

Wateringbury
Wateringbury

17 March 2016

TM/16/00920/FL

Proposal: Demolition of the existing Greensted Residential Care home and the erection of 51 older person's extra care units (C2 use class) with associated communal facilities, landscaping and parking

Location: Abbeyfield Greensted Residential Home 16 The Orpines Wateringbury Maidstone Kent ME18 5BP

Applicant: The Abbeyfield Kent Society

1. Description:

- 1.1 Planning permission is sought for the demolition of the existing Greensted Residential Care home and the erection of 51 older person's extra care units with associated communal facilities, landscaping and parking.
- 1.2 Abbeyfield Kent Society (AKS) (the applicant) is a registered charity that provides affordable housing for older people at various locations across Kent. These include supported homes, residential homes, extra care housing schemes and a domiciliary care service. AKS has two other schemes in the Borough; Woodgate, Tudley Lane, Tonbridge which is currently under construction and St Martins Square, Larkfield which was granted planning permission earlier this year.
- 1.3 The application seeks to provide extra care units. The application states that *“extra care housing aims to provide a ‘Home for Life’ for older people enabling them to live independently in their own home, with care and support to meet their specific needs brought to them at home.”* The proposed occupants may be owners, part owners or tenants and all have a legal right to occupy which is not the position for residents in traditional care homes.
- 1.4 The scheme comprises 51 apartments of which 36 are single bed and 15 are two bed units. Ten one bed apartments are designed for Older Persons' Shared Ownership housing and 41 are one and two bed market housing for older persons in need of extra care.
- 1.5 The intention is to establish an on-site domiciliary care service: to be eligible all residents must require an assessed minimum care need of a least three and a half hours a week. The proposed community facilities include a residents' lounge, multi-purpose amenity space, restaurant and associated kitchen, shop, hair/therapy room and assisted bathing facilities.
- 1.6 The existing Care Home was constructed in 1975 and provided accommodation and care for up to 39 people. Planning permission was granted in 2008 and renewed in 2012 for an extension to the existing building. However the building no longer meets current standards for care homes, and conversion and extension have not proved viable or practical options.

1.7 This submission follows an earlier, larger, scheme for 55 extra care units which was withdrawn formally by the applicant prior to determination.

2. Reason for reporting to Committee:

2.1 Locally significant development and Departure from the Development Plan.

3. The Site:

3.1 The site comprises 0.52 hectares and lies on the junction of The Orpines and Tonbridge Road. This site lies to the east of Watringbury village in the Metropolitan Green Belt.

3.2 The site is located within a small residential estate of late 1960/early 1970s detached dwellings, two of which are accessed through the application site. The existing care home was constructed in 1975 and comprises a central two storey element with single storey projections. The complex appears domestic in character with shallow pitched roofs and first floor cladding. The entrance and main car parking area is to the north. A number of mature trees are present within the site with a cluster to the south east and along the southern boundary.

4. Planning History (relevant):

TM/64/10964/OLD grant with conditions 27 May 1964

Outline application for the demolition of existing house and cottage and the erection of 10 terraced houses, 4 detached houses and a three storey block of six flats and maisonettes on land outlined on the revised plan accompanying the letter

TM/65/10801/OLD grant with conditions 21 May 1965

12 single storey, 3 two storey dwellings, and conversion of house into 5 units, as amended by plans and layout enclosed with letters dated 2nd and 5th April, 1965, for Messrs. Orpines (Teston) Ltd.

TM/67/10770/OLD grant with conditions 28 February 1967

Outline application for old peoples home.

TM/73/10765/OLD grant with conditions 16 January 1973

Old Peoples Home.

TM/84/10890/FUL grant with conditions 2 March 1984

Erection of an extension to existing toilets.

TM/88/10384/OUT Refuse 29 June 1988

Outline application for 30 bed total care Nursing Centre, 12 close coupled bungalows, 27 retirement homes, access road and all associated hard and soft landscaping.

TM/91/10159/OLD No Objection 8 May 1991

Detailed submission under Reg. 4: additional staff and visitors parking.

TM/08/03668/FL Approved 11 May 2009

Removal of two garages. New extensions and alterations to existing residential care home

TM/12/00491/FLX Approved 29 June 2012

Extension of time to implement planning permission TM/08/03668/FL (Removal of two garages. New extensions and alterations to existing residential care home)

TM/15/02495/FL Application Withdrawn 8 March 2016

Demolition of the existing Greensted Residential Care home and the erection of 55 Older Person's Extra Care units (C2 Use Class) with associated communal facilities, landscaping and parking

5. **Consultees:**

- 5.1 Wateringbury PC: The proposal does not meet the requirements of Policy CP24 in its design, scale, density, layout, siting, character and appearance. The size and bulk of the building does not respect the site and its surroundings. It fails the test of SO1 of the DPD as it fails to protect, conserve and where possible enhance the environment.
- 5.1.1 The greatly increased density proposed in addition to recently approved large scale developments which will use the A26 through Wateringbury would further exacerbate the already poor air quality in the AQMA in Wateringbury and no air quality mitigation measures are proposed or considered necessary in the proposal.
- 5.1.2 The change of use proposed as part of this application would not provide any necessary social or affordable housing to replace the care facilities lost by the demolition of the existing home.
- 5.1.3 Inadequate parking especially if the hairdressers/restaurant will be open to the public
- 5.2 Teston PC: The PC acknowledge the changes but remain concerned over the height, style, massing and urban feel of the building which will impact negatively

on the Green Belt, the nearby Wateringbury Conservation Area, and upon adjacent properties at The Orpines. The design is not in keeping with this semi-rural location, nor comparable with any other development in Wateringbury, and is incongruous against the green wedge that separates Wateringbury from Teston.

- 5.2.1 The Air Quality Assessment recognises that air quality at the Wateringbury crossroads is poor and that the location is declared as an AQMA. However no mitigation measures are proposed as air quality is a low consideration with regard to the impact of the development. The PC has difficulty understanding how this assertion can be correct as the crossroads is already under considerable strain as a result of expansion at Kings Hill and Hermitage Lane, Maidstone. The PC are certain that these developments have contributed to the worsening of air quality. The proposed development is considerably larger than the existing development and significantly more vehicle movements will occur - any further decrease in air quality is not acceptable and mitigation measures should be imposed if the development proceeds.
- 5.2.2 The current proposal does not appear to include any social housing option and this is not only disappointing but is of great concern, particularly given the charitable status of AKS. The PC expected to see the retention of a social element, not a development aimed purely at private purchasers. There will be those in social housing who, due to increasing age and reduced mobility, will need to downsize and we are concerned that there is a shortage of options for them that the current proposal does not address.
- 5.2.3 The PC are concerned that, while AKS are happy to discuss referrals with TMBC and KCC, the residents' 'local connection' with TMBC, as defined by TMBC will be applied. This development is on a site adjacent to the boundary with Teston and our residents rely on certain facilities in Wateringbury such as the Doctors Surgery and rail services and, as such, have a local connection. We trust that any arrangements for allocation of properties will include our residents in view of their very close proximity. We would be most concerned if Teston residents were not included in any preferential treatment with Wateringbury/TMBC residents.
- 5.2.4 As the development is aimed at more affluent retired people it must be anticipated that residents will have access to cars and we question whether the number of parking spaces is adequate when taking into account resident, staff, ancillary/visiting care staff and private visitor numbers. Care must be taken to ensure there is no overspill parking within The Orpines and, particularly, on Tonbridge Road. We are pleased to see that parking restrictions are proposed in this regard but are concerned about whether this will be enforced. It is essential, in our view, for adequate parking to be available from the outset to mitigate the impact on the highway.
- 5.2.5 The plans do not show any new access onto Tonbridge Road and this is welcomed. The PC would object to any further permanent entrance to the site

from the A26 and ask that any temporary entrance that might be opened up on Tonbridge Road in order to gain access to the site during building work is closed promptly once work is complete.

5.3 KCC (H+T): The site is located off The Orpines which forms a T junction with the A26. Visibility from the access is satisfactory. The speed limit is 30mph at the point of the site access and changes to 40mph approximately 25m to the east of the site access. Footways are provided each side of the A26 and a zebra crossing and bus stops are approximately 200m to the west of the Orpines.

5.3.1 KCC request a copy of the parking survey and clarification of the information relating to trip generation, along with a comparison of the trip rates with TRICs as there are no details provided of the sites selected from the McCarthy and Stone survey information such as village location, edge of town etc.

5.3.2 The guidance given in SPG4 requires a maximum parking provision of 1 parking space per resident member of staff and 1 space per 2 other staff plus a further space per 6 beds or residents. Cycle parking provision is required at a minimum level of 1 space per 10 beds. Additionally 1 ambulance space is required. Please clarify the staffing levels, indicate where the ambulance will park and provide tracking details for delivery vehicles and the fire appliance.

5.4 Natural England: No comment.

5.5 KCC (LLFA): It is expected that the surface water drainage systems would be utilised however no information has been submitted. It is anticipated that soakaways will have be used as there do not appear to be any surface water sewers in the vicinity. Recommend the additional information is submitted - need to ensure there is adequate provision on site to accommodate surface water management to ensure flood risk is managed.

5.6 Private Reps: 104 + Site Notice + Press Notice 0X/149R/3S: Objections are raised on the following grounds:

- Harm to amenity of dwellings at The Orpines - loss of privacy, light and general residential amenity;
- Loss of existing views;
- There are 15 dwellings in The Orpines not 14;
- Adverse impact on the quiet residential character of The Orpines;
- Erosion of the existing open character;
- Adverse impact on the green belt and contrary to green belt policy, policy CP3 and CP24;

- Adverse visual impact on the rural character of Watringbury, the wider countryside and the upper Medway Valley owing to the bulk, size and location;
- Site occupies a gateway to the village and faces the existing Conservation Area with many listed buildings. There is a need to retain the appearance of Watringbury village;
- Inappropriate design - little difference from the previous scheme. The schemes by Abbeyfield approved in Tonbridge and Larkfield are three storey in the urban environment, why is the building four storey in the rural environment of Watringbury?
- Scale is visually intrusive and unsympathetic to its surroundings within a semi-rural village;
- Characterless multi-storey blight on the landscape. Size and architectural style is out of keeping and would dominate the area;
- Too large, too many units, overintensive use of the site;.
- Only two storeys should be allowed in the Conservation Area, roofline should respond to existing rooflines. Contrary to the Conservation Area Study. Building materials and finishes not appropriate in an historic Kent village.
- Incongruous feature in an Area of Outstanding Natural Beauty.
(DPHEH: *The site does **not** lie within a CA or AONB*);
- Inappropriate use of materials and finishes;
- Increased traffic generation will increase noise, air pollution affecting public health. The cross roads is already one of the most polluted in Kent breaching EU recommendations, and add to the existing congestion at the cross roads and backing up to Teston bridge, particularly during construction and be a danger to young children.
- Restricted access for emergency vehicles;
- The Orpines is not wide enough to accommodate the increase in traffic, particularly those health professionals needing to visit the site and others to make service deliveries;
- Inadequate public transport links;
- Inadequate parking provision on site will result in roadside parking which will reduce visibility and block existing driveways;

- Absence of adequate turning areas for delivery vehicles;
- Slope of The Orpines is treacherous during snow and not cleared by KCC and therefore particularly difficult for the elderly, ambulances and those with young children;
- Increased pressure on local services e.g. doctors surgery where already there is a wait for appointments, the pharmacy and the school which is already oversubscribed;
- Scheme is designed for the wealthy rather than the poorer former residents. The element of charitable benefit has gone;
- More affordable rental/social units are required to reflect the needs of the village;
- Will set a precedent for other inappropriate development, particularly the land to the east and merge with Teston;
- Will lead to supermarkets in the village;
- Loss of trees and associated impact on wildlife, protected trees will be lost (*DPHEH: The site does **not** lie within a CA and there are no protected trees on the site*);
- Impact on private rights of way and services;
- Impact on property values;
- Noise and disruption during construction;
- The proposed restaurant and hairdressers will take trade away from the existing businesses within the village;
- No refuse bin provision;
- Wrong location for the elderly, will change the dynamics of the village;
- The views of neighbours have been completely disregarded by the applicant.

5.7 Three letters of support are offered for the following reasons:

- The revised application blends in more than the previous application. This valuable village asset needs modernising and is the redevelopment of an existing use.
- The flats are preferable to the existing car showroom which should be demolished.

6. **Determining Issues:**

Development in the Green Belt:

- 6.1 The site is designated as Metropolitan Green Belt, which is a strategic designation intended to (inter alia) check the unrestricted sprawl of large built up areas and prevent the merging of neighbouring towns into one another. Some of the representations received discuss on a number of occasions the “character” and “visual appearance” of the Green Belt and the related impact of this proposal thereof. I must however stress that the Green Belt is **not** a landscape designation. Matters of visual appearance and design quality are, of course, important considerations in their own right – and I will return to these during the course of the assessment – but they have no bearing on the matter of whether the development is acceptable in Green Belt terms.
- 6.2 The NPPF indicates that new buildings within the Green Belt are considered to be inappropriate development which is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. There are, however, specific exceptions to this position which include:
- *“The replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces; or*
 - *Limited infilling or the partial or complete redevelopment of previously developed sites (brownfield land), whether redundant or in continuing use (excluding temporary buildings), which would not have a greater impact on the openness of the Green Belt and the purpose of including land within it than the existing development.”*
- 6.3 Dealing firstly with the first exception cited, the replacement building would be in a *similar* use (in legal terms), albeit in a different guise (extra care apartments rather than care home). In any case, it is clear that the replacement building by virtue of its scale and massing (and indicative footprint) would be materially larger than the existing care home.
- 6.4 Turning to the second exception outlined above, Annexe 2 of the NPPF defines previously developed land (PDL) as being:
- “Land which is or was occupied by a permanent structure, including the curtilage of the developed land (although it should not be assumed that the whole of the curtilage should be developed) and any associated fixed surface infrastructure. This excludes: land that is or has been occupied by agricultural or forestry buildings; land that has been developed for minerals extraction or waste disposal by landfill purposes where provision for restoration has been made through development control procedures; land in built-up areas such as private residential gardens, parks, recreation grounds and allotments; and land that was previously-*

developed but where the remains of the permanent structure or fixed surface structure have blended into the landscape in the process of time.”

- 6.5 The site, which is occupied entirely by permanent structures (the care home itself) and associated fixed surface infrastructure (the areas of car parking and access road), can clearly be defined as PDL. However, the fact that the replacement building would be materially larger would result in it having a greater impact on the openness of the Green Belt than the existing development.
- 6.6 For these reasons, I believe that this element of the proposal does not fall within any of the relevant exceptions cited within the NPPF and therefore constitutes inappropriate development within the Green Belt, by definition. As such, the proposal can be granted planning permission *only* if it is demonstrated that very special circumstances exist to justify that permission.
- 6.7 In addition to the harm caused by virtue of the fact that the replacement building constitutes inappropriate development, it is also necessary to consider whether the development causes any other harm and, having done so, whether there are other considerations relevant to the overall balance that demonstrate very special circumstances. In this respect, the replacement building would be of a greater scale and mass than the existing care home and this would undoubtedly have some material impact on levels of openness at this point within the site. With these considerations in mind, it is necessary to establish whether very special circumstances exist which outweigh the degree of harm caused by the proposed development by virtue of both its inappropriate nature and its physical impact on openness.
- 6.8 The NPPF states that *“inappropriate development is, by definition, harmful to the Green Belt”* and such development should not be approved, except in very special circumstances. In view of the presumption against inappropriate development, substantial weight is attached to the harm to the Green Belt when considering any planning application concerning such inappropriate development. The NPPF states (paragraph 88):

“When considering any planning application, local planning authorities should ensure that substantial weight is given to the harm to the Green Belt. ‘Very special circumstances’ will not exist unless the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.”

- 6.9 In addition to setting out the national policy for development within the Green Belt, the NPPF also sets out its planning policy in respect of providing a good quality choice of homes. Paragraph 50 places considerable emphasis on the need for LPAs to deliver a wide choice of high quality homes, widen opportunities for home ownership and create sustainable, inclusive and mixed communities. It goes on to indicate that local planning authorities should plan for a mix of housing based on current and future demographic trends, market trends and the needs of different

groups in the community (such as, but not limited to, families with children, older people, people with disabilities, service families and people wishing to build their own homes).

- 6.10 The NPPF defines older people as being people over retirement age, including the active, newly-retired through to the very frail elderly, whose housing needs can encompass accessible, adaptable general needs housing for those looking to downsize from family housing and the full range of retirement and specialised housing for those with support or care needs.
- 6.11 There is clearly a strong national policy impetus in favour of providing a good quality choice of homes as a matter of principle, and the above is therefore an important material planning consideration which can legitimately form part of the case of very special circumstances here.
- 6.12 Additionally, it is recognised that the Borough has an aging population and it is therefore necessary that the specific accommodation needs of this section of the community is met. The scheme proposes extra care. Extra care is designed to meet the needs of frailer older people with varying levels of care and support on site.
- 6.13 Paragraph 159 of the NPPF requires local planning authorities to prepare a Strategic Housing Market Assessment to assess the full housing needs of their area. The Borough has an assessed need for the type of accommodation proposed by the current scheme. Section 7.3 of the updated Strategic Housing Market Assessment June 2015 identifies a predicted need for 410 care home bedspaces in the Borough for the period 2011-31. The proposed scheme will be instrumental in responding to this need and is therefore in accordance with this underlying aim of the NPPF.
- 6.14 A clear need for the provision of accommodation for the growing older population is therefore present. Additionally, it must of course be recognised that it is not purely the quantitative need for such accommodation that requires consideration, but a general recognition exists that there is also a shortage of high quality and purpose built facilities which meet the evolving needs of older people in the UK.
- 6.15 I am acutely aware of the considerable viability challenges that AKS face in providing this specialist type of accommodation. The inclusion of 10 units for older persons on a shared ownership basis is therefore welcomed as meeting part of the identified need. This is in addition to the entirely affordable 79 units to be provided at the AKS Larkfield scheme. The affordable extra care units proposed under the current application would be accessed through the Council's Housing Register. Occupants would need to have a local connection and meet the same eligibility criteria as for other traditional affordable housing. To clarify, a local connection is where the applicant has lived in the Borough for six out of the last twelve months, or three out of the last five years, has a permanent job which is based in the

borough, or has immediate family living in the Borough who have lived here for at least five years.

- 6.16 Regard must also be had to the specific locational characteristics of the site relative to its immediate surroundings. The site is very much on the edge of the identified village confines, in a small pocket of development on the northern side of the A26. The proposed development would not therefore, in my view, conflict with the fundamental, strategic aims of including land within the Green Belt, as set out in paragraph 80 of the NPPF.
- 6.17 In the overall balance of all the factors that determine whether a justifiable claim for very special circumstances has been made in support of the elements of the proposal that constitute inappropriate development and harm to the MGB, I conclude that a sufficient case of very special circumstances exists that outweighs the degree of harm that would arise in this instance.

Development within the countryside:

- 6.18 In addition to the Green Belt designation, it is important to note that in more general terms, the application site forms open countryside, outside the village settlement confines of Watlington. Policy CP14 of the TMBCS therefore applies and this states that in the countryside development will be restricted to:
- Extensions to existing settlements in accordance with policies CP11 or CP12;
 - One for one replacement or appropriate extension of an existing dwelling or conversion of an existing building for residential use;
 - Development that is necessary for agriculture or forestry;
 - Development required for the limited expansion of an employment use;
 - Development that secures the viability of a farm as part of a comprehensive farm diversification scheme provided it is supported by a business case;
 - Redevelopment of the defined major developed sites in the Green Belt [not applicable to this case as the site lies outside the Green Belt];
 - Affordable housing which is justified as an exception under policy CP19 (rural exceptions site);
 - Predominately open recreation uses and associated infrastructure;
 - Any other development for which a rural location is essential.
- 6.19 CP11 of the TMBCS states that development will be concentrated within the confines of the urban areas (Tonbridge, the Medway Gap and Walderslade) and

that development adjoining these urban areas will only be permitted if there is an identified need and there are not suitable sites within the urban areas.

- 6.20 CP12 of the TMBCS allows for development adjoining the rural confines of Borough Green, East Peckham, Hadlow, Hildenborough and West Malling provided that there are no alternative suitable sites and where there is a local justification.
- 6.21 CP13 relates to other rural settlements, including Wateringbury village, restricting new development to minor development, within the confines provided it is of a scale and character appropriate to the location.
- 6.22 With the above policy context in mind, it is clear that the proposal relates to new development outside the village confines of Wateringbury which does not meet any of the exceptions specifically set out in policy CP14 of the TMBCS and consequently, the proposed development falls outside of the requirements of these policies.
- 6.23 Members will be aware that the Council in its role as Local Planning Authority is required to determine planning applications and other similar submissions in accordance with the Development Plan in force (in this case the policies cited above) **unless** material considerations indicate otherwise.
- 6.24 It is therefore necessary to establish whether any other material planning considerations exist that outweigh the above policy considerations in these particular circumstances. In this respect, it is my view that the considerations set out above, culminating in the conclusion that very special circumstances exist which outweigh the degree of harm to the Green Belt also amount to other material considerations that weigh strongly in favour of the grant of planning permission in this instance.

Detailed assessment of the scheme:

- 6.25 One of the core principles contained within the NPPF centres on the need to always seek high quality design and a good standard of amenity for all existing and future occupants of land and buildings. Paragraph 58 of the NPPF states that planning decisions should aim to ensure that developments respond to local character and history and reflect the identity of local surroundings and materials, while not preventing or discouraging appropriate innovation. It also stresses that planning decisions should not attempt to impose architectural styles or particular tastes. Paragraph 65 states that planning permission for buildings which promote high levels of sustainability should not be refused because of concerns about incompatibility with an existing townscape if those concerns have been mitigated by good design.
- 6.26 Similarly, TMBCS policy CP24 sets out the general criteria for all new development including a provision that development must respect the site and its

surroundings and that it will not be permitted where it would be detrimental to the built environment and amenity of a locality. This is supported by policy SQ1 of the MDE DPD which states that all new development proposals should protect, conserve and where possible enhance:

- the character and local distinctiveness of the area including any historical and architectural interest and the prevailing level of tranquillity;
- the distinctive setting of and relationship between, the pattern of settlement, roads and the landscape, urban form and important views.

6.27 The existing building was constructed in 1975 and comprises a mix of single and double storey elements in a rough 'H block' arrangement. The buildings are predominantly brick with a mix of tile hanging and timber fascia. It is of no particular visual merit in design terms and its loss within the locality would not be adverse in visual terms.

6.28 There has been national shift away from the traditional care home model towards an extra care model where care is provided on the basis of individual need, with people being supported in their own homes. The proposed scheme has therefore been designed within this context and its appearance is reflective of that approach. The building has been designed to meet the specific needs of the future occupiers. The apartments, gardens and community areas have all been designed for wheelchair access and the apartments designed to be adaptable or 'care ready' for any future occupier requirements.

6.29 The 2015 scheme proposed 55 units arranged over four storeys with an 'L shaped' footprint. The current scheme proposes a reduced number of units and reduced internal floor area. The building has been re-designed to reduce the overall bulk by submerging the lower floor below ground level and altering the footprint to create two three storey wings with only a single four storey central element. This has resulted in a reduction in above ground massing and therefore the overall visual impact of the building. By submerging the lower floor into the site this will give the appearance of a two/three storey building when viewed from The Orpines. There would also be a similar reduction when viewed from Tonbridge Road.

6.30 It is my view that the scheme is acceptable in terms of visual appearance and detailed design. It has been designed in a way which breaks up the bulk and massing through vertical and horizontal articulation. The impact of the building can be further mitigated by the introduction of additional landscaping, particularly to the southern and eastern site boundaries.

6.31 I acknowledge that the site lies on the eastern approach to the village. However when considering the design of the proposed building it must be noted that the site does not lie within the village centre, the Conservation Area or close to any listed buildings, rather it is set within a late 1960/early 1970s small residential estate. It is against this specific context that the proposed new building must be judged.

- 6.32 The proposed building is a contemporary design which reflects the functional needs of its future occupants. As noted the site does not lie within a CA or impact upon the setting of a listed building. In the absence of any specific designation it is not therefore appropriate to impose any specific design language. Therefore the proposed building, although larger than the existing building and modern in its design, is on balance acceptable in this location.
- 6.33 No trees within the site are subject to Tree Preservation Orders nor does the site lie within a Conservation Area. Nevertheless the proposal seeks to retain the existing trees where practicable. Whilst the scheme may involve the removal of some trees, the majority of the existing boundary trees and the large oaks trees within the site are to be retained. The application contains details of the proposed additional tree planting, two of which are proposed to the southern site boundary adjacent to the Tonbridge Road. This is welcomed. There is opportunity for additional planting to this and the eastern site boundary which can be secured by planning condition.
- 6.34 Turning to matters of residential amenity, I consider that the specific siting of the building and its resultant relationship with the nearest neighbours ensures that there would be no harm arising in terms of loss of light or privacy to justify refusal on such a basis. Specifically, the western façade of the proposed building is over 19m from the garden fences of nos. 4, 5 and 8 The Orpines, which is certainly a sufficient amount of separation.
- 6.35 Taking all of the above factors into account, the proposed development is considered to be acceptable in terms of residential amenity issues. Whilst I appreciate that the surroundings residents' relationship with the site will change in physical terms, this change would not result in any material harm being caused.
- 6.36 Policy CP2 of the TMBCS requires new development to be well located relative to public transport, cycle and pedestrian routes and with good access to local service centres.
- 6.37 I appreciate that there is local concern regarding the possible increase in traffic movements and the potential for cars to be displaced onto the surrounding local highway network arising from the proposed development.
- 6.38 It is acknowledged that the scheme would increase the number of residents and therefore the number of potential visitors and other service providers. However the scheme relates to the redevelopment of an existing Care Home and therefore it is unlikely to result in the significant increase in number of trips envisaged by this policy.
- 6.39 For Care Homes SPG4 recommends a maximum parking provision of 1 parking space per resident member of staff, 1 space per 2 other staff, 1 space per 6 beds for residents, 1 cycle space per 10 beds and 1 ambulance space. Section 6 of the submitted Planning Statement calculates the proposed parking provision to be

based on 11 full time staff, including 1 residential member of staff and 66 bedrooms. This results in a total of 17 vehicle parking spaces and 7 cycle spaces. The scheme proposes 25 vehicle parking spaces including 2 disabled spaces and 8 cycle spaces. This is in excess of the recommended vehicle parking requirements. A larger parking space is provided immediately adjacent to the proposed extra care room which can be used for an ambulance.

- 6.40 It must be borne in mind that current Government guidance contained within Paragraph 32 of the NPPF states that permission should only be refused on transport grounds if the impacts are considered to be severe. Whilst further clarification has been sought by KCC H+T on a number of issues they confirm that visibility at the junction of The Orpines and Tonbridge Road is satisfactory.
- 6.41 Taking the above into consideration, the proposed development is considered to be acceptable in terms of both highway safety and parking provision.
- 6.42 Turning to matters regarding various sources of pollution, the Wateringbury AQMA lies to the west of the site centred around the junction of the Tonbridge Road, Bow Road and Red Hill. It is therefore important to ensure that the proposed scheme will not adversely contribute to the area in terms of increased pollutants and that adequate amenity can be ensured for the future occupants. However, in the same manner that the proposed level of increase in traffic movement will not have an unacceptably adverse impact on highway safety, there will be no significant deterioration of air quality in the Wateringbury AQMA. Nevertheless low emission designs should be incorporated into the proposal, in particular the introduction of a monitored Green Travel Plan. This will be of benefit in both highway and air quality terms, and can be ensured by planning condition.
- 6.43 Whilst the proximity of the site to the AQMA and the Tonbridge Road is noted, the proposed building is to be set-back from the road and this distance, in combination with the slope of the site away from the road to the north, will ensure adequate air quality within the proposed development. Notwithstanding this, and as already noted, additional planting to the southern site boundary would help to improve air quality levels and this is recommended in the interests of air quality, noise mitigation and visual amenity.
- 6.44 Issues relating to potential land contamination can be adequately dealt with by planning condition. Similarly, suitable management of surface water can be achieved through appropriate design and this can be ensured by planning condition. The concerns of residents regarding foul drainage are acknowledged but this issue is a matter for the statutory undertaker and is therefore beyond the scope of the planning system.
- 6.45 The MDE DPD recognises that if not properly controlled, insensitive artificial lighting can cause harm to residential amenity, the built environment and the sky at night. Equally, good quality lighting can make a valuable contribution to the design, efficiency, ambience and sense of place of an area. Given the location of

this site, any external lighting has the potential to make either a positive or negative contribution to the environment. Full details of any external lighting should be required by condition if planning permission is granted.

- 6.46 Turning to matters of trees, ecology and biodiversity, paragraph 109 of the NPPF states that the planning system should contribute to and enhance the natural and local environment. It goes on to say (paragraph 118) that when determining planning applications, local planning authorities should aim to conserve and enhance biodiversity.
- 6.47 Policy NE2 of the MDE DPD states that the biodiversity of the Borough and in particular priority habitats, species and features will be protected, conserved and enhanced. It also states that the restoration and creation of new habitats will be pursued where these promote permeability and contribute to the UK and Kent Biodiversity Action Plan targets. Policy NE3 states that development that would adversely affect biodiversity or the value of wildlife habitats will only be permitted if appropriate mitigation and/or compensation measures are provided which would result in overall enhancement.
- 6.48 The application is accompanied by a habitat survey which concludes that there is low level evidence of bats, although recommends additional surveys; possible roosting sites being an area of broken tile and a mature oak tree. No further surveys are recommended for reptiles or Great Crested Newts. The Report recommends the installation of bird boxes and natural tree planting to create new habitats. Natural England has offered no comment on the proposal concluding that the application is unlikely to result in significant impacts on statutory designated nature conservation sites or landscapes. The additional survey work recommended by the submitted report can be adequately dealt with by planning condition.
- 6.49 A number of matters have been raised during the consultation exercise including the potential for the development to impact upon existing local business, property prices and loss of views. These are not material planning considerations and cannot be taken into account in the determination of the current application.
- 6.50 Members will be aware that impacts during the construction phase of development are not usually matters that can be controlled under the terms of a planning permission. Furthermore, it should be recognised that KCC has powers to appropriately deal with certain matters relevant to the safe operation of the local highway network through its Highways Act powers. For instance, works/damage to the highway or mud on the road are within KCC powers. I would therefore recommend that an Informative be attached to any planning permission granted reminding the developer that the highway should be kept free of obstruction and mud deposits and reminding the developer that there may be a requirement to enter into separate agreements with the County Council accordingly. In parallel it would be appropriate to refer to prior consent with Environmental Health re:

construction noise etc. These matters do not have any bearing on whether planning permission should now be granted for the development.

Conclusions:

6.51 In light of the above assessment, it is my conclusion that the proposed scheme would represent an acceptable form of development in both principle and detail when considering the various requirements of the NPPF and LDF. Moreover, once completed it would comprise a development that would undoubtedly be of benefit to the Borough both in terms of choice of accommodation available to those in need of varying levels of care together with the provision of jobs within the care sector. As such, I recommend that the proposal be welcomed and planning permission granted, subject to planning conditions.

7. Recommendation:

7.1 **Grant Planning Permission** in accordance with the following submitted details: Email dated 12.04.2016, Letter dated 17.03.2016, Letter dated 17.03.2016, Other ACCESS STRATEGY dated 17.03.2016, Waste Management Strategy dated 17.03.2016, Statement Of community involvement dated 17.03.2016, Habitat Survey Report dated 17.03.2016, Bat Survey dated 17.03.2016, Energy Statement dated 17.03.2016, Noise Assessment dated 17.03.2016, Design and Access Statement dated 17.03.2016, Other PUBLIC CONSULTATION dated 17.03.2016, Air Quality Assessment dated 17.03.2016, Desk Study Assessment dated 17.03.2016, Drainage Statement dated 17.03.2016, Planning Statement dated 17.03.2016, Other UTILITIES dated 17.03.2016, Other BREEAM dated 17.03.2016, Arboricultural Survey dated 17.03.2016, Location Plan AA4838/2000 dated 17.03.2016, Existing Plans 19592 E 01 dated 17.03.2016, Existing Site Plan 19592 E 10 dated 17.03.2016, Existing Floor Plans 19592 E 11 dated 17.03.2016, Existing Floor Plans 19592 E 12 dated 17.03.2016, Existing Elevations 19592 E 13 dated 17.03.2016, Sections 19592 E 14 dated 17.03.2016, Drawing AA4838/1001 dated 17.03.2016, Site Plan AA4838/2050 A dated 17.03.2016, Proposed Floor Plans AA4838/2051 C dated 17.03.2016, Proposed Floor Plans AA4838/2052 C dated 17.03.2016, Proposed Floor Plans AA4838/2053 C dated 17.03.2016, Proposed Floor Plans AA4838/2054 C dated 17.03.2016, Proposed Roof Plan AA4838/2055 A dated 17.03.2016, Section AA4838/2058 A dated 17.03.2016, Section AA4838/2059 A dated 17.03.2016, Artist's Impression AA4838/2060 dated 17.03.2016, Proposed Elevations AA4838/2061 A dated 17.03.2016, Proposed Elevations AA4838/2062 A dated 17.03.2016, Proposed Elevations AA4838/2063 A dated 17.03.2016, Proposed Elevations AA4838/2064 A dated 17.03.2016, Landscaping AA4838/2065 dated 17.03.2016, Proposed Elevations AA4838/2066 dated 17.03.2016, subject to the following conditions:

Conditions:

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

Reason: In pursuance of Section 91 of the Town and Country Planning Act 1990.

2. No development, other than the demolition of the existing building(s), shall take place until details and samples of materials to be used externally have been submitted to and approved by the Local Planning Authority, and the development shall be carried out in accordance with the approved details.

Reason: To ensure that the development does not harm the character and appearance of the existing building or the visual amenity of the locality.

3. The use shall not be commenced, nor the premises occupied, until the area shown on the submitted layout as vehicle parking space has been provided, surfaced and drained. Thereafter it shall be kept available for such use and no permanent development, whether or not permitted by the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order amending, revoking or re-enacting that Order) shall be carried out on the land so shown or in such a position as to preclude vehicular access to this reserved parking space.

Reason: To ensure no adverse impact on highway safety resulting from hazardous on-street parking.

4. No building shall be occupied until the area shown on the submitted plan as turning area has been provided, surfaced and drained. Thereafter it shall be kept available for such use and no permanent development, whether or not permitted by the Town and Country Planning (General Permitted Development) Order 1995 (or any order amending, revoking and re-enacting that Order), shall be carried out on the land so shown or in such a position as to preclude vehicular access to this reserved turning area.

Reason: Development without provision of adequate turning facilities is likely to give rise to hazardous conditions in the public highway.

5. No development, other than the demolition of the existing building(s), shall take place until details of the slab, finished floor and ridge levels have been submitted to and approved by the Local Planning Authority and the development shall be carried out in strict accordance with those details.

Reason: In the interests of limiting the visual impact of the proposal on the locality.

6. No development, other than the demolition of the existing building(s), shall take place until details there has been submitted to and approved by the Local Planning Authority a scheme of hard and soft landscaping and boundary treatment, which shall include proposals for additional planting to the southern and eastern site boundaries. All planting, seeding and turfing comprised in the approved scheme

of landscaping shall be implemented during the first planting season following occupation of the buildings or the completion of the development, whichever is the earlier. Any trees or shrubs removed, dying, being seriously damaged or diseased within 10 years of planting shall be replaced in the next planting season with trees or shrubs of similar size and species, unless the Authority gives written consent to any variation. Any boundary fences or walls or similar structures as may be approved shall be erected before first occupation of the building to which they relate.

Reason: Pursuant to Section 197 of the Town and Country Planning Act 1990 and to protect and enhance the appearance and character of the site and locality.

7. The development hereby approved shall be carried out in such a manner as to avoid damage to the existing trees, including their root system, or other planting to be retained as part of the landscaping scheme by observing the following:
 - (a) All trees to be preserved shall be marked on site and protected during any operation on site by a fence erected at 0.5 metres beyond the canopy spread (or as otherwise agreed in writing by the Local Planning Authority).
 - (b) No fires shall be lit within the spread of the branches of the trees.
 - (c) No materials or equipment shall be stored within the spread of the branches of the trees.
 - (d) Any damage to trees shall be made good with a coating of fungicidal sealant.
 - (e) No roots over 50mm diameter shall be cut and unless expressly authorised by this permission no buildings, roads or other engineering operations shall be constructed or carried out within the spread of the branches of the trees.
 - (f) Ground levels within the spread of the branches of the trees shall not be raised or lowered in relation to the existing ground level, except as may be otherwise agreed in writing by the Local Planning Authority.

Reason: Pursuant to Section 197 of the Town and Country Planning Act 1990 and to protect the appearance and character of the site and locality.

8. No development shall take place other than as required as part of any relevant approved site investigation works until the following have been submitted to and approved by the local planning Authority:
 - (a) results of the site investigations (including any necessary intrusive investigations) and a risk assessment of the degree and nature of any contamination on site and the impact on human health, controlled waters and the wider environment. These results shall include a detailed remediation method statement informed by the site investigation results and associated risk assessment, which details how the site will be made suitable for its approved end use through removal or mitigation measures. The method statement must include details of all works to be undertaken, proposed remediation objectives,

remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site cannot be determined as Contaminated Land as defined under Part 2A of the Environmental Protection Act 1990 (or as otherwise amended).

The submitted scheme shall include details of arrangements for responding to any discovery of unforeseen contamination during the undertaking hereby permitted. Such arrangements shall include a requirement to notify the Local Planning Authority in writing of the presence of any such unforeseen contamination along with a timetable of works to be undertaken to make the site suitable for its approved end use.

(b) prior to the commencement of the development the relevant approved remediation scheme shall be carried out as approved. The Local Planning Authority should be given a minimum of two weeks written notification of the commencement of the remediation scheme works.

Reason: In the interests of amenity, public safety and human health and in accordance with the National Planning Policy Framework 2012 (paragraph 121).

9. Following completion of the approved remediation method statement, and prior to the first occupation of the development, a relevant verification report that scientifically and technically demonstrates the effectiveness and completion of the remediation scheme at above and below ground level shall be submitted for the information of the Local Planning Authority.

The report shall be undertaken in accordance with DEFRA and the Environment Agency's Model Procedures for the Management of Land Contamination, CLR 11. Where it is identified that further remediation works are necessary, details and a timetable of these works shall be submitted to the Local Planning Authority for written approval and shall be fully implemented as approved.

Thereafter, no works shall take place such as to prejudice the effectiveness of the approved scheme of remediation.

Reason: In the interests of amenity, public safety and human health and in accordance with the National Planning Policy Framework 2012 (paragraph 121).

10. No development, other than the demolition of the existing building(s), shall take place until a detailed sustainable surface water drainage scheme for the site has been submitted to, and by the Local Planning Authority. The scheme shall include details of the implementation, maintenance and management of the sustainable drainage scheme and the scheme shall be implemented and thereafter managed and maintained throughout its lifetime in accordance with these details.

Reason: To ensure that the principles of sustainable drainage are incorporated into this proposal and to ensure ongoing efficacy of the drainage provisions.

11. The development shall be carried out in strict accordance with the accommodation schedule detailed in the submitted Affordable Housing Side Letter received 17

March 2016 and include the 10 Older Persons Shared Ownership dwellings which will be prioritised for households with a local connection to Tonbridge & Malling. The scheme shall not be varied in any way without the prior approval in writing of the Local Planning Authority.

Reason: To enable the Local Planning Authority to regulate and control the type of accommodation provided.

12. Within three months of the development commencing full details of a scheme of acoustic protection of habitable rooms shall be submitted to and approved by the Local Planning Authority. The Report shall include specific data and details of any necessary noise insulation/attenuation requirements e.g. acoustic glazing, acoustically screened mechanical ventilation. The approved attenuation measures shall be implemented prior to the first occupation of the Care Home and shall be retained at all times thereafter.

Reason: To safeguard the aural amenity of the occupiers of the units hereby approved.

13. No development shall take place until the additional surveys and other recommendations made in the Phase 1 Habitat Survey and Bat Building Report submitted 17 March 2016 have been carried out and any mitigation measures submitted to and approved by the Local Planning Authority. The works shall thereafter be undertaken in accordance with those mitigation measures.

Reason: To safeguard existing habitats and conserve biodiversity.

14. No part of the development hereby approved shall be occupied until details of measures to encourage the use of access to and from the site by a variety of non-car means (known as a Green Travel Plan) have been submitted to and approved in writing by the Local Planning Authority. The recommendations of this plan shall be carried out, on first occupation and thereafter retained in operation to the satisfaction of the local planning authority.

Reason: To reduce traffic movement and any associated impacts.

15. Prior to the installation of any external lighting serving the building full details shall be submitted to and approved by the Local Planning Authority and the work shall be carried out in strict accordance with those details prior to first occupation.

Reason: To ensure that the development does not harm the visual amenity the locality.

16. The refuse storage details shown on drawing AA4838-2052 Rev C dated 17 March 2016 shall be provided prior to the first occupation of the building and shall be retained in perpetuity to the satisfaction of the local planning authority.

Reason: To ensure an appropriate standard of development.

Informatives

- 1 With regard to the construction phase of the development, the applicant is asked to take all reasonable steps to mitigate any impact upon surrounding residents. With this in mind, they are strongly encouraged to apply for a Section 61 Control of Pollution Act 1974 'prior consent' notice to regulate working hours/methods. It is recommended that you contact the Environmental Health Pollution Control Team on pollution.control@tmbc.gov.uk in advance of the commencement of works to discuss this further. The applicant is also advised to not undertake construction works outside the hours of 08:00 -18:00 Mondays to Fridays, 08:00-13:00 on Saturdays and to not undertake works on Sundays, Bank or public holidays. Furthermore, arrangements for the management of demolition and construction traffic to and from the site should be carefully considered in the interests of residential amenities and highway safety. With regard to works within the limits of the highway and construction practices to prevent issues such as the deposit of mud on the highway, the applicant is encouraged to consult The Community Delivery Manager, Kent County Council, Kent Highway Services, Double Day House, St Michaels Close, Aylesford Tel: 03000 418181 at an early time.
- 2 The applicant is reminded that land contamination risk assessment is a step by step process. During the course of the risk assessment process set out in the above condition(s) it may become clear that no further work is necessary to address land contamination risks. Where this is agreed to be the case the condition(s) may be discharged by the Local Planning Authority without all the steps specified having been completed or submitted for formal approval. In all cases, written confirmation should be obtained from the Local Planning Authority confirming that the requirements of the condition(s) have been met. The Local Planning Authority would like to take the opportunity to remind the applicant that it is their responsibility to ensure the site is safe and suitable for its end use.
- 3 The Local Planning Authority will not accept any liability for remediation works.
- 4 The applicant is reminded that a suitably qualified and competent person shall fulfil the requirements of the condition(s) pertaining to contaminated land remediation.
- 5 The development involves demolition and, owing to the likelihood of the buildings containing or being constructed of asbestos, the applicant should contact the Health and Safety Executive for advice. Any asbestos found on site must be removed in a controlled manner by an appropriately qualified operator.
- 6 This permission does not purport to convey any legal right to undertake works or development on land outside the ownership of the applicant without the consent of the relevant landowners.

- 7 The disposal of waste by incineration (bonfires) could lead to justified complaints from local residents and is also contrary to Waste Management Legislation. It is therefore recommended that no bonfires be lit had at the site.
- 8 In the interests of good neighbourliness all vehicles and machinery associated with demolition and/or construction must be parked within the site and not on the public highway in such a manner as to create an obstruction.
- 9 When submitted details pursuant to planning condition 12 the applicant is advised that due to the proximity of the highway the Report shall include the current noise climate and consider how the levels in BS8233:2014 will be met, namely:
 - for gardens and other outdoor spaces a desirable limit of 50dB LAeq,1-hour, and a maximum upper limit of 55dB LAeq,1-hour; and
 - to at least secure internal noise levels no greater than 30dB LAeq, 8-hr (night) and 35dB LAeq, 16-hr (day) in bedrooms, 35dB LAeq, 16-hr (day) in living rooms and 40dB LAeq, 16-hr (day) in kitchens/dining rooms . These levels need to be achieved with windows at least partially open.
- 10 The proposed development is within a road which has a formal street numbering scheme and it will be necessary for the Council to allocate postal address(es) to the new property/ies. To discuss the arrangements, you are invited to write to Street Naming & Numbering, Tonbridge and Malling Borough Council, Gibson Building, Gibson Drive, Kings Hill, West Malling, Kent, ME19 4LZ or to e-mail to addresses@tmhc.gov.uk. To avoid difficulties for first occupiers, you are advised to do this as soon as possible and, in any event, not less than one month before the new properties are ready for occupation.

Contact: Maria Brown