

Tonbridge **559908 145287** **19 February 2014** **TM/14/00655/FL**
Medway

Proposal: Hybrid Application: Development of site involving (A) Detailed Planning Permission for erection of a new replacement care home (Use Class C2) comprising 101 resident bedrooms, ancillary accommodation, communal facilities and gardens, and car parking; a new link road connecting the vehicular access from Tudeley Lane to the new replacement care home; creation of an acoustic fence along the boundary with the A26 Woodgate Way; and phased demolition of the existing Woodgate Care Home following the commencement of operations at the new replacement care home.
(B) Outline Permission for the erection of extra care apartments comprising self-contained apartments, communal facilities and gardens, and car parking.

Location: Woodgate Residential Care Home And Adjacent Land Tudeley Lane Tonbridge Kent TN11 0QJ

Applicant: GB Development Solutions Limited

1. Description:

1.1 This application has been submitted in hybrid form, with full planning permission being sought for the construction of a new care home comprising a total of 101 residents' en-suite bedrooms, ancillary accommodation, communal facilities, including a hairdressers and therapy room, gardens and car parking. The proposed care home, which is proposed to be sited on the undeveloped, eastern portion of the application site, would provide 24 hour care facilities including specialist nursing and dementia care. Of the 101 bedrooms to be provided, at least 34 are intended to provide specialist nursing care.

1.2 The applicant states in support of this particular element of the scheme:

"The on-site community facilities will provide social benefits for the residents whilst easing the future transition from the self-contained properties to the adjacent care home. Residents are encouraged to become members of clubs and societies and it is common for regular events and social activities to be organised.

A range of unit sizes are proposed to accommodate the differing levels of care that residents require and provide choice dependant on individual circumstances.

All levels of care can be provided within the full range of accommodation proposed within the facility. The development will offer domiciliary and personal care as required by all residents as required."

- 1.3 The application also seeks outline planning permission for the construction of a new building comprising extra care, self-contained apartments along with communal facilities, gardens and car parking. In this respect, all matters are reserved for future consideration except for means of access and the scale and massing of the development.
- 1.4 Although only submitted in outline at this stage, it is envisaged that the extra care building is proposed to be constructed on the site of the current care home, within the western part of the site. It is intended to provide a total of 51 self-contained apartments with a mix of one and two bed units along with communal areas, associated facilities and services. The scheme has been designed for individuals over 55 years or over with varying care requirements. As with the care home, the apartment building is to be constructed with two wings attached to a central core. The facilities available to residents would include a cafe/restaurant, hair and beauty salon, small convenience shop and medical room. Communal spaces and lounges are provided across the two wings. The extra-care approach provides for occupation of units with various levels of care which is provided really at the discretion of the individual occupants.
- 1.5 Developing the site in this fashion would allow for the new care home to be completed on the undeveloped eastern portion of the application site whilst the existing facility continued to operate in its current form. Once the care home had been completed and occupied, the second phase involving the demolition of the existing building and construction of the extra care apartments could take place. This has a major benefit in making continuity of occupation, in the immediate locality, possible.
- 1.6 In support of the overall proposal, the applicant has provided the following statement:

“The existing care home accommodates 40 single rooms and 1 double room and is made up of an amalgamation of buildings which vary in storey height from single to three storeys. The majority are of double storey with a pitched slate roof, with the main entrance and day care centre being single storey with a flat roof. The home provides a day care centre and specialist care for dementia patients, end of life care, respite care and younger care patients.

The existing facility is however restricting the operational efficiency of the care home in terms of space restriction, layout and functionality and operational maintenance. The replacement care home to be operated by Abbeyfield will provide a modern facility which will be able to accommodate the needs of its residents in a purpose built and energy efficient building. It will provide a modern complex offering a high quality design set within a sensitive landscape.”

- 1.7 It is intended that both the care home and the extra care facility will provide 24 hour care for a wide range of medical requirements for residents. It is therefore likely that approximately 147 – 167 employees would be required in order to operate the facilities and the majority of these would work shifts of a rotating timetable.
- 1.8 The proposed buildings are proposed to be mainly three-storeys in height and are proposed to be of a similar scale and style to each other. The care home would be relatively traditional in architectural form, with 30-degree pitched roofs, projecting gables, large windows with balconies. Indicative elevations submitted in respect of the extra care apartments suggest that this building would also reflect this architectural form and style.
- 1.9 The Design and Access Statement explains that the site layout has been developed with an intention to respond to the physical characteristics of the site by taking advantage of the natural site division that exists between the western and eastern components of the site, with the retained ditch and band of trees running between the two.
- 1.10 Although it must be remembered that the extra care facility has been submitted in outline form only at this stage, generally the concepts behind the proposed layout would allow for the buildings to be orientated in such a way as to allow for the gardens to be south and west facing. Clearly defined public and private spaces are to be provided, with those private spaces intended to be private and secure.
- 1.11 Materials to be used will consist of a mixture of facing brickwork and render. Black concrete tiles are shown as proposed to clad the pitched roof elements of the buildings, with grey ply membrane to cover the flat roofed parts of the building.
- 1.12 The proposed development has been designed in such a way as to seek to retain the better quality mature trees within the central band within the site, along with the retention and enhancement of the vegetation along the site boundaries. The care home is intended to be served by a south facing courtyard to be flanked by the building itself. A west facing landscaped courtyard is to be provided to serve the extra care apartments. A pond is proposed to be created within the western corner of the site as part of the ecology strategy, offering a habitat for great crested newts.
- 1.13 An acoustic fence is also proposed to be constructed along the site boundary shared with the A26 (Woodgate Way).
- 1.14 The existing access from Tudeley Lane is proposed to be retained with some improvements to visibility. There is no intention to reopen Tudeley Lane to the east, which will remain stopped up for vehicular traffic. The car parking has been organised in such a way that it is positioned within the northern and central parts of the site, between Tudeley Lane and the buildings themselves. It is proposed to provide a total of 79 car parking spaces to serve the whole development, with 51

spaces to serve the extra care apartments and 28 spaces allocated for the new care home. The number includes 5 disabled spaces near the extra care entrance, and a further 2 near the entrance to the care home. Cycle storage is also proposed to be provided close to the entrances to both buildings.

- 1.15 The refuse area to serve the extra care buildings is to be located at the end of the parking area at the south-east end of the building. The refuse area and service bay for the care home are both to be located east of the service entrance, making them directly accessible from the adjacent car park. The refuse enclosures are to be timber 'hit and miss' fencing with additional screen planting.
- 1.16 Low level bollard lighting is proposed to be installed along the pedestrian paths and patios along with a combination of tall column lights and low level bollard lighting proposed along the main access drive and car park.
- 1.17 In support of the application, a significant number of documents and supporting statements have been submitted for consideration. These are discussed where appropriate within the body of the assessment that follows.

2. Reason for reporting to Committee:

- 2.1 Locally significant development and Departure from the Development Plan.

3. The Site:

- 3.1 The application site is irregular in shape and extends to approximately 1.6 hectares.
- 3.2 The site is bisected by a band of semi-mature and mature trees.
- 3.3 The western component of the site comprises the existing Abbeyfield care home, known as the Woodgate Residential Care Home. The existing buildings were built by KCC in 1971 and operated by KCC until transferred to Abbeyfield. This part of the site lies within the Metropolitan Green Belt.
- 3.4 The Weald of Kent Girls' Grammar School playing fields are located to the west of this part of the site.
- 3.5 The eastern component of the site comprises open fields and is safeguarded for future employment development in the LDF Land Allocations DPD.
- 3.6 The majority of the site lies within Flood Zone 1 with only the south-eastern corner falling within Flood Zone 2.
- 3.7 Woodgate Way (A26) runs along the southern boundary of the site.

4. Planning History:

TM/61/10257/OLD Refuse 16 August 1961

Outline application for residential development.

TM/64/10037/OLD grant with conditions 30 June 1964

Erection of home for Old Persons.

TM/68/10014/OLD grant with conditions 19 March 1968

Erection of home for Old People.

TM/69/10225/OLD grant with conditions 12 September 1969

Isolated transformer pole 'H'.

TM/71/10246/OLD grant with conditions 29 June 1971

The provision of a tree planting scheme.

TM/78/10006/FUL grant with conditions 27 October 1978

Provision of a day care centre for 30 people.

TM/84/10625/FUL No Objection 2 November 1984

Deemed planning application for change of use of existing staff house to day care and rehabilitative training centre for residents.

TM/87/11155/FUL No Objection 6 April 1987

Regulation 4 (Full): garage/store.

TM/87/11236/OLD No Objection 5 January 1987

Provision of 7 no. car parking spaces and widening of access road.

TM/87/11238/FUL grant with conditions 2 February 1987

Kitchen extension.

TM/13/03154/EASC screening opinion EIA 25 October 2013
not required

Request for screening opinion under Regulation 5 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2011 for replacement care home and extra care facility at land at Tudeley Lane

5. Consultees:

- 5.1 KCC(Highways): No objection subject to a condition requiring a construction management plan to be provided to ensure that minimum disruption is caused to nearby residents.
- 5.2 NE: No objections – general comments provided.
- 5.3 EA: No objections subject to conditions concerning sustainable surface water drainage and contamination being imposed on any permission granted. General comments also made in respect of waste on site.
- 5.4 UMIDB: I note that the above development proposal includes plans to limit surface water runoff from undeveloped land to 5l/s/ha (which is considered appropriate). However, the plans also include for runoff rates from previously developed areas of the site to be reduced by 20% from existing which, although an improvement, equates to 52l/s/ha. While this has been a generally accepted policy, I believe we should be more ambitious.
- 5.4.1 If this development, and many others like it, is carried out along the lines proposed I believe this would be yet another missed opportunity to counteract/rectify the effects of previous development, which was carried out without due consideration of downstream flood risk.
- 5.4.2 Therefore, should the Council be minded to approve this application, it is requested that drainage details are made subject to a condition which requires the whole site to be returned, as closely as practicable, to 5l/s/ha. The applicant should at least be required to clearly demonstrate why this runoff rate cannot be achieved, if this is considered to be the case.
- 5.5 Kent Police: Applicants' attention should be drawn to the Kent Design Initiative (KDI), Design for Crime Prevention document dated 2013 which will also assist them when designing out crime. Suggest that a condition be imposed on any permission granted to ensure that measures to minimise the risk of crime are incorporated into the development.

[DPHEH: Given the specific type of development proposed here, I do not consider that such a condition is necessary in this instance but an informative should invite the applicant to discuss with the Police]

- 5.6 TW BC: Generally supportive of the facilities proposed providing very special circumstances are demonstrated to support development of the extra care apartments in Green Belt.
- 5.6.1 The proposed development will not harm the historic park and garden of Somerhill Park or the listed buildings there.
- 5.6.2 Landscape impact of proposal has been considered. Tunbridge Wells Borough Council raises significant concern about siting of acoustic fence and the visual impact of this and considers that this does not respect landscape character of area; likewise the proposed close boarded fence along eastern boundary of site abutting green field agricultural land (albeit allocated for employment uses in the future) is a concern too. The boundary treatments should be re-considered to enable treatments to be provided more in keeping with the locality/sympathetic to the landscape character of the area.
- 5.7 KCC (Social Care, Health and Well-Being): Kent County Council Social Care, Health and Wellbeing (SC) and its partners are developing an Accommodation Strategy to take forward the Transformation Agenda for Adult Social Care. This includes the identification of future need in every district for specialist housing, residential and nursing care homes for all adult client groups.
- 5.7.1 The draft Strategy has been shared with stakeholders to ensure maximum engagement and input so that the forecast figures determined are realistic and deliverable. Early indications show the need for older people nursing and extra care housing in Kent.
- 5.7.2 Having worked with and discussed this development with Abbeyfield, we are clear on the model of care and targeted market. It is a service that we consider relevant to the local area and supports the delivery of the Accommodation Strategy; therefore KCCSC supports this development going ahead.
- 5.8 Private Reps: 145 + site and press notices/2X/0R/0S. Two letters received making the following comments:
- No objections are raised to the scheme provided that Tudeley Lane remains a no through road and that appropriate conditions are put in place to ensure that a future access could not be formed from the proposed car park which could result in traffic passing through and bypassing the barrier;
 - Suggestion made that the submitted TA could be refined to better consider parking activities by pupils of Weald of Kent School which effectively causes Lodge Oak Lane to become one-way during school hours;
 - Potential for queues to occur at the junction especially during construction;

- Question raised as to the adequacy of parking provision within the site and whether this might result in an overspill onto the local highway network.

6. Determining Issues:

6.1 This is a somewhat unusual situation whereby the application site is affected by two different policy designations. The eastern portion of the site, proposed to form the site of the new care home, is safeguarded for employment purposes. The western portion of the site, which accommodates the existing care home and is intended for the development of extra care apartments, is designated as Metropolitan Green Belt. I intend to address the principle of the development in respect of each portion of land separately and this analysis is set out below.

New replacement care home:

- 6.2 This part of the site is safeguarded for employment purposes by policies E1 (K) and E3 (m) of the DLA DPD. These policies state that except where otherwise specified, proposals for non-employment uses i.e. uses other than General Industrial Use (B2), Business Use (B1) or Storage and Distribution Uses, will not be permitted. The application proposes C2 (residential institutions) development meaning that the proposal, insofar as it relates to the part of the site safeguarded for employment purposes, represents a Departure from the Development Plan.
- 6.3 Paragraph 22 of the NPPF indicates that planning policies should avoid the long term protection of sites allocated for employment use where there is no reasonable prospect of a site being used for that purpose. Where there is no reasonable prospect of a site being used for the allocated employment use, applications for alternative uses of land or buildings should be treated on their merits having regard to market signals and the relative need for different land uses to support sustainable local communities.
- 6.4 With this in mind, the applicant has submitted an 'Employment Land Implications Report' prepared by Wessex Economics. This examines whether the release of this piece of land for alternative development would adversely affect the thrust behind the policies seeking to safeguard land for employment purposes. In doing so, the report examines how the market has changed in the 6 years since the adoption of the DLA DPD and states that the wider land allocation, which comprises several parcels of land, has "*not taken off*" for such purposes. The report goes on to identify the most likely reason underpinning this position as being the particular location of the land and access to it. Members will recall that similar issues arose on the neighbouring Priory Works site and were identified in the submission by Ashill Developments. In that case those arguments were accepted leading to the grant of planning permission for a mixture of residential and commercial development (also in hybrid form - reference TM/13/02307/FL).

- 6.5 The submitted employment land report also explains that there are currently 51 members of staff working at the existing care home but recognises that there are a number of vacancies and the home itself is not running at full occupancy. The full staffing complement for the existing facility would be 63. Abbeyfield, Kent estimates that the total number of staff required to run the new care home alone will be between 120 and 140 people. As such, the existing 63 jobs would be safeguarded and there would be a need to create between 84 and 104 further jobs. The report suggests that *“to help benchmark this against some form of employment development, the most direct comparable would be the development of a light industrial use, compatible with the adjacent residential use, developed on a similar 0.64ha site. Such a development would be expected to create around 50 jobs in a single storey, 2,240 sq m building, or double that in a two storey building.”*
- 6.6 The planning system has long held that employment generating development conventionally takes the form of predominantly B1, B2 and B8 uses but this is increasingly seen as an outdated approach towards employment provision. In reality, it is clear that this current proposal would still generate a significant number of jobs within the care, rather than the industrial, sector.
- 6.7 Having had full regard to the tranche of relevant requirements within the NPPF and the LDF and the evidence put forward on behalf of the applicant, I conclude that there appears to be no reasonable prospect of this land coming forward for the allocated employment use in the foreseeable future. When considering the emphasis the NPPF places on not seeking to protect such allocations in the long term, and bearing in mind that the development coming forward would provide alternative employment opportunities for the Borough, I do not consider there to be any justification to resist the principle of the proposed development for the new care home on the eastern part of the site on the grounds of loss of employment land, not least because the proposal clearly implies growth in employment opportunities.

Extra care apartments:

- 6.8 The extra care apartments are proposed, in outline form at this stage, to replace the existing residential care home on the western part of the site. Matters to be considered at this stage are access arrangements and scale and massing of the building. This part of the application site is designated as Metropolitan Green Belt. 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.”*

6.9 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.

6.10 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.”

6.11 This part of the site, which is occupied entirely by permanent structures (the care home buildings themselves) 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.

6.12 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.

6.13 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 a 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.

- 6.14 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.”

- 6.15 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).
- 6.16 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.
- 6.17 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. Understandably, therefore, part of the case of very special circumstances put forward in this case centres on the apparent local need for the proposed facilities. This aspect is discussed in more detail below:
- 6.18 The applicant points to the fact that a clear quantitative local need exists and references the West Kent Strategic Housing Market Assessment (SHMA) (December 2008)
- 6.19 Since the planning application was submitted, the Borough Council’s new SHMA, 2013, has been published which supersedes the figures cited by Abbeyfield. Our latest SHMA explains that data has been accessed from the Housing LIN

website's Strategic Housing for Older People (SHOP) analysis toolkit. The toolkit provides estimates of the potential future need for sheltered, extra care and residential care housing arising from changes in the older persons population, although it should be stressed that this analysis is not a local assessment of need in the Borough.

"The data suggests that, based on the current older persons population in the Borough, there is an existing need for 713 sheltered/extra-care housing units and 701 registered care units. Moving forward this need is anticipated to grow substantially with an additional 1,206 sheltered/extra-care housing units and 781 registered care spaces over the period to 2030.

In total (and excluding the figures for registered care) the Housing LIN data suggests a need for some 1,919 additional units of accommodation specifically for older people by 2030 with a roughly 60:40 split between affordable and market – given the 18-year period used by the Housing LIN data the figure represents some 107 units per annum."

- 6.20 The Borough Council is in the process of specifying a further piece of work for the consultants who carried out the SHMA work, looking at more detailed analysis of the local market requirements in respect of housing older persons. This will not be available for some weeks but is an indication of the growing importance in the sector in terms of the supply of housing in the Borough.
- 6.21 A clear need for the provision of accommodation for the growing older population is therefore present. Especially welcome are the units for Extra Care, especially if specialist dementia support is enabled as suggested by the applicant. Additionally, the applicant explains that it is not purely the quantitative need for such accommodation that requires consideration, submitting that there is also a shortage of high quality and purpose built facilities which meet the evolving needs of older people in the UK.
- 6.22 It is clear that the existing Woodgate Care Home is in need of extensive improvements and, without the proposed scheme coming forward, the applicant argues that significant long term investment would be required. They also suggest that without the proposed development, the quality of care which existing and future residents could expect to receive could be reduced.
- 6.23 The applicant also argues that the synergy between the proposed care home and the extra care facility is a key benefit of the scheme as it will enable residents to transition easily from the extra care facility to the care home when their specific care needs increase. Clearly there is a parallel business opportunity at work here but this is an entirely logical approach and I can see how such an approach would be beneficial to the well-being of existing and future residents.

- 6.24 It is equally important to recognise that although the existing buildings are lower in height and scale than the proposed replacement building, they extend over a significant proportion of the site. The sprawling nature of the existing accumulation of buildings has a clear impact on the openness of the MGB presently. Furthermore, it should also be recognised that the rather piecemeal fashion in which the buildings have evolved over the years has resulted in a less than well resolved scattered series of buildings, permitted when the buildings were owned/run by KCC. At the time, KCC would have been the planning authority responsible for determining proposals to develop the site on an incremental basis. The consolidation of the new buildings now in a single building, albeit somewhat higher, would have a clear visual benefit which needs to be balanced against the impact on the openness of the Green Belt.
- 6.25 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 (the extra care apartments on the western portion of the land), I conclude that a sufficient case of very special circumstances has been made that outweigh the degree of harm that would arise in this instance.
- 6.26 With the broad principle of both aspects of the scheme having now been accepted in light of the relevant policy designations, I will now turn to the various other issues to be considered in the assessment of this proposal in the whole.

Detailed assessment of the scheme as a whole

- 6.27 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.
- 6.28 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.

- 6.29 The proposed architectural detailing of the care home, through the elevational articulation including the variations in facade depth, height of the roofs, contrast in materials along with the incorporation of large windows and balconies, assists in providing visual interest and in breaking up the scale and mass. The suggested palette of materials to be utilised is appropriate here and would contribute to a high quality environment, reflecting the 'gateway' nature of the site. The external appearance of the extra care apartment building has been reserved for future consideration but indicative plans show the same architectural approach to be adopted, which in the circumstances would be acceptable in this location.
- 6.30 The proposed layout of the development and its relationship with the existing residential development to the north in terms of privacy and physical presence is such that the residential amenities of the existing and future residents will be suitably protected.
- 6.31 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.
- 6.32 Based on the findings of the Transport Assessment and the technical guidance offered by KCC Highways, I conclude that the level of parking provision within the site is proposed at an acceptable level and that the level of traffic generated by the development would not be detrimental to the local network.
- 6.33 I appreciate that there is some local concern regarding the possible increase in traffic movements and the potential for cars to be displaced onto the surrounding local highway network. In this respect, I would also mention that the entire eastern portion of the site is allocated for employment purposes and, had the market been in a different place, this could have been subject to a wide scale redevelopment for industrial purposes, with the potential to have far more wide reaching consequences on the local highway network in terms of traffic generation, including HGV traffic, and need for parking. In respect of these issues, since the original submission, the applicant has provided some additional information regarding trends in the modes of transport currently used by staff of the care home along with some further information regarding shift patterns of those members of staff which are considered to be acceptable in confirming the conclusions above with regard to the adequacy of parking provision.

6.34 KCC Highways has also asked whether it would be possible to make some improvements to existing pedestrian footways. The applicant has subsequently explained that:

“It should be noted that Tudeley Lane from the junction with Lodge Oak Lane is a no-through route and only serves the existing Care Home at present. Traffic flows on Tudeley Lane are therefore light. The Transport Assessment, Figure 5, shows that further to the opening of the proposed Care Home there would be a two-way traffic flow of 36 vehicles during the morning peak hour and 54 during the evening peak hour.

In terms of alignment, Tudeley Lane is a straight road providing adequate forward visibility for pedestrians and vehicles to see each other approaching.

In conclusion, although there is no pedestrian link directly into the site, it is considered that due to the alignment and the low traffic flows, Tudeley Lane is safe for pedestrians to use to access the site.”

6.35 I would agree that it is somewhat disappointing that the applicant is not supportive of providing pedestrian infrastructure improvements at the entrance to the site, at least in the form of corner footways as Kent Highways have suggested. However, I do not believe that the absence of such improvements would render the proposed development unacceptable in planning or highway terms and therefore do not consider that such provision could be insisted upon given the nature of the proposed development.

6.36 The applicant has also explained that there is no intention to provide a minibus service to residents. They have indicated that it is anticipated that residents will frequently require taxis and volunteer/relative transportation to take them out for trips, shopping, etc. It is also possible that there will be a small number of residents who will use a disability buggy/scooter to get out independently. Based on the experiences of existing homes, the applicant suggests that it is unlikely that there will be more than 2 or 3 residents who use such a method of transportation.

6.37 I note the request by KCC that a planning condition be imposed requiring a construction management plan to be submitted for approval by the LPA. 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. In these particular circumstances, there is ample room within the site to accommodate construction traffic and this part of Tudeley Lane is noted not to be heavily trafficked. 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 to/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.

6.38 A small proportion of the eastern portion of the application site lies within Zone 2 of the flood plain. Paragraph 103 of the NPPF states that when determining planning applications, local planning authorities should ensure flood risk is not increased elsewhere and only consider development appropriate in areas at risk of flooding where, informed by a site-specific flood risk assessment following the Sequential Test, and if required the Exception Test, it can be demonstrated that:

- within the site, the most vulnerable development is located in areas of lowest flood risk unless there are overriding reasons to prefer a different location; and
- development is appropriately flood resilient and resistant, including safe access and escape routes where required, and that any residual risk can be safely managed, including by emergency planning; and it gives priority to the use of sustainable drainage systems.

6.39 Paragraph 104 states that for individual developments on sites allocated in development plans through the Sequential Test, applicants need not apply the Sequential Test. Applications for minor development and changes of use should not be subject to the Sequential or Exception Tests but should still meet the requirements for site-specific flood risk assessments.

6.40 Policy CP10 of the TMBCS requires that within the floodplain development should first seek to make use of areas at no or low risk to flooding before areas at higher risk, where this is possible and compatible with other policies aimed at achieving a sustainable pattern of development. Development which is acceptable or otherwise exceptionally justified within areas at risk of flooding must be subject to an FRA, include an appropriately safe means of escape above flood levels anticipated during the lifetime of the development and be designed and controlled to mitigate the effects of flooding on the site and the potential impact of the development on flooding elsewhere in the floodplain.

6.41 As the part of the site which falls within Zone 2 of the floodplain is allocated for employment purposes, there is no requirement for the applicant to apply the Sequential Test. A Flood Risk Assessment has been provided.

6.42 Members will note that the EA and the UMIDB have not objected to the proposed development but have both recommended that a condition be imposed on any planning permission granted requiring a scheme for a sustainable drainage system to be submitted for approval. Sustainable drainage systems are designed to

control surface water run off close to where it falls and mimic natural drainage as closely as possible. Sustainable drainage systems also provide opportunities (in line with other policies in the National Planning Policy Framework) to:

- reduce the causes and impacts of flooding;
- remove pollutants from urban run-off at source;
- combine water management with green space with benefits for amenity, recreation and wildlife.

6.43 I appreciate the aspirations of the EA and UMIDB in this respect but whether these aspirations can, in practice and in light of the historic commitments on the site, be met in full remains in question. Given the current position in terms of legal provisions for the adoption of surface water drainage there is also some question remaining as to how such a scheme might need to be managed in the long term. All of these provisions can be dealt with by use of a condition requiring a drainage scheme, including arrangements for its ongoing maintenance, to be submitted for approval.

6.44 Turning to matters regarding various sources of pollution, and firstly noise, Policy SQ6 of the MDE DPD has historically set out the parameters for assessing whether sources of noise pollution would cause harm to the amenities of future occupants of residential development. This policy has now been superseded by the NPPF and the associated Planning Practice Guidance (PPG) which has removed all reference to Noise Exposure Categories. The NPPF indicates at paragraph 109 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 of soil, air, water or noise pollution or land instability.

6.45 The PPG focuses on ensuring noise making development is acceptable rather than now providing detailed guidance on noise receptors. However, it does discuss the importance of ensuring that layouts are designed where possible to reduce noise transmission, for example through optimising the distance between the source and noise-sensitive receptors and/or incorporating good design to minimise noise transmission through the use of screening by natural or purpose built barriers, or other buildings. The PPG also advises that if external amenity spaces are an intrinsic part of the overall design, the acoustic environment of those spaces should be considered so that they can be enjoyed as intended.

6.46 The source of noise pollution here arises from the position of Woodgate Way to the immediate south of the application site. A 3m high acoustic fence is proposed to be installed along the southern site boundary in order to reduce noise into the site. Acoustically, I would accept that such a barrier would be necessary in this location given the proximity of Woodgate Way and the nature of the

accommodation to be provided. As is often the case with such structures, there needs to be a careful balance between creating an appropriate aural environment and ensuring that the installation does not result in an adverse visual intrusion. Since the original submission, the agent acting on the applicants behalf has explained that:

“The proposed acoustic fence is a design response to a technical noise constraint and to ensure that both external and internal noise levels are met. In terms of the impact on the landscape character, the existing context must be taken into account. The A26 is a busy transport route that is already adjoined by new built form (Somerhill Business Park), the existing care facility (which has a short section of close board fencing along the highway boundary) and importantly the highway vegetation. The roadside vegetation (within the highway boundary and outside of the red edge application boundary) will be retained, filtering views towards the proposed acoustic fence. Furthermore, a native planting strip within the red edge boundary will also mature over time to soften the appearance of the fence line.

It should also be highlighted that the visual amenity of this route and expectation of the receptors travelling along the A26 will be influenced by the proposed employment allocation. This isn't a route of high scenic value and most users will only obtain oblique views towards the acoustic fence and development beyond whilst travelling at speed (which will diminish any perceived adverse effects).”

6.47 As I have explained earlier in this report, any planning permission granted should be the subject of detailed conditions relating to landscaping and boundary treatment and such a scheme should take into account the above suggestions regarding the provision of a native planting strip alongside the acoustic fence. While I am disappointed by the underlying assumptions expressed by the applicant's agents in the last paragraph cited above, for instance an employment use would not need acoustic protection fencing and it fails to reflect upon the setting near to Somerhill Park, I am nevertheless satisfied that a satisfactory design solution can be achieved.

6.48 Secondly, 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 size of this site and its location at the edge of the urban area, any external lighting has the potential to make either a positive or negative contribution to the environment. I acknowledge that the layouts submitted indicate that a mixture of low level bollard lighting and high level columns are proposed to serve the development, but no specific details are given at this stage. I would suggest that, in order to ensure that the impact is wholly positive, full details of any external lighting are required by condition if planning permission is granted.

6.49 Paragraph 120 of the NPPF states that in order to prevent unacceptable risks from pollution and land instability, planning decisions should ensure that new development is appropriate for its location. The effects (including cumulative effects) of pollution on health, the natural environment or general amenity, and the potential sensitivity of the area or proposed development to adverse effects from pollution, should be taken into account. Where a site is affected by contamination or land stability issues, responsibility for securing a safe development rests with the developer and/or landowner.

6.50 Paragraph 121 states that planning policies and decisions should also ensure that:

- the site is suitable for its new use taking account of ground conditions and land instability, including from natural hazards or former activities such as mining, pollution arising from previous uses and any proposals for mitigation including land remediation or impacts on the natural environment arising from that remediation;
- after remediation, as a minimum, land should not be capable of being determined as contaminated land under Part IIA of the Environmental Protection Act 1990; and adequate site investigation information, prepared by a competent person, is presented.

6.51 LPAs are advised that they should focus on whether the development itself is an acceptable use of the land and the impact of the use, rather than the control of processes or emissions themselves where these are subject to approval under pollution control regimes. Local planning authorities should assume that these regimes will operate effectively. Equally, where a planning decision has been made on a particular development, the planning issues should not be revisited through the permitting regimes operated by pollution control authorities.

6.52 With these requirements in mind, the report prepared in respect of contaminated land is deemed to be fit for purpose and provides evidence of an old above ground fuel tank and associated boiler room on site, identifying these as potential sources of contamination and recommends further intrusive works take place once the building has been demolished. This matter can be appropriately dealt with by a planning condition.

6.53 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 by:

- protecting and enhancing valued landscapes, geological conservation interests and soils;
- recognising the wider benefits of ecosystem services;

- minimising impacts on biodiversity and providing net gains in biodiversity where possible, contributing to the Government's commitment to halt the overall decline in biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures;

6.54 It goes on to say (paragraph 118) that when determining planning applications, local planning authorities should aim to conserve and enhance biodiversity by applying the following principles:

- if significant harm resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused;
- development proposals where the primary objective is to conserve or enhance biodiversity should be permitted;
- opportunities to incorporate biodiversity in and around developments should be encouraged;
- planning permission should be refused for development resulting in the loss or deterioration of irreplaceable habitats, including ancient woodland and the loss of aged or veteran trees found outside ancient woodland, unless the need for, and benefits of, the development in that location clearly outweigh the loss.

6.55 Policy NE4 of the MDE DPD states that the extent of tree cover and the hedgerow network should be maintained and enhanced. Provision should be made for the creation of new woodland and hedgerows, especially indigenous broad-leaved species, at appropriate locations. It also states that development that would result in the net loss or deterioration of woodland will only be permitted if all of the following tests are met:

- development cannot reasonably be located on an alternative site;
- the need for development clearly outweighs any harm which may be caused to the ecological, archaeological and landscape value of the woodland; and
- harm can be reduced to acceptable limits through the implementation of positive environmental mitigation measures within the site or by replacement planting elsewhere or enhanced management.

6.56 The belt of established trees within this site does not comprise ancient woodland. None of the trees within the application site are protected by Tree Preservation Order.

- 6.57 The application is accompanied by a detailed tree quality survey which explains that a survey of all existing trees within the site has been undertaken and those trees have been categorised. The report also makes recommendations for tree retention and protection during construction. It concludes that of the trees surveyed, the majority were classified as Category A, considered to be of good value due to their group value and visual prominence. The proposed layout has been designed in such a way as to ensure that many of the better quality trees are retained. Although two small groups would be lost to accommodate the proposed development, specifically the parking area and vehicle access road, the majority of trees would be retained and would provide an important contribution to the verdant setting of the site which should be welcomed in contributing to the quality of the overall development. I would suggest that the principle of the trees to be removed and retained is acceptable but that a more detailed and comprehensive landscaping strategy should come forward at a later stage for more detailed scrutiny. This can be controlled by the imposition of planning conditions should Members grant planning permission.
- 6.58 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. Policy NE4 states that the extent of tree cover and hedgerow network should be maintained and enhanced.
- 6.59 The application is accompanied by an Ecological Scoping Report which has made a series of recommendations which considers that the site has a moderate to good value for biodiversity. This value is considered to be limited by the isolation of the site, by roads, from other areas with wildlife potential; the regular maintenance of amenity grassland and amenity beds surrounding the care home and a history of arable cultivation of the field to the east. At the time of the survey this field contained ripening wheat. The scoping report explains that these features reduce the overall ecological interest of the site and that the trees and shrubs along the boundaries support the main biodiversity interest.
- 6.60 The Scoping Report goes on to recommend further survey work be undertaken to determine if bats roost in the existing care home buildings and that the wooded margins of the site are retained as far as possible. It also suggests that further survey work be undertaken to identify the presence of reptiles and great crested newts. As I have explained earlier, the majority of trees within the site are to be retained and this would have a clear benefit to biodiversity as well as the visual benefits already discussed. In response to the Scoping Report, the applicant has also commissioned detailed surveys into the potential presence of both bats and great crested newts.

- 6.61 The bat survey concludes that no bats were recorded roosting within the buildings or trees within the site and, as such, the impact of the development upon individual bats or bat populations within the locality is low. Nevertheless, the report states that the external features of the buildings to be demolished do provide potential for roosting habitat for itinerant bats. For this reason, the report recommends that precautionary mitigation for bats during demolition should be undertaken. The report also acknowledges that the development could provide an enhanced environment for bats if certain features were introduced such as bat boxes.
- 6.62 The survey into the presence of great crested newts identified that the surrounding area contains waterbodies and a series of ditches and that the existing vegetation around and within the site could support corridors for movement of great crested newts into the area. A small pond located 100m west of the proposed development was identified as supporting a small (up to 10) population of great crested newts but the report does go on to explain that the specific environment of the site is not necessarily commensurate with supporting a large population of the species. Again, the report identifies measures for protection and enhancement of the habitat most likely to support this species and highlights that the creation of a small wildlife pond as proposed would be likely to greatly enhance the local population. A Mitigation Method Statement has been provided in response to these reports and I would suggest that the measures contained within this document can be secured by planning condition.
- 6.63 Members will be aware that TMBCS policy CP17 requires a proportion of affordable housing to be provided in respect of residential developments over a certain size. It is my view that a proportion of the extra care apartments should be set aside for affordable purposes in compliance with this policy, given the specific nature of the residential accommodation proposed to be provided. I appreciate that whilst the nature of the operator, being a Registered Provider, would suggest that a proportion of the units will be affordable, there is no absolute certainty that this will happen and it should be acknowledged that there would be nothing to prevent Abbeyfield from operating an alternative model from that which we have historically known to be their standard business. In order for the Council to adequately secure the position with regard to affordable housing provision, I would recommend that a condition be imposed requiring a scheme to be submitted outlining the amount and nature of affordable units to be provided within the extra care block.

Conclusions

- 6.64 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 strongly welcomed and planning permission granted.

7. Recommendation:

- 7.1 **Grant Planning Permission** in accordance with the following submitted details: Letter dated 19.02.2014, Letter HADLOW ESTATES dated 19.02.2014, Letter KCC NOTICE dated 19.02.2014, Notice ARTICLE 11 dated 19.02.2014, Tree Plan 1967/P01 dated 19.02.2014, Landscape Layout 1967/P02C dated 19.02.2014, Landscape Layout 1967/P03A dated 19.02.2014, Landscaping 1967/P04A dated 19.02.2014, Landscaping 1967/P05A dated 19.02.2014, Tree Removal Plan 1967/P06 dated 19.02.2014, Tree Protection Plan 1967/P07 dated 19.02.2014, Site Layout A-607 02A dated 19.02.2014, Site Layout A-607 04A dated 19.02.2014, Site Plan A-607 05A dated 19.02.2014, Site Plan A-607 06A dated 19.02.2014, Floor Plan A-607 10A dated 19.02.0201, Floor Plan A-607 11A dated 19.02.0201, Floor Plan A-607 12A dated 19.02.0201, Roof Plan A-607 13A dated 19.02.0201, Floor Plan A-607 16A dated 19.02.0201, Floor Plan A-607 17A dated 19.02.0201, Floor Plan A-607 18A dated 19.02.0201, Roof Plan A-607 19A dated 19.02.0201, Elevations A-607 36A dated 19.02.2014, Elevations A-607 37A dated 19.02.2014, Elevations A-607 38A dated 19.02.2014, Topographical Survey ENC/120813-402 dated 19.02.2014, Location Plan A-607 20A dated 19.02.2014, Other DESCRIPTION OF DEVELOPMENT dated 19.02.2014, Design and Access Statement dated 19.02.2014, Schedule APPLICATION DOCUMENTS dated 19.02.2014, Bat Survey dated 19.02.2014, Ecological Assessment ECOLOGY SCOPING SURVEY dated 19.02.2014, Report EMPLOYMENT LAND IMPLICATIONS dated 19.02.2014, Flood Risk Assessment dated 19.02.2014, Travel Plan dated 19.02.2014, Report GREAT CRESTED NEWT dated 19.02.2014, Method Statement MITIGATION dated 19.02.2014, Statement OPERATIONAL STATEMENT dated 19.02.2014, Statement COMMUNITY INVOLVEMENT dated 19.02.2014, Tree Report TREE QUALITY SURVEY dated 19.02.2014, Environmental Investigation GEO-ENVIRONMENTAL dated 19.02.2014, Planning Statement dated 19.02.2014, Transport Assessment dated 19.02.2014, Elevations A-607 30B dated 14.03.2014, Elevations A-607 31B dated 14.03.2014, Email dated 14.03.2014, Email dated 23.04.2014, Letter dated 23.04.2014, Email dated 24.04.2014, Noise Assessment REVISION 2 dated 24.04.2014, subject to
- 7.2 Referral of the application to the Secretary of State in accordance with the Town and Country Planning (Consultation) (England) Direction 2009 in respect of inappropriate development in the Green Belt: and;

7.3 The following conditions:

- 1 The development hereby permitted in respect of Area 1 hatched on plan number A-607 04 Rev. A as attached to this Decision Notice shall be begun before the expiration of three years from the date of this permission. The development hereby permitted within Area 2 cross hatched on plan number A-607 04 Rev. A as attached to this Decision Notice shall be begun either before the expiration of three years from the date of this permission, or before the expiration of two years from the date of approval of the last of the reserved matters to be approved, whichever is the later.

Reason: In pursuance of Sections 91 and 92(2) of the Town and Country Planning Act 1990.

- 2 The development hereby approved shall be carried out in strict accordance with the Operational Statement prepared on behalf of GB Development Solutions by HOW Planning LLP, dated February 2014 in terms of both how the development is phased and how the facilities will subsequently operate.

Reason: To enable the Local Planning Authority to regulate and control the future use of the site in recognition of the very special circumstances advanced for inappropriate development in the Green Belt.

- 3 No development of any phase of the development in accordance with Condition 2 shall take place above ground level until details and samples of all materials to be used externally for the buildings in that phase 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 visual amenity of the locality.

- 4 No development of any phase of the development in accordance with Condition 2 shall take place above ground level until details of the storage and screening of refuse to serve the buildings in that phase 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 visual amenity of the locality.

- 5 The development shall be undertaken in strict accordance with the recommendations set out in the Mitigation Method Statement prepared by Lloyd Bore Ltd, reference 2476/R003 dated September 2013.

Reason: In accordance with the requirements of the National Planning Policy Framework and the Managing Development and the Environment DPD 2010.

- 6 No development of any phase of the development in accordance with Condition 2 shall take place above ground level, until such time that a scheme of hard and soft landscaping and boundary treatment in that phase including a scheme for the future management of the communal open spaces has been submitted to and approved by the Local Planning Authority. 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 comprised in the relevant phase 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 existing trees and shrubs shown on the approved plan, other than any specifically shown to be removed, shall not be lopped, topped, felled, uprooted or wilfully destroyed without the prior written consent of the Local Planning Authority, and any planting removed with or without such consent shall be replaced within 12 months with suitable stock, adequately staked and tied and shall thereafter be maintained for a period of ten years.

Reason: Pursuant to Section 197 of the Town and Country Planning Act 1990.

- 8 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.

- 9 Prior to the installation of any external lighting serving any phase of the development in accordance with Condition 2, full details of the lighting for that phase shall be submitted to and approved by the Local Planning Authority and the work shall be carried out in strict accordance with those details.

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

- 10 No development above ground level within any phase in accordance with Condition 2 shall be commenced on site until:

(a) a site investigation has been undertaken to determine the nature and extent of any contamination within that phase, and

(b) the results of the investigation, together with an assessment by a competent person and details of a scheme to contain, treat or remove any contamination, as appropriate, have been submitted to and approved by the Local Planning Authority. The assessment and scheme shall have regard to the need to ensure that contaminants do not escape from the site to cause air and water pollution or pollution of adjoining land.

The scheme submitted pursuant to (b) shall include details of arrangements for responding to any discovery of unforeseen contamination during the undertaking of the development hereby permitted. Such arrangements shall include a requirement to notify the Local Planning Authority of the presence of any such unforeseen contamination.

Prior to the first occupation of any building within the development hereby permitted

(c) the approved remediation scheme shall be fully implemented insofar as it relates to that part of the development which is to be occupied, and

(d) a Certificate shall be provided to the Local Planning Authority by a responsible person stating that remediation has been completed and the relevant part of the site is suitable for the permitted end use.

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

Reason: In the interests of amenity and public safety.

- 11 If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the local planning authority) shall be carried out until the developer has submitted a remediation strategy to the local planning authority detailing how this unsuspected contamination shall be dealt with and obtained written approval from the local planning authority. The remediation strategy shall be implemented as approved.

Reason: In the interests of protection of the environment and harm to human health in accordance with the National Planning Policy Framework 2012 (paragraph 121).

- 12 The development within any phase in accordance with Condition 2 shall not be occupied, until the area shown on the submitted layout as vehicle parking space for that phase 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 parking space.

Reason: Development without provision of adequate accommodation for the parking or garaging of vehicles is likely to lead to hazardous on-street parking.

- 13 No building shall be occupied until the area shown on the submitted plan as a turning area for that phase (in accordance with Condition 2) 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.

- 14 No building shall be occupied until that part of the service road which provides access to it has been constructed in accordance with the approved plans.

Reason: To ensure the safe and free flow of traffic.

- 15 Within three months of the development within either phase commencing, full details of a scheme of acoustic protection of habitable rooms having windows in the Southern elevations of the building within that phase shall be submitted to the Local planning Authority for approval. The scheme of acoustic protection shall be sufficient to secure internal noise levels no greater than 30dB LAeq in bedrooms and 40dB LAeq in living rooms with windows closed. Additionally, where the internal noise levels will exceed 40dB LAeq in bedrooms and/or 48dB LAeq in living rooms with windows open, the scheme of acoustic protection shall incorporate appropriate acoustically screened mechanical ventilation. Mechanical ventilation shall also be provided to bedrooms having openings into facades that will be exposed to a level of road traffic noise in excess of 78dB L_{Amax} (slow time weighting). The approved scheme shall be implemented prior to the first occupation of the building to which it relates and shall be retained at all times thereafter.

Reason: To safeguard the aural amenity of the occupiers of the dwelling(s) hereby approved.

- 16 No development within any phase of the development in accordance with condition 2 shall take place until details of the existing and proposed levels of the site including the finished floor levels of the buildings to be erected shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out strictly in accordance with the approved details.

Reason: In the interests of visual amenity.

- 17 Prior to any development commencing on the site, a sustainable surface water drainage scheme for the site, including arrangements for its long term maintenance, shall be submitted to and approved by the Local Planning Authority. The development shall be carried out in accordance with the approved scheme and no building shall be occupied until the whole of the drainage scheme serving the relevant phase (as set out pursuant to condition 2) within which that building lies, including all downstream elements, has been completed.

Reason: To reduce the risk and impact of flooding on the proposed development and off-site and in accordance with policy CP 10 of the Tonbridge and Malling Borough Core Strategy 2007 and the National Planning Policy Framework 2012 (paragraphs 100 - 104).

- 18 With regard to the development to be carried out in Area 2 cross hatched on plan number A-607 04 Rev. A as attached to this Decision Notice, approval of details of the layout and appearance of the development and the landscaping of the site (hereinafter called the "reserved matters") shall be obtained from the Local Planning Authority.

Reason: No such approval has been given.

- 19 Application for approval of the reserved matters in respect of Area 2 cross hatched on plan number A-607 04 Rev. A as attached to this Decision Notice shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.

Reason: In pursuance of Section 92(2) of the Town and Country Planning Act 1990.

- 20 The details submitted in pursuance to Condition 18 shall be accompanied by a scheme for the provision of affordable housing which demonstrates the provision and retention of:

- 28% of the extra care units for Affordable Rent and;
- 12% of the extra care units for Intermediate Housing.

The affordable housing shall be provided in accordance with the approved scheme and shall meet the definition of affordable housing in Annex 2 of the National Planning Policy Framework or any future guidance that replaces it.

Reason: To comply with the requirements of policy CP17 of the Tonbridge and Malling Borough Core Strategy 2007 and the National Planning Policy Framework 2012 (paragraph 50).

- 21 The development shall be carried out in accordance with the following plans: Tree Plan 1967/P01 dated 19.02.2014, Landscape Layout 1967/P02C dated 19.02.2014, Landscape Layout 1967/P03A dated 19.02.2014, Landscaping 1967/P04A dated 19.02.2014, Landscaping 1967/P05A dated 19.02.2014, Tree Removal Plan 1967/P06 dated 19.02.2014, Tree Protection Plan 1967/P07 dated 19.02.2014, Site Layout A-607 02A dated 19.02.2014, Site Layout A-607 04A dated 19.02.2014, Site Plan A-607 05A dated 19.02.2014, Site Plan A-607 06A dated 19.02.2014, Floor Plan A-607 10A dated 19.02.0201, Floor Plan A-607 11A dated 19.02.0201, Floor Plan A-607 12A dated 19.02.0201, Roof Plan A-607 13A dated 19.02.0201, Floor Plan A-607 16A dated 19.02.0201, Floor Plan A-607 17A dated 19.02.0201, Floor Plan A-607 18A dated 19.02.0201, Roof Plan A-607 19A dated 19.02.0201, Elevations A-607 36A dated 19.02.2014, Elevations A-607 37A dated 19.02.2014, Elevations A-607 38A dated 19.02.2014, Topographical Survey ENC/120813-402 dated 19.02.2014, Location Plan A-607 20A dated 19.02.2014, Elevations A-607 30B dated 14.03.2014, Elevations A-607 31B dated 14.03.2014.

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 advised to have due regard to the Kent Design Initiative (KDI), Design for Crime Prevention document (2013) and are encouraged to discuss the associated aspects of designing out crime with Kent Police to ensure that measures to minimise the risk of crime are incorporated into the development.

Contact: Emma Keefe