional facilities, but can go some way to improving the local GP surgery to provide an additional room to improve access to the services resulting from the proposed increase in the population within the village of Leeds.

The PCT's request for contributions still remains valid.'

3.11.2 The applicants have since confirmed that they are prepared to make the requested contribution.

3.12 **Southern Water:** Have advised that there is a public foul rising main sewer crossing the site, the line of which should be established before final plans are drawn up. It may be possible to divert the main but there needs to be a 3m easement either side of the main free from development. The applicants are advised to contact Southern Water to enable the necessary agreements to be made with the developers to secure foul water drainage. They also request that a condition is imposed requiring details of foul and surface water drainage to be submitted and approved in consultation with them. Advice over the proposed SUDS drainage system and the need to ensure its future maintenance is also provided.

3.13 **MBC Conservation Officer:** Does not object and provides the following detailed comments:-

'The very front strip of the site along Upper Street lies within the Leeds (Upper Street) Conservation Area. Ledian Farmhouse lies within this strip (but outside the application site) and is a Grade II Listed Building. Other listed buildings in the immediate vicinity are Yew Tree Cottage and Tower House.

Behind Ledian Farmhouse lie former agricultural buildings previously associated with the farm. With the exception of the oast house (which is to be retained and converted) these are all modern buildings of an industrial nature which are currently in use for a number of industrial purposes. Both in terms of their visual impact and the impact of the current uses they currently detract from the setting of the former farmhouse and the conservation area. In principle, therefore, I welcome their removal and redevelopment; the principle of redevelopment has already been accepted by virtue of the previous permission.

The retention of the oast house, as the last remaining traditional agricultural building associated with Ledian Farmhouse is to be welcomed, as it enhances the significance of the listed farmhouse. The proposed scheme of conversion is appropriate in its design and includes the restoration of the original roof form of the kilns, which will be a positive gain. The masonry chimney included would not normally be considered appropriate, but as it is an extant feature its retention is considered to be acceptable.

With regard to the new-build element, whilst this is substantial in its footprint it has been carefully designed so that by articulation of the elevations and the use of varying eaves and ridge lines it is visually broken up and a monolithic appearance is avoided. Stylistically, the architects have chosen an Arts and Crafts vernacular idiom which has evolved from a study of local buildings and which I consider to be appropriate. Buildings in general are sited further away from Ledian Farmhouse than in the previous scheme resulting in a better preservation of its setting.

Recommendation: I RAISE NO OBJECTION to this application on heritage grounds subject to conditions re samples of materials, joinery details and landscaping. A further condition would also be appropriate requiring the oast kiln roofs and cowl to be reinstated prior to first occupation of that building.

**3.14 MBC Environmental Health:** No objections comment as follows:

'This application seeks to consolidate a previous extant permission granted for the redevelopment of the farm site, and comes with a land contamination assessment. It appears to be the same one that was submitted for application MA/09/1514. I commented at the time (29<sup>th</sup> October 2009) for that application that this type of assessment is inadequate, though it does indicate that the site does have potential environmental concerns. This issue is still relevant and consequently another more suitable assessment is still required as part of a condition.

No objections to the proposals, though there is a significant potential contamination issue from previous uses of the site. I would therefore recommend the imposition of a land contamination condition.'

It is also advised that the applicant should be made aware of the following informatives covering hours of operation and conduct on site during construction and site waste management and neighbour relations.

- 3.14.1 Further details were subsequently submitted by the applicants responding to concerns expressed by the Environment Agency relation to flooding and contamination issues. In response, further comments have been received from the Environmental Health team.

'We' would accept the Environmental Scientific Group (ESG) Land Contamination Preliminary Risk Assessment for Gallagher Properties Ltd at Ledian Farm, Leeds, Maidstone Kent (February 2013) as the Phase I report and recommend you use the following contamination or words to that effect:

### **Land Contamination**

The development hereby permitted shall not be commenced 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:

- 1) A preliminary risk assessment submitted at the application stage entitled "The Environmental Scientific Group (ESG) Land Contamination Preliminary Risk Assessment for Gallagher Properties Ltd at Ledian Farm, Leeds, Maidstone Kent (February 2013) has identified:
  - all previous uses
  - potential contaminants associated with those uses
  - developed a conceptual model of the site indicating sources, pathways and receptors
  - potentially unacceptable risks arising from contamination at the site.

This report is accepted as suitable by the LPA.

- 2) A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.
- 3) A remediation method statement (RMS) based on the site investigation results and the detailed risk assessment (2). 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.
4. A Closure Report is submitted upon completion of the works. The closure report shall include full verification details as set out in 3. 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.'

3.14.2 Subject to the imposition of a condition requiring the details set out above, no objections are raised by the Council's Environmental Health team.

#### **4. REPRESENTATIONS**

- 4.1 **Four** letters of objection have been received. Objections are raised on the following (summarised) grounds:-
- The development would generate unacceptable additional traffic that the village roads will not be able to cope with.
  - How will visitors be stopped from parking in Upper Street and other local roads?
  - The jobs will be low paid and will offer little to the local economy.
  - The development will cause further problems to already stretched local infrastructure and local services such as the doctors' surgery at Langley.
  - The site has too high a density and will have an unacceptable impact on adjacent listed buildings.
  - It will generate unacceptable additional noise.
  - The plant room building is close to existing residential properties and could result in noise and fumes.

#### **5. CONSIDERATIONS**

##### **5.1 Site Description**

- 5.1.1 The application site is located on the west side of the B2163 Upper Street Leeds. It amounts to approximately 3.06ha in area and roughly 'L-shape' in form. It has a frontage to Upper Street of approximately 95m and a depth of approximately 280m. The first 140m back from the street frontage to Upper Street lie within the defined village envelope of Leeds village. The remainder of the site (a depth of approximately 140m) is currently farmland.
- 5.1.2 Compared to the scheme approved under planning application MA/09/1514, the current application site extends a further 40m westwards into the farmland and includes an additional area of land of some 40m x 90m to the north. On the approved scheme, part of the care home, a service yard and staff car park lay beyond the village boundary, together with the approved landscaped amenity area.
- 5.1.3 The site is currently occupied by a farmhouse and by a number of former agricultural buildings that have over the years been converted into business uses of various types including car repairs/servicing, metal fabrication and offices. None of these uses are subject to hours of days of use restrictions. The site has

no employment designation in the Maidstone Borough-wide Local Plan 2000. The loss of these units should however be considered. The rear part of the site is currently land in agricultural use.

- 5.1.4 The frontage to the site is occupied by Ledian Farmhouse and the existing site access to the north of the farmhouse. The land to the south of the farmhouse comprises its garden and is separated from Upper Street by a ragstone wall surmounted by an existing hedgerow. The wall merges into the banking of the hedgerow at places along the site frontage. Ledian Farmhouse is listed Grade II and is, along with its garden, part of the site access and the dwelling to the north of the site access sited within the Leeds Upper Street Conservation Area. There are other listed buildings located on the eastern side of Upper Street opposite the site and these are also within the Conservation Area.
- 5.1.5 To the south of the site lies Burgess Hall Drive an estate of detached and semi-detached dwellings. The houses are separated from the site by public footpath KH245. West of the site and Burgess Hall Drive lies agricultural land predominantly in fruit production and largely covered in polytunnels, although some land is in arable use. The land to the north of the site is also agricultural in nature apart from dwellings fronting Upper Street.
- 5.1.6 Upper Street and the associated Conservation Area is comprised largely of a clear linear form of development with little development along its length set back significantly from the road frontage. Only the existing buildings at Ledian Farm and Burgess Hall Drive (immediately to the south) which extends as far back as the existing built development on Ledian Farm on the west side of Upper Street and Farmer Close on the east side of Upper Street extend built development away from the B2163 frontage.

## **5.2 Proposal**

- 5.2.1 The application has been submitted as a hybrid application. It seeks permission for the development of a new Continuing Care Retirement Community. The development would provide a range of units for occupiers with differing levels of care needs from those who are able to live a more independent life (but would still be in receipt of a minimum level of care) to those requiring full 24 hour/day nursing care. Occupiers would be able to move within the development as their care needs change over time. The development is considered to fall within Use Class C2.
- 5.2.2 Detailed permission is sought for Phase 1 of the development and outline permission sought for the remainder. All matters with the exception of access are reserved for future consideration for the outline Phase 2 element, although

illustrative plans and upper scale parameters are provided to give clarity over the scale of development that would come forward as Phase 2.

- 5.2.3 Phase 1, the detailed submission, includes the construction of the main Village Core with 36 care bedrooms, 25 Close Care Units, 16 Linked Assisted Living Units and communal facilities including the restaurant, Wellness Centre, shop, laundry and administration. Also included in Phase 1 are 18 Assisted Living Units, which include the conversion of Ledian Oast to provide 2 Assisted Living Units.
- 5.2.4 Phase 2 to the rear of the site would comprise the erection of a further 38 Assisted Living Units.
- 5.2.5 Four main accommodation types are to be offered at the site

- Care Bedrooms

Care Bedrooms will be available for those with the most acute needs for care and are the closest accommodation type proposed to the more traditional care home. Each bedroom will have an en suite wet-room and be of size to allow family and friends to visit residents. The bedrooms will be arranged into three family groups of 12 each with a day/dining room, an approach which means residents are able to interact with other residents and staff and ensures their needs are best met.

Residents will have full use of the Village Centre facilities and either take meals in the Village Core restaurant, their unit day/dining room or have these delivered to eat in their own rooms or dining room.

- Close Care Units

Located within the Village Centre, the Close Care Units offer slightly more independence than the Care Bedrooms, being apartments with separate sitting-rooms and a small kitchenette to prepare basic meals and snacks. Residents of the Care Units will have all meals provided either delivered to their apartment or taken in the restaurant, as well as being provided with a comprehensive care service (including daily overview of wellbeing, maid service, cleaning, food delivery etc.).

- Linked Assisted Living Units

Also located within the Village Centre, the Linked Assisted Living Units will be more suited to more independent individuals or couples and some include a second bedroom/study (allowing couples to stay together who for example require a level of care that necessitates separate rooms). They will also have a fully fitted kitchen. These units remain integrated within the Village Centre to enable more immediate and responsive care and support than the Assisted Living Units.

- Assisted Living Units

The Assisted Living Units offer the most independent form of accommodation at the site. They are fully self-contained and detached from the Village Centre. They are however functionally linked to the Centre, making use of all communal facilities to the extent that residents require or desire, and benefit from a servicing package which is part of an integrated whole across the site. If someone purchased an Assisted Living Unit and over time as a result of changing personal needs required an increased level of care, this can be provided to them without necessarily needing to move to a unit within the Village Centre itself.

5.2.6 The Village Centre would be a two-two and a half storey building located at the heart of the development and would front onto the proposed village square. It will contain all of the communal facilities that are available to all residents of the site, including:

- Reception and Waiting Room;
- Wellness Centre (approx 325m<sup>2</sup>) comprising: Small Gymnasium, Beauty suite and Hairdressers, Spa Suite, Treatment Suite (available for use by local GPs and other visiting health professionals);
- Craft Room (approx 32m<sup>2</sup>);
- Library (approx 32m<sup>2</sup>);
- Village Shop offering everyday basic items (bread, milk, papers etc) (approx 64m<sup>2</sup>);
- Café, Bar and Dining Room/restaurant (approx 160m<sup>2</sup>);
- 2 Private Dining and Club Meeting Rooms (approx 32m<sup>2</sup> each);
- Kitchen and catering facilities;
- Administration and Back of House;
- Laundry;
- Storage and Plant Room.

5.2.7 As well as being available to all residents, a number of the Village Centre facilities will also be made available to members of the local community.

5.2.8 The village shop will be open to all and will therefore offer somewhere for villagers to purchase everyday needs and basic groceries without needing to travel out of the village to the nearest supermarket (as there is currently no village shop).

5.2.9 The Wellness Centre will also be made available to qualifying existing local residents (i.e. over a qualifying age) for a reasonable monthly fee. As such, it will not function as a commercial gym, but will enhance the range of facilities currently available to the local community.

- 5.2.10 The treatment room will be made available to local GPs who have already confirmed that they will be able to provide NHS services to residents, and will allow surgeries from GPs and other visiting health practitioners to be run within the village.
- 5.2.11 For the other facilities (craft room, library etc), it is also proposed to offer qualifying local residents the opportunity to utilise these as and when desired for a nominal annual fee.
- 5.2.12 A new vehicular access to the site is proposed to the south of Ledian Farm, at the same location as previously approved for planning permission MA/09/1514. The existing access to the north of the farmhouse is to remain as a private drive serving the farmhouse and Baytree Cottage.
- 5.2.13 The proposal includes the provision of 105 parking spaces, which are laid out in a series of informal courtyards. The main Village Square will include a number of visitor parking spaces, ensuring that there is ample parking for those using the community facilities or shop.
- 5.2.14 In addition to the proposed on-site parking, the development will also include a comprehensive resident transport service which comprises the provision of operator owned vehicles stationed on site that make regular trips to local services and places of interest for residents, avoiding the need for them to have a car on site. This service, like those in the Village Centre, will also be made available to qualifying local residents for a nominal annual fee, supplementing the existing public transport serving the village. A Transport Statement and a draft Travel Plan have been submitted as part of the application
- 5.2.15 The adopted design approach proposes an 'Arts & Crafts' style of treatment to the buildings, using a mix of vernacular materials prevalent in Leeds and the Conservation Area, together with a varied building form with a range of ridge and eaves and ridge heights to break up the massing of the buildings and provide vitality and interest. Indicated materials show clay tiles for roofing and a combination of brick, render, tile-hanging, and painted timber boarding with areas of natural stone for walling. Joinery would be painted timber.
- 5.2.16 The scale of development reduces as you move westwards through the site, with development west of the Village Centre reducing down to a mix of two, single and one and a half storeys in height. The upper scale parameters of development within the outline part of the site will range between 10m down to 7.5m. The Village Centre building will measure up to a maximum of 12.5m in height, comparable to the existing large commercial buildings on site and comparable with the approved upper scale parameter of 12m for the care home in the extant scheme.

- 5.2.17 The application is accompanied by a landscape strategy and a visual impact assessment for the site and a detailed landscaping scheme for the detailed application site. Landscaping is integral to the scheme with a wide range of planting proposed including new tree planting and the retention of existing important trees and hedgerows wherever possible. The scheme also includes a large area of dedicated landscaping north-west of the site, which will incorporate a newly wooded copse, grassland meadow, wildlife pond and attenuation pond for SUDS drainage. This area will be accessible to the general public and include a variety of native species to enhance biodiversity and amenity value.
- 5.2.18 The Village Centre is designed to achieve a BREEAM rating of 'Very Good' and the Assisted Living Units are designed to achieve Code for Sustainable Homes Level 4. This will be achieved through a number of initiatives and design features, including Combined Heat and Power (CHP) plant to serve the site. The details are outlined in within a Sustainability Statement that accompanied the application.
- 5.2.19 The supporting documentation indicates that the development will support 103 jobs (47 full-time and 56 part-time) across a range of management, administration and care roles. The applicants submit that from their experience with other such development elsewhere at similar village locations, that a large proportion of these jobs will be filled by local people.
- 5.2.20 In addition to the supporting documentation referred to above, the application was accompanied by a design and access statement, planning statement/statement of community involvement, ecology report, contamination report, flood risk assessment, and an arboricultural implications assessment. A drainage strategy and preliminary risk assessment were submitted at a later date

### **5.3 Principle of Development**

- 5.3.1 The application site lies partly within (the first 140m approximately of the site from the boundary with Upper Street) and partly outside (the remaining 140m approximately) of the existing defined village envelope of Leeds village. As such, the principle of the proposed development should be considered in two parts. Firstly, the redevelopment of the Ledian Farm industrial site, and secondly the part of the development proposed to the rear, which falls outside of the existing village boundary and in the countryside.
- 5.3.2 The current Ledian Farm complex of buildings which are currently in a range of employment uses which would ultimately be lost, does however, comprise previously developed land within the village confines of Leeds as defined on the

Borough-wide Local Plan 2000 Proposals Map. Accordingly, this part of the proposal accords fully with the sustainable development aims of the NPPF in making the best use of previously developed land. This part of the site comprises the village centre and its proposed core facilities including the shop, (the detailed element of the application).

- 5.3.3 The existing employment uses are not recognised or protected by policy and are small scale and low-key in nature, comprising mainly of general industrial automobile workshop and other related uses but are still operational and provide varying employment opportunities. The premises are low-grade and do not contribute positively to either the local stock of industrial premises or the character of the surrounding area. The redevelopment of the existing farm buildings (with the exception of the listed farmhouse and the oast house) was accepted in principle under the 2009 application, which as Members will have noted, is in the course of being renewed.
- 5.3.4 The principle of redevelopment of the existing units to an alternative type of employment use in the form of a care home, close care bungalows/apartments and a day care centre, has previously been accepted by the Council through the previous permission MA/09/1514. As Members will have noted, there is a resolution to grant permission for the renewal of this permission (application MA/13/0723 refers), subject to the completion of a satisfactory s106 Unilateral Undertaking or S106 agreement. The detailed element of the development now proposed is in accordance with the sustainable economic development strategy set out within the NPPF.
- 5.3.5 However, with regard to the outline submission, the entire 140m length of the area for which outline permission is sought, lies outside of the defined village boundary and is therefore subject to policy governing development in the countryside. The development would see a substantial expansion westwards of built development beyond the limits of the existing development within the defined settlement boundary which would result in significant changes to its character, appearance and openness.
- 5.3.6 Saved Local Plan Policy ENV28 clearly states that permission will not be granted for any development that is demonstrated to result in harm to the character or appearance of the area or amenities of surrounding occupiers. Whilst policy ENV28 also allows for public or institutional uses for which a rural location is justified, the key consideration here is whether harm to the character or appearance of the countryside would occur. This aspect is dealt with in detail later in the report in Section 5.5, but in summary it is concluded that the visual impact and harm are unacceptable.

5.3.7 In addition, it is also necessary to consider whether the development should be located on this site rather than in Maidstone or a larger village/Rural Service centre.

Location of development

5.3.8 A strong argument can be made against the development that siting it at Leeds is not appropriate due to the fact that Leeds is not a Rural Service Centre and is poorly served by existing community facilities. In terms of other potential sites no specific sequential test has been undertaken by the applicant. They have also relied on the previous permission as a justification for the scheme to be built around.

5.3.9 Most developments of this type including more traditional care home developments require a certain 'critical mass' to render them viable and to enable the provision of facilities to serve their residents. Statutory space standards have also been improved in recent years such as a move away from double rooms and a drive towards minimum space standards for all rooms all of which have had an impact on the size of buildings and hence land required. The applicants have stated that the application site represents the minimum space required.

5.3.10 It is unfortunate that as a result of this land requirement, built development will be significantly extended westwards into the countryside outside the defined settlement boundary.

5.3.11 Whilst the applicants have provided information that the development proposed at Leeds would be the smallest of their existing sites, it would still result in a significant development in a village which is not a rural service centre and does not exhibit a wide range of existing community facilities and is not well served by public transport and is not seen as taking growth in the draft Local Plan.

5.3.12 I do not consider that the proposed facilities within the development that would be made available to village residents, whilst clearly welcome as a potential addition to the village facilities, are in and of themselves sufficient to set aside the concerns regarding the location of the development outside the urban area or a rural service centre. It remains the case that Leeds village is poorly related to public transport and lacks an existing level of community facilities that would be able to support and addition of the magnitude of the proposed development.

5.3.13 I consider therefore that objections should be raised to the principle of development.

## **5.4 Benefits of the development**

5.4.1 However, it is also necessary to weigh in the balance the following potential benefits arising from the development:-

- (i) The enhanced community facilities for the village.
- (ii) Whether given demographic trends, the development would secure significant enhancements to the quality and range of local care provision and assisted living and care for the elderly, generally;
- (iii) The employment generated and the support of the local economy in line with the advice in the NPPF.

### Community facilities

5.4.2 An integral part of the proposed development is the provision of communal facilities, which in this instance comprise a small village shop offering everyday essentials to the local community and potential access to other facilities including the Wellness Centre. Whilst the primary function of these is to serve the residents of the development itself, they will also be accessible and available to members of the local community.

5.4.3 At present as detailed above, Leeds suffers from a lack of local services and has no village shop. This deficiency is recognised within the Parish Plan produced in 2008 and was identified as the amenity that most people would like to see. Provision of local services is a key component of sustainable development, making settlements and villages sustainable, reducing the need to travel and helping to foster community cohesion.

5.4.4 The applicants have agreed that community use of facilities at the site would be secured through a s106 agreement. The applicants would in effect be subsidising the provision, (which would not otherwise occur) as the facilities are to be provided as part of the range of services available to potential occupants of the scheme in any event. Such an approach also concurs with advice in the NPPF which encourages local planning authorities to promote the retention and development of local services and community facilities in villages, such as local shops, meeting places, sports venues, cultural buildings, public houses and places of worship.

5.4.5 The fact that a shop and the other facilities are to be provided as part of the development is welcomed and it is fair to say that such a provision would not be made were it not for the development now proposed, given the fact that the village does not support a shop at present.

5.4.6 However, the applicants themselves contend that in order for such facilities to be sustained a certain 'critical mass' of development is necessary. It is contended that the extent of the proposed development represents that critical mass, below

which the level of service provision proposed could not be sustained or justified. This has resulted in this case in the spreading of development across a larger area than with the extant scheme for the more traditional care home which has taken development further beyond the village boundary into the countryside.

#### Impact on care provision

5.4.7 The Maidstone Strategic Housing Market Assessment 2010 (SHMA) came to a number of conclusions relevant to this issue:-

- (i) 16,043 households in the Borough contain only older people (defined as at or over state pension eligibility age), equating to 17% of all households;
- (ii) 52.2% of older people-only households live in rural areas (compared to 42.3% of all households), meaning that 30.4% of rural households are older people-only households;
- (iii) The over-60's population is forecast to increase by 33% in the Plan period (i.e. 2010-2026), three times the growth rate of the population as a whole, with over-85's forecast to increase by 93% in the same period;
- (iv) More than three quarters of older person-only households are owner-occupied without a mortgage;
- (v) 99.8% of older person-only households comprise only one or two persons, yet 60.5% of older person-households reside in accommodation with three or more bedrooms;
- (vi) Older person only households are less likely to move than other household types, despite the reality that in time some will need to move due to care needs;
- (vii) There is a perceived lack of sheltered housing available to purchase or rent within the Borough.

The SHMA concluded at paragraph 8.17 SHMA that: There could be potential scope to free up larger units for younger families if older person households should choose to move into suitable smaller units.

5.4.8 The applicants have cited a number of other statistics in support of the need for development such as proposed here

- The number of Over-60s is projected to increase by 7 million over the next 25 years (ONS, 2009);
- By 2025, men will live an average of 6.8 years and women 9.1 years of their life with a long-term illness (Age UK);
- The number of people over the age of 65 with a limiting long-term illness will rise 45% (up to 6.1 million) by 2025 (Age UK);
- The numbers of over-55's in Kent and Medway will rise by nearly 50% by 2031 (Kent Housing Group, 2012);
- There are 495,000 people living within a 20-minute drive time of the site; 16,000 of them are over the age of 80 and this will more than double to over 32,000 between now and 2030;

- There is an existing estimated national shortfall in Assisted Living Units alone of 200,000, and this is increasing with time (Savills).

5.4.9 The House of Lords Select Committee on Public Service and Democratic Change published a report 'Ready for Ageing?' on 14 March 2013. The Committee focussed their deliberations on the implications for public policy in the decade 2020-2030 against the following projections given in the evidence presented to the Committee; (para 2).

- 51% more people aged 65 and over in England in 2030 compared to 2010
- 101% more people aged 85 and over in England in 2030 compared to 2010
- 10.7 million people in Great Britain can currently expect inadequate retirement incomes
- Over 50% more people with three or more long-term conditions in England by 2018 compared to 2008
- Over 80% more people aged 65 and over with dementia (moderate or severe cognitive impairment) in England and Wales by 2030 compared to 2010.

5.4.10 The report states that 'The Government have made efforts to improve access to housing for younger people, but if the country had an adequate supply of suitably located, well designed, supported housing for older people, this could result in an increased release onto the market of currently under-occupied family housing, expanding the supply available for younger generations. **Central and local government, housing associations and house builders need urgently to plan how to ensure that the housing needs of the older population are better addressed and to give as much priority to promoting an adequate market and social housing for older people as is given to housing for younger people.**' (Para 271)

And:

**'Local government should signal their intention to ensure better housing provision for older people by insisting that local planning agents both encourage the private market in housing provision for older people, and by making specific mention of older people's needs when drawing up their planning strategies'** (Para 273)

The report also highlights the need for older people's housing to be well served by local amenities. The proposed development offers this as an integral part of the scheme. The development will also serve to enhance the wider amenities of the community and its existing population of older people.

5.4.11 Additional information derived from the NHS Kent and Medway Public Health Observatory Health and Social Care Maps has also been provided.

- The published data indicates that between 2012 and 2016 the population growth in over 65s and over 85s is greater in Maidstone than in West Kent as a whole.
- There are currently 1256 care beds in the Borough some 340 or more of these do not have an en-suite facility suggesting a lack of quality provision
- Of the 1256 care beds only 89 (which are all located in one location) accommodate people with a physical disability.

5.4.12 Data from SHOP@ (Strategic Housing for Older People Analysis Tool) indicates that there is currently a 70% shortfall in extra care provision in the Borough to meet existing needs and a 25% shortfall in residential registered care provision in the Borough to meet existing needs. The database shows in respect of future needs a 30% increase in future needs by 2020 and an 81% increase by 2030, equating to a need for 415 extra care bedspaces by 2020 and 580 by 2030 and in terms of residential registered care bedspaces a need for 1826 by 2020 and 2552 by 2030.

5.4.13 The above information shows a growing need for development of this type, given the trends outlined above. The development would lead to an enhancement in care provision available within the Borough as a whole, both in terms of quantity and also quality. Existing care provision in the Borough predominantly comprises the more traditional care home accommodation, which is often reserved for the very frail and those with acute needs, meaning that there is an absence of intermediate and flexible accommodation which allows people to maintain as independent and active a lifestyle as possible, utilising the care and support on offer only as and when needed. Whilst there have been a few developments of this nature recently (e.g. Mote House), they remain the exception rather than the rule and offer significantly greater choice and more flexible care for residents than a traditional care home.

5.4.14 However whilst there would appear to be a general need for this type of accommodation, it is clear from the information submitted with the application that the need is not specific to Leeds village. Development of the type proposed could equally be provided in a more sustainable location in terms of existing community facilities and public transport options in or immediately adjacent to a rural service centre or the urban area of Maidstone where such a loss of countryside and openness would not be the result.

#### Employment

5.4.15 The existing employment uses on site are not protected by policy, are low-grade units in need of considerable investment. They also do not represent the optimum neighbouring use for the nearby residential properties. Replacement of this employment with alternative service-related employment has previously

been accepted by the Council through the extant permission. This application will deliver over 100 jobs, more than would have been delivered through the extant care home scheme. The jobs created will cover a range of skill sets including management, administration, maintenance and primary care and will also support a number of secondary businesses further down the supply chain. From experience with other existing operational sites in similar village locations, the applicants anticipate that a number of these jobs will be filled by those living locally to the site, making a direct contribution to the local economy.

- 5.4.16 The applicants have also advised that development itself represents a capital investment of over £9 million into the village and the local economy, being an investment into community facilities, care accommodation, the Wellness Centre and the proposed transport service. This injection into the economy will also deliver a significant boost to the construction and associated service industry.

## **5.5 Visual Impact**

- 5.5.1 A detailed Landscape and Visual Assessment has been undertaken and submitted with the application. This assesses close views, within 1km (such as Burberry Lane to the south east of the site) and distant views, 3-5km away, including from sites on the North Downs escarpment. I have assessed the statement and undertaken my own analysis of the site. From the Downs it is very difficult to identify the site and detail within it cannot be picked-out. Woodland and trees to the north of the site including those around Tower House provide very effective screening.
- 5.5.2 From Burberry Lane to the south east, the North Downs escarpment forms a prominent backdrop to the views towards the site. However, the ridge line of the escarpment would not be breached by the development as proposed. From this area some of the roofscape of the village centre would be visible, further west whilst storey heights and building heights fall, elements of the roofscape would be visible above existing hedgerows and vegetation. They would however, be below the buildings closer to Burberry Lane in the foreground of the views northwards but would extend the apparent built development further westwards away from Upper Street, which Members will have noted earlier has a strong linear form along its length.
- 5.5.3 I consider that the biggest impact of the development will be felt close to the development particularly from the adjacent PROW and nearby PROWs that cross farmland in the vicinity of the site. It is clear that it represents a significant westwards extension of built development. Whilst the site boundary may have only extended some 40m westwards compared to the 2009 application, built development associated with the current application would extend rearwards by approximately 140m from that indicated in the 2009 application. This is a

significant encroachment of development into the countryside beyond the defined village envelope and one which in my view will result in harm to its character and appearance by reducing openness and accentuating the non-linear form of development on the site compared to the main pattern and grain that currently exists in the area. The comments of English Heritage relating to the significant westwards extension of built development compared to the largely linear development along Upper Street which provides the predominant character of the existing Conservation Area are acknowledged and concurred with.

- 5.5.4 In a recent appeal decision (20/08/2013) relating to land at Forsham Stables, Forsham Lane, Chart Sutton (application MA/12/2023), where the proposals involved a significant extension of residential curtilage, a new driveway and the erection of a substantial new building (a detached garage and store) in the countryside, on a site close to a bridleway and a public footpath, the inspector considered that:-

'The development would be seen from the nearby public footpath and bridleway, and by adding significantly to the existing isolated domestic development and would detract from the predominantly open character of the surrounding landscape.'

- 5.5.5 He went on to state that additional landscaping would provide some screening but that this would not disguise the presence of an enlarged residential use in the countryside. In that case he concluded that the development would be a prominent intrusion of a residential use and built development into open countryside,. This would cause moderate harm to the character and appearance of the area and thus the development would be contrary to the objectives of national policy and local plan policies relating to the protection of the countryside.
- 5.5.6 In this case the proposed development is far greater in scale. It would also be sited immediately adjacent to a PROW from which it would be very clearly visible even accounting for any landscaping as it matures in the medium to long-term. I consider that the development would clearly cause at the very least moderate harm to the character and appearance of the countryside and its openness. To permit the development would therefore in my view be contrary to national and local plan policy objectives relating to the protection of the countryside.
- 5.5.7 The applicants have sought to address the setting of 'Tower House' a Grade II listed building located on the west side of Upper Street but set a considerable distance back (225m or so) behind Upper Street and set in well landscaped and mature gardens. Tower House is located some 150m-160m to the north of the application site although part of its garden reaches the site boundary, this

section is well treed however. The proposed development has sought to retain views to and from Tower House in the design and siting of the open space and buildings at the western end but there is no escaping the fact that significant elements of built development compared to the 2009 application have been introduced into what is a currently undeveloped area and what in the 2009 application was also to remain free from built development.

## **5.6 Design**

- 5.6.1 The proposed design reflects an 'Arts and Crafts' style and utilises a palette of materials and vernacular features found in the Leeds village area. The various buildings within the development have differing eaves and ridge heights and as you move westwards through the site building heights become lower and the development more spacious with greater separation between buildings and increased landscaping.
- 5.6.2 The frontage to Upper Street will be improved with the inclusion of the two-storey assisted living units on the south side of the access road set back behind the retained/re-built ragstone wall.
- 5.6.3 The village core is located fronting a new square at the east end of the site. The development forms a series of courtyards and informal open spaces as you move westwards through the site. A croquet lawn is proposed along with an ornamental potager/allotment garden and a topiary garden. Parking courts are closely related to the proposed units and are shown to be landscaped. As indicated earlier the western end of the site will be more open and landscaped providing an orchard, attenuation and wildlife ponds set in a managed wildflower meadow and new woodland areas. A 6m wide easement for an existing sewer in the centre of the site helps to add further openness and 'breathing space' in the development.
- 5.6.4 As indicated earlier in the comments of the Conservation Officer, the setting of Ledian Farmhouse will be enhanced by the development as it will be given more 'breathing space' and enhanced landscaping around it compared to the extant permission. The retention and conversion of the oast house is also welcomed and the conversion scheme is considered to be acceptable in its detail.
- 5.6.5 I am satisfied that the development will have an acceptable and largely beneficial impact on the immediate character and setting of the Conservation Area and Listed buildings given the design proposed and the removal of the existing former agricultural buildings (excluding the oasthouse) and uses.

## **5.7 Residential Amenity**

5.7.1 The development site is adjoined to the south by Burgess Hall Drive a small estate of two-storey dwellings that runs in a loop. It is separated from the development site by the existing PROW that runs along the southern boundary of the Ledian Farm site. Two dwellings have flank walls that face onto the Ledian Farm site and lie immediately adjacent to the footpath. Number 15 is located approximately 15m from the closest building on the site and no 5 approximately 8m from flank wall of the two-storey frontage units facing Upper Street within the development site separated by an existing ragstone wall along no.5's boundary and the PROW. Three others (4-8 even) are located to the south of the loop in Burgess Hall Drive, two (nos. 6 and 8) face towards the site whilst no. 4 has a flank wall facing the site. These dwellings would be located some 35m or more from the development proposed separated by Burgess Hall Drive the PROW and the internal development site access road.

5.7.2 I do not consider that the development would be likely to result in a loss of privacy to the dwellings in Burgess Hall Drive given the separation, and orientation of the properties as existing and proposed and the existing and proposed planting along the PROW and the application site boundary. The southern elevation of the Village Centre has been designed to ensure that there are no windows (other than those serving a stairwell) with direct views into the private garden areas of properties into Burgess Hall Drive to the south.

5.7.3 The replacement of existing unrestricted industrial uses with a residential-led scheme, a more compatible relationship of uses will be secured.

5.7.4 The level of noise and disturbance from the use of the access road is also considered unlikely to give rise to an unacceptable impact on residential amenity again given the separation involved.

5.7.5 I also consider that the relationship across Upper Street to the existing dwellings on its eastern side will be acceptable.

## **5.8 Highways**

5.8.1 A Transport Assessment accompanies this planning application, assessing the predicted impact of the development upon the local highway network having regard to the nature of the use, the existing use on site and the extant planning permission. Access to the site is to be relocated to the south of Ledian Farmhouse, where a new junction with Upper Street will be formed. This new access accords with the previously approved access in the extant scheme and has therefore already been accepted as suitable in principle and highway safety terms. This junction will benefit from visibility splays in both directions that

exceed the corresponding standards, and will represent an improvement upon the existing access. This existing access is to remain but will only be used as a private drive to serve Ledian Farmhouse and Baytree Cottage to the north.

5.8.2 Conservation Area Consent and Listed Building Consent have been granted for the demolition/rebuilding of the existing ragstone wall along Upper Street to facilitate the construction of the access.

5.8.3 Kent Highway services have considered the transport statement and have raised no objections to the development in terms of its potential impact on the local road network or in terms of the level of parking proposed. The suggested improvement to provide a bus boarder at the nearby 'bus-stop can be secured as part of the s278 agreement under the Highways Act that will be required to enable the development to proceed. Kent Highway Services have also now confirmed that an emergency access will not be required.

5.8.4 A draft travel plan with targets and initiatives has also been submitted. The targets comprise;

- (1) A minimum 10% reduction in staff single occupancy car mode share from 77.5% to 69.8%.
- (2) A minimum reduction in resident car ownership by 5% from 22% to 21%.
- (3) An overall reduction in vehicle trips generated over a 12 hour period (07:00 to 19:00) by the site by a minimum of 5%

These targets would result in a total reduction in daily vehicle trips by 7%, with a 7% reduction in total trips in the morning peak and a 6% reduction in total trips in the afternoon peak.

5.8.5 The Travel Plan will include a suite of measures to help achieve these targets, encouraging walking and cycling, public transport use, reducing car ownership and single occupancy vehicle trips, these measures will include:

- As part of the Welcome Pack a plan indicating the walking and cycle routes to key services will be provided.
- The development will provide adequate footway and cycle routes through the site to improve legibility, and create a safe and high quality environment. Ensuring that footways and cycle routes are clearly marked and well lit to improve safety.
- Encourage staff to participate in a Cycle to Work scheme, such as a Bike to Work week and provision of cycle training schemes for staff.
- Secure cycle parking will be provided for staff and visitors on-site in accordance with local standards. Aim to provide shower or changing and locker facilities on-site in the future.
- Promoting the health benefits of walking and cycling via newsletters or on a website and advertising local services and shops, including information on how to reach them by alternative methods other than by car.

- Plans indicating the location of the nearest bus stops with bus routes, and train station with service details will be provided within the Welcome Pack, along with the relevant bus timetables.
- Future updates including changes to bus or rail services and timetables will be provided to residents in the form of a newsletter.
- Making staff, residents and visitors aware of on-line information and journey planners such as Traveline and Transport Direct, in newsletters or via a website. Also providing information on discounted tickets and monthly and weekly passes.
- Investigate cheaper options for public transport, such as season tickets, or subsidies towards staff public transport fares.
- **Village Transport Service:** A transport service would be provided to all residents providing daily journeys to services including retail, banks, post offices, or doctors and hospital appointments. Further to this a number of scheduled outings including to Garden Centres or National Trust sites would be arranged.
- An in-house car sharing database set up for staff to identify those travelling from similar locations, or promotion of the Kent Journey Share Scheme ([kentjourneyshare.com](http://kentjourneyshare.com)).
- Provision of training or information on greener driving techniques for staff.
- Designated parking spaces close to the entrance to those who use more energy efficient cars or issued parking permits.
- Carry out viability studies for more on site facilities (e.g. cash machine, post office)
- **Residents Car Club:** A scheme would be available to all members whereby a subscription fee and mileage charge is paid to gain access to a fully serviced, valeted and fuelled car for use as needed.

5.8.6 The submission and approval of a travel plan can be secured by condition. No objections are raised to the development on highway grounds.

## 5.9 Landscaping and ecology

5.9.1 A landscape masterplan has been submitted as part of the application and its proposals take account of the landscape and visual impact assessment referred to earlier. A plan showing planting principles for the village centre area in more detail has also been submitted.

5.9.2 The submitted plans provide an acceptable framework to guide a detailed landscaping scheme. Existing trees and hedgerows are retained where appropriate. I consider that the principles shown are acceptable subject to a detailed planting scheme being submitted and approved.

5.9.3 Appropriate ecological studies have been undertaken and as can be seen from earlier in the report the KCC Biodiversity team are satisfied that appropriate

account has been taken of bats and other protected species potentially to be affected by the development.

5.9.4 The proposed woodland area, ponds and wildflower meadow in the western part of the site has through appropriate long-term management the potential to enhance biodiversity.

5.9.5 Subject to appropriate conditions relating to mitigation and a further bat emergence survey and badger survey no objections are raised to the proposals from an ecology/biodiversity aspect.

## **5.10 Other Matters**

5.10.1 A Preliminary Risk Assessment has been submitted that addresses the issue of potential contamination on the site arising from its current and previous uses. Both the Environment Agency and the Council's Environmental Health section have considered the report and conclude that it provides a satisfactory basis for further detailed site investigation work and the production of a remediation strategy. Both recommend a suitable contamination condition is imposed on any permission.

5.10.2 An outline drainage strategy report has also been submitted following initial objections raised by the Environment Agency. Having considered the report they have no objections to the development on flood risk grounds subject to the imposition of a condition requiring submission and approval of a scheme of sustainable surface water drainage.

5.10.3 The development would achieve sustainability in its construction and energy use meeting Code level 4 and BREEAM very good for the assisted living units and the core facilities building and converted oast house respectively and does include the use of a combined heat and power source for the main building and the assisted living units as a central plank to achieving this.

## **5.11 S106 obligations**

5.11.1 Any request for contributions needs to be scrutinised, in accordance with Regulation 122 of the CIL Regulations 2010 and para 204 of the NPPF 2012. This has strict criteria that set out that any obligation must meet the following requirements: -

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

5.11.2 The request from West Kent PCT for a contribution of £49,320 towards the provision/enhancement of Primary Health Care facilities at The Orchard Surgery, Horseshoes Lane, Langley is considered to meet the tests outlined above.

5.11.3 The proposed obligations offered by the applicant seek to secure:-

The provision and operation of a Care Home and a Domiciliary Care Agency subject to the following requirements:-

(i): To ensure Care Units are only occupied by Qualifying Persons or their surviving spouses or dependents.

*"Qualifying Person" means a person who is either aged 65 years or more or is under 65 years and registered for Disability Living Allowance or in receipt of a General Practitioner certificate stating a disability or is registered with the Council as visually impaired and in each case is the subject of a Care Plan and has contracted through the obligations in the estate and services charge to receive Personal Care for a minimum of 1.5 hours per week.*

(ii): To make the reception, shop, restaurant and café bar available to the public subject to standard operating conditions.

(iii): To make the Village Transport available to persons with care and personal mobility issues living in Leeds Parish as well as those on site, subject to standard operating conditions.

(iv): To give priority to local residents in accordance with a Local Marketing Plan.

(v): To secure public access to the proposed woodland and amenity area

(vi): To enable meeting rooms and the Wellness Centre to be available, subject to qualifying criteria, to the public

5.11.4 The above obligations are also considered to meet the necessary tests and would provide substantial potential benefit to the community and Leeds village as a whole, and would increase the level of available local services and also the sustainability of the settlement.

5.11.5 The contributions to the enhancement and improvement of the playing facilities at Leeds Playing Field through refurbishing the children's play area, tennis courts and car park) requested by the Parish Council are not however considered to meet the tests outlined above in that they are not necessary and also not directly related to the development and thus cannot be supported.

5.11.6 I am satisfied therefore that if the proposals were considered to be acceptable in principle that it would be appropriate for a s106 legal agreement to be completed in accordance with the Heads of Terms set out above with the exception of the request from the Parish Council.

## **6. CONCLUSIONS**

- 6.1 I consider that the development would not have an unacceptable impact on the residential amenity of nearby properties. No objections have been raised on highway, flood risk or contamination grounds subject to appropriate conditions being imposed on any permission that may be granted.
- 6.2 It is clear that the development would bring some benefits to the area if approved. It would support some 103 full and part-time jobs and represents a significant level of investment into the local economy of some £9million. There would be an enhancement to the existing facilities in Leeds village which would also be of benefit to the community. The detailed designs are acceptable.
- 6.3 However, such benefits can be applied to any development, however, the fact that the development will also result in a wider choice of care facilities in the Borough for the older section of the population is also welcomed as this will help to meet a growing need. However as stated earlier in the report this need is not specific to Leeds village and could be accommodated in a more sustainable location overall elsewhere that would not result in such a significant loss of countryside and openness.
- 6.4 The site is partially covered by an extant permission for a care home with assisted living units and residential development that does partly extend beyond the village envelope (predominantly through the landscaped amenity area to the rear of the development).
- 6.5 However, this current proposal would extend built development significantly further beyond the edge of the defined settlement into the countryside (some 140m or so). I consider that the development will as a result cause unacceptable harm to the countryside within and surrounding the site. The site is very visible from the adjacent PROW that runs alongside the southern boundary and from other footpaths in the vicinity. The openness of the site and area would be significantly reduced and thus harm to the character and appearance of the countryside caused.
- 6.6 Whilst the proposed development will provide a well-designed facility that will enhance the community facilities within Leeds village itself thus having some potential to increase the sustainability of the village, it is fact that Leeds is not a

rural service centre and has very few existing community facilities and is not well served by public transport. It is considered that it would be more appropriate for the development to be located within or adjacent to a rural service centre or the Maidstone urban area where there are likely to be better existing community facilities and a greater and more accessible workforce.

- 6.7 Whilst the benefits of the scheme are noted, the significant encroachment into the countryside of the development and its resultant impact on the character and openness of the countryside that would result is considered in this instance to outweigh the benefits of the scheme. The development would also result in a significant and adverse change to the existing well defined linear form and character of Upper Street and as a result, the existing Conservation Area, arising from the 140m approximately westward extension of built development into the countryside. The following recommendation is therefore considered appropriate.

## **7. RECOMMENDATION**

REFUSE planning permission on the following ground:-

1. The proposed development would result in a significant encroachment into countryside beyond the defined settlement boundary of Leeds village. The resultant development would substantially reduce the openness of the area causing harm to the overall character and appearance of the countryside in the vicinity. To permit the development, in the absence of any overriding need for the development to be located on the site adjacent to a settlement which is not a rural service centre or where the likely benefits of the development are not of overriding weight, would be contrary to the provisions of policy ENV28 of the Maidstone Borough-wide Local Plan 2000 and the advice in the NPPF 2012.

Note to applicant

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

Offering a pre-application advice and duty desk service.

Where possible, suggesting solutions to secure a successful outcome.

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

In this instance:

The application was considered to be fundamentally contrary to the provisions of the Development Plan and the NPPF, and there were not considered to be any solutions to resolve this conflict.

The applicant was given the opportunity to address the Planning Committee and promote the scheme.