

New Buildings for Care Housing, Land at Tovil Green, Maidstone – MA/05/2199.

A report by Head of Planning Applications Group to Planning Applications Committee on 21 March 2006

MA/05/2199 - Application by KCC Social Services for the clearing of land and the erection of new buildings to accommodate 40 extra care apartments and communal areas for the elderly and 6 supported apartments with communal areas for those with learning difficulties. Associated parking is to be provided – Land off Tovil Green, Tovil, Maidstone.

Recommendation: Planning permission be granted subject to conditions.

Local Members: D Daley, J Curwood, A Chell

Classification: Unrestricted

Site

1. The application site is located off Tovil Green/ Burial Ground Way in Maidstone. The location is currently undeveloped and overgrown by trees and scrubs, covering the entire site, and forming semi-natural woodland. The site is located on a general north facing slope, with local height variations across the site, the boundary to the east slopes steeply down to the adjoining Trading Estate, with the northern boundary sloping down towards adjoining properties (see attached location plan and illustrative site sections). The south eastern part of the site forms part of a former landfilled area from the former municipal tip.
2. The site under consideration is owned by Kent County Council, and is bounded to the east by Tovil Green and Burial Ground Way. Residential properties are located to the north and north west of the site further along Tovil Green. Farleigh Trading Estate is located to the east of the site, Farleigh Hill Retail Park to the south east and Tovil Green Business Park to the south (see attached plans). These sites are made up of light industrial/ warehouse development, and include a supermarket located to the southeast and a Waste Recycling Centre to the south.
3. The application site is allocated within the Maidstone Borough-Wide Local Plan as a site for economic development. There are no other existing land designations in association with the site.

Background

4. This application is one of a number of applications that have been submitted on behalf of Kent County Council Social Services for a Private Finance Initiative (PFI) bid to improve the Council's provision of appropriate accommodation for vulnerable people. Outline planning permission is being sought to facilitate the PFI process and it is envisaged that the final building and site arrangement proposals would be submitted at a later date.

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Proposal

5. Outline planning permission is sought for the clearing of part of the application site and the erection of 46 apartments along with communal facilities and car parking. The proposals would provide 40 extra care apartments and associated communal facilities for the elderly and a block of 6 supported apartments for people with learning difficulties. Due to the outline nature of the application, means of access and siting are to be considered now with landscaping, design and external appearance being reserved for future consideration.
6. It is proposed to open up an existing overgrown vehicle access off of Tovil Green to provide access to the application site. An access road would run from Tovil Green road into the site, connecting car parking areas and a drop off areas provided off of the access road. The proposed development would provide 28 car parking spaces, one ambulance space, drop off area, and 12 bicycle bays.
7. The application proposes to locate a three storey building housing the 40 extra care apartments towards the north east corner of the site. This element of the application would contain 14 two bedroom and 26 one bedroom apartments, located parallel to the boundary. A double height single storey communal facility linked to this apartment building would provide the main entrance, dining and lounge areas for the housing. The two storey supported apartment building would be located towards the south east corner of the site alongside associated car parking. This development would provide the 6 supported apartments for people with learning difficulties, and would be self contained with separate entrance and communal facilities. It is proposed to form garden areas within the site between the apartment blocks and Burial Ground Way, whilst maintaining the perimeter trees around the perimeter (see attached plans).
8. It is expected that the proposed facilities would supported by approximately 25 full and part time staff, who would provide around the clock care, working in three shifts.

Additional Information from the Applicant

9. In support of the application, the applicant has provided a Tree Survey for the site, an Extended Phase 1 Habitat Survey Report, a Ground Conditions Report into potential land contamination at the site, and illustrative section drawings across the proposed site.

Development Plan Policies

10. The Development Plan Policies summarised below are relevant to consideration of the application:

(i) The adopted 1996 **Kent Structure Plan**:

Policy S1	Seeks sustainable patterns and forms of development.
Policy S2	Seeks to conserve and enhance the quality of Kent's environment.
Policy S9	Has regard for the need for community facilities and services.

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Policy ENV2	Seeks to conserve and enhance Kent's landscape and wildlife (flora and fauna) habitats.
Policy ENV7	Seeks to maintain tree cover and the hedgerow network and to enhance these where compatible with the character of the landscape.
Policy ENV14	Seeks to make provision for the improvement or reclamation of derelict land, or any potential for the re-use of such land, having regard to amenity, landscape and nature conservation considerations.
Policy ENV15	New development should be well designed and respect its setting.
Policy ENV16	Seeks to make the best use of land in built up area balanced against the objective of maintaining and where possible improving environmental quality
Policy ENV20	Requires development to be planned and designed so as to avoid or minimise pollution impacts.
Policy NR3	Development will not be permitted which would have an unacceptable effect on the quality of groundwater resources.
Policy T17	Development will normally be required to provide for vehicle parking on site in accordance with Kent County Council's Vehicle Parking Standards.

(ii) The Deposit 2003 Kent Structure Plan:

Policy SP1	Seeks to protect and enhance the environment and achieve a sustainable pattern and form of development.
Policy SS5	Seeks to enhance existing suburban communities.
Policy E8	Seeks to protect and enhance Kent's biodiversity.
Policy E9	Seeks to maintain and where possible enhance tree cover and the hedgerow network
Policy QL1	Development should be well designed and respect its setting.
Policy QL12	Seeks to protect existing community services. Seeks to make provision for the development of local services in existing residential areas and in town and district centres, particularly where services are deficient.
Policy FP1	Gives priority to amongst other things developing sites identified in local plans for financial and professional services, business, industrial and warehouse uses (Use Classes A2/B1-B8).

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| Policy TP2 | Development sites should be well served by public transport, walking and cycling, or will be made so as a result of the development. Requires travel plans to be established for larger developments that generate significant demand for travel. Developments likely to generate a larger number of trips should be located where there is either a good choice of transport already available or where a good choice can be provided in an acceptable manner. |
| Policy TP19 | Development proposals must comply with the adopted vehicle parking policies and standards. |
| Policy NR4 | Requires development to be planned and designed so as to avoid or minimise pollution impacts. |
| Policy NR7 | Requires development not be permitted where it would have an unacceptable on surface and ground water resources. |
- (iii) The adopted 2000 **Maidstone Local Plan:**
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| Policy ENV2 | Development should be well designed, respect its setting and have due regard to neighbouring properties. |
| Policy ENV5 | Requires the protection of trees which make a significant contribution to the amenity of a locality, character or quality of the landscape, or biodiversity; unless the need for the development outweighs the contribution(s). |
| Policy ENV 6 | Requires, in appropriate cases, that a landscaping scheme be carried out as part of development proposals. |
| Policy ENV22 | Proposals to develop existing open areas require regard to be had to the visual contribution which the site and the proposed development would make, the need to uphold and improve the appearance of the locality and the need to conserve wildlife habitats. |
| Policy ENV23 | Proposals which would result in the net loss of open space will not be permitted unless there is a proven overriding need for the development and there is no deficiency of open space or recreational facilities in the locality and alternative provision can be provided. |
| Policy ENV52 | Requires applications for development on or near a site where there maybe ground contamination to be accompanied with a Site Assessment Report and appropriate remedial measures agreed and completed as the first step in the carrying out of the development. |

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Policy H20	Seeks to permit proposals for the development of vacant and derelict land for housing provided that the setting of the site is such that an acceptable residential environment can be provided, the development maintains and enhance the character of the area and respects the amenity of adjoining residents, appropriate access and car parking arrangements can be provided and the site is located where increased traffic activity would not be detrimental to local amenity.
Policy H25	Seeks to ensure new sheltered accommodation is well related to public transport and community facilities, and adequate access is provided.
Policy H26	Seeks to ensure new nursing and residential care homes have adequate amenity space and car parking, respect the character of the area and amenities of neighbouring properties, and are well related to public transport and community facilities.
Policy T13	Parking standards will normally be adopted for new development to ensure minimum provision.
Policy ED1	Identifies land at Tovil Green, defined on the proposals map, for employment development.

Consultations

11. **Maidstone Borough Council:** Object. The reasons for these objections are:

- The site is allocated for employment development and there is a shortage of such available in the Borough. Therefore to grant planning permission would be contrary to the provisions of Policy ED1 of the Maidstone Borough-Wide Local Plan 2000.
- In the absence of the submission of a contaminated land assessment, it is not possible to assess whether there are issues relating to the proximity of the site to the known nearby sites that are contaminated. To permit the development in the absence of such information would be harmful to the health and safety of the future occupants and therefore contrary to Policy ENV52 of the Maidstone Borough Local Plan 2000.

The Borough Council comments further:

- If it is resolved to grant planning permission, the application will need to be referred to the First Secretary of State as a departure to the provisions of the Local Plan.
- If permission is granted then the Borough Council would wish to see site levels including sections through the site showing how the new building would sit within the locality, together with a full landscaping scheme identifying trees to remain and trees to be felled with an explanation as to how this fits in with the habitat survey.
- If planning permission is granted then the Borough Council would wish to see the advice contained within the habitat survey followed, together with any other observations made by English Nature as statutory consultee.

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Tovil Parish Council: no comments received to date. Any received prior to the Committee meeting will be reported verbally.

Divisional Transportation Manager: No objections. Comments that the principle of reopening the existing unused access onto Tovil Green is acceptable and the required visibility splays can be achieved and should be shown on the full application submission. The number of car parking spaces is in line with the Kent Vehicle Parking Standards and is therefore acceptable. The traffic generation from the site can be accommodated on the local network.

Environment Agency: No objection, subject to the following conditions and advise:

- Recommends conditions to be imposed on any grant of planning permission requiring:
 - details of foul and surface water disposal to be submitted;
 - a desk top study, a site investigation and a method statement relating to potential ground contamination to be submitted;
 - the development of the site to be carried out in accordance with the approved Method Statement; and
 - an addendum to the method statement to be submitted if contamination not previously identified is found to be present at the site.
- Advises that part of the development is sited on a former landfill site. Requests that any waste licence that is still in existence to be surrendered prior to any development taking place.
- Recommends liaison occurs with Contaminated Land officers prior to development of the site.
- Advises on waste produced from the site and the importation of controlled waste.
- Provides advice on drainage, contamination and the storage of fuels/chemicals.

English Nature: Provides the following advice:

- Protected species are a material consideration in determining planning permission and consequently a mitigation strategy should be agreed in writing with the Council before the development commences.
- The survey information provided by the applicant indicates the potential presence of bat tree roosts at the site. English Nature supports the recommendation made ... in the Extended Phase 1 Habitat Survey Report that a bat roost survey and at least two emergence surveys should be undertaken prior to the commencement of any works.
- The information provided ... indicates the likely presence of breeding wild birds at the site. English Nature support the recommendations ... that all trees and scrub vegetation removed should be undertaken outside the bird breeding season (March – August).
- There is an opportunity to enhance the biodiversity of the site through sensitive planning and the incorporation of features beneficial to wildlife English Nature would therefore like to see stronger proposals for biodiversity enhancement across the development site.
- Advises that the protection afforded to species under UK and EU Legislation is irrespective of the planning system and the applicant should ensure that any activity that they undertake on the application site complies with the appropriate wildlife legislation.

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Countryside Policy and Projects Group: No objection, subject to conditions requiring:

- Bat survey work, as the Extended Phase 1 Habitat Survey Report recommends and in accordance with English Nature's *Bat Mitigation Guidelines* (2004).
- No disturbance to birds ... during the nesting season (March to August). Mitigation measures submitted and implemented during construction in order to protect breeding birds ... *if works should be carried out* ... during the breeding season.
- Detailed mitigation strategies for any protected species found on site, such as Bats, Great Crested Newts (if necessary) and nesting birds.
- A detailed landscaping scheme, including measures to minimise the loss of woodland habitat, enhance the habitat that is retained and create further biodiversity gain at the site through an enhancement and management plan.

Advises that the site as it stands has intrinsic wildlife conservation value in terms of species and habitat. The development proposals, *for the site*, should address the potential for retention and enhancement of the woodland habitat ... prior to the reserved matters being approved.

Requests further clarification of the Extended Phase 1 Habitat Survey Report. The Report comments that there are no suitable aquatic habitats for Great Crested Newts on the site or in the immediate surrounding area. Clarification of the area considered within the Survey Report is requested in order to confirm that the survey work carried out is adequate.

Jacobs Babbie (Landscaping): no comments received to date. Any received prior to the Committee meeting will be reported verbally.

Public Rights of Way Area Manager: no comments received to date. Any received prior to the Committee meeting will be reported verbally.

Local Member(s)

12. The local County Members for Maidstone Central, Mr D. Daley and Mr J. Curwood were notified of the application on 11 November 2005. The local County Members for Maidstone South, Mr A. Chell was also notified of the application on 11 November 2005.

Publicity

13. The application was publicised by advertisement in a local paper, the posting of one site notice and the notification of 25 neighbouring properties.

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Representations

14. Three letters of representation have been received from local residents to date. The main points raised can be summarised as follows:
- The Tovil area has been developed and now there are houses everywhere
 - Comments on the trees and wildlife on the site. Pleased to see that a wide boundary of trees is to be retained. Wishes for trees on the site not to be disturbed outside of the actual building area and seeks assurances that the existing woodland would not be 'accidentally' completely destroyed and later replaced by saplings
 - Requests that parking facilities be reviewed. The plans show spaces for staff and residents but no allowance is made for visitors. There are already parking difficulties in the area. Suggests 40 parking spaces would be more appropriate
 - Requests a close boarded fence or something similar be erected along the boundary of the site with 19 Tovil Green
 - Requests the part of the application site adjoining 19 Tovil Green is lowered and the scrub, trees, undergrowth and debris on the land removed. Currently the application site is 5-6ft higher than the adjoining residential property
 - Requests an investigation of the site as Dutch Elm disease is affecting many of the trees and ivy grows over the site and needs to be controlled.
 - When many of the surrounding housing were built, car parking areas were not provided. Consequently the area is very congested. Wishes for a parking area to be included to the right hand side of the entrance from Tovil Green for residents and that residents be provided with dropped kerbs to enable them to park off the road.

Discussion

15. This proposal is an outline planning application for the clearing of land and the erection of new buildings to accommodate 46 apartments, associated communal facilities, car and bicycle parking. 40 of the apartments would be extra care apartments for the elderly and 6 of the apartments would be for people with learning difficulties. It is necessary to consider the development in the context of the Development Plan Policies outlined in paragraph (10) above and the effects of the development in terms of its location and visual impact and the effects on the local environment and amenity.
16. As this is an outline application, it is the principle of the proposed development that is being established and the applicant can reserve certain matters for later consideration, should Members be minded to grant planning permission. In this case, the reserved matters are external appearance, landscaping and design, whilst siting and means of access are submitted to be considered now.

Policy Issues

17. The application site is located on land identified in the Maidstone Borough Plan for employment development (Policy ED1). The proposed development is therefore a departure from the Development Plan and it has been advertised as such. If Members are minded to grant planning permission for the development it will therefore be necessary to refer the application to the Secretary of State for consideration.

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18. Policy ED1 reflects Maidstone Borough Council's objective to 'maintain and promote a strong local economy in an attractive local environment and to provide sufficient land and opportunities for new investors and existing businesses' (Strategic Objectives 7 and 8 of the Adopted Plan). The land, which is identified at Tovil Green, has been carried forward from a previous allocation in the 1993 Maidstone Borough Local Plan, which dealt with the period to 2001.
19. In the context of this application consideration needs to be given as to whether the proposed development is acceptable on land allocated in the Local Plan for economic development, and whether the applicant has been able to demonstrate special circumstances to justify departing from an adopted Local Plan Policy.
20. In support of the application, the applicant has advised that the development would meet Strategic Objective 7 of the Maidstone Local Plan as it would provide up to 25 jobs through a 30 year PFI initiative. It is further stated that the development meets other strategic objectives in the Plan as 'the development is sustainable and recognises the distinctiveness of Maidstone's environment and will enhance and protect it for current and future generations; it brings back into use unused land for affordable housing which meets the needs of vulnerable local people and is well located in terms of public transport and working opportunities and will minimise the necessity for transport; and will include recreational facilities for the benefit of the residents and ensure the needs of local communities for access to local employment, services and housing. The applicant therefore considers that the development would meet the economic development allocation in the Plan. The applicants provide examples of what they consider are circumstances where housing has been permitted on land which has an economic development designation and where land has been allocated for housing or granted planning permission for housing notwithstanding their prior use for employment.
21. The applicant has confirmed that the proposed site is one of a number of locations considered for this project. The potential sites were considered against a number of criteria to ascertain whether they could accommodate the proposed care facilities. The location has to be within the Maidstone area, to serve the local population in response to a specific need for extra care housing. The applicant indicates that demographic forecasts for Maidstone project that the growth in the population over 65 years old will be in excess of 43% over the period 2001 to 2016. The need for increasing levels of affordable housing in Maidstone is accepted; affordable housing that meets the needs amongst an ageing population profile has become increasingly important. To accommodate the extra care and supported apartments the site needs to be located within the urban area to allow easy access to the public transport network, community services and facilities. The site should be an appropriate size to accommodate both developments within the space, and allow for outdoor amenity space for the residents. The applicant has provided details of an additional four sites considered for the proposed development. One of which formed an application submitted to the County Planning Authority in May 2005 (ref: TW/05/TEMP/0033) to locate the apartments at another site off Barfreton Close, Tovil. However, this application was subsequently withdrawn due to the potential loss of an existing community facility located at the site and the relatively constrained dimensions of the site. Feasibility studies were carried out on each of the sites considered, the various locations rejected due to concerns including, size of the site(s), loss of amenity space to the wider community, loss of privacy to neighbouring properties and inappropriate vehicle access. The applicant confirms that, despite certain limitations, the Tovil Green site is the most appropriate option for this development.

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22. Notwithstanding the above, Maidstone Borough Council has objected to this application on the grounds that the proposed development is contrary to the provisions of Policy ED1 and Borough has a shortage of sites available for economic development. In spite of the concerns raised by the Borough Council regarding the lack of economic development sites in the Maidstone Borough, I would advise that the site has been identified for this purpose within the Local Plan for 13 years, and judging by the growth of the trees on site, has been vacant for some time before that this period. In my opinion the applicant has demonstrated a specific need for the proposed development in the locality and justified the use of this site. The development would create 25 new jobs in the locality, which would counter balance the jobs that would be created were the site redeveloped for a retail warehouse or light industrial use. Given the points raised above, and the potential difficulties and costs of redeveloping the site, such as the topography and potential land contamination and mitigation measures required, I would consider that the redevelopment of the site to create affordable extra care housing would be an acceptable alternative to the site continuing as an unused part of the land available for economic development.

Siting

23. As set out above, the development would be located on an area of land currently overgrown with trees and scrubs. The surrounding properties include a variety of light industrial and retail developments to the south and east, with residential properties located to the north and west. Given that the proposed site is sloped, any development at the Tovil Green site will sit on the hillside above properties to north and east. The proposed three storey element could impact on surrounding properties and would be visible in the elevated location.

24. The proposed layout would locate the apartment blocks to the east of the site, for the most part overlooking industrial developments. The boundary of the nearest residential property is located 12 metres to the north east of the proposed extra care apartments, the façade of the property being over 44 metres from the north west corner of the apartments.

25. I have no objections in principle to the proposed layout of the development. It would appear to locate the building as far to the east of the site as possible, thereby minimising, as far as possible, any potential impacts on residential amenity. Concerns have been raised by local residents regarding the height of the site adjoining residential property, and requests made for the land adjoining the property to be lowered and close boarded fencing provided. Members need to consider whether the three storey element of the development coupled with the height of the land above surrounding properties could have a detrimental impact on residential amenity due to potential loss of privacy, and/or overshadowing.

26. Generally, I consider the potential for a detrimental impact on residential amenity to occur is limited. The bulk of the proposed buildings are laid out stretching away from residential property, closer to the industrial developments to the east. It is only the difference in height between the site and the properties to the north that is causing concern. The orientation of the building would minimise the potential for overlooking and this could be further reduced by limiting the number and type of windows proposed in the north elevation, obscuring views over the gardens to the north. The retention of the trees around the perimeter of the site would soften the impact of the development by breaking up views of the building. Whilst I do not consider that the lowering of land directly adjacent to residential property would do much to limit the impact of a development sited located further up the slope, the provision of additional planting and

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close boarded fencing as part of a well thought out landscaping scheme could further mitigate for any impacts. The detailed design of the building and landscaping would therefore have an important role in ensuring the development respects the existing buildings in the area and reducing any potential impacts.

27. The Kent Design Guide advises that accepted distances between windows of habitable rooms is 21 metres, to minimise any potential loss of privacy. Given that the distances in this case are well in excess of this advice, the issue of direct views between the development and residential buildings is within acceptable guidance.
28. With regard to over-shadowing, any detailed design should explore the possibilities of lessening the height of the three storey element of the development, particularly at the northern end of the building. The design could also explore the possibilities to sit the building down against the slope to reduce its overall height. Whilst I note the building could appear dominant, raised up above surrounding properties, given the orientation of the buildings and the landscaping to be retained on site, I do not consider that a significant degree of over shadowing would occur.

Biodiversity and Landscaping

29. The application as proposed involves the felling of a number of trees on part of the site, alongside the clearing of shrubs and undergrowth that has overgrown the area. Kent County Council's Countryside Policy and Projects Group has advised that the site as it stands has intrinsic wildlife conservation value in terms of species and habitat. In considering this application weight should be given to the woodland habitat that has established itself at this site. The Extended Phase 1 Habitat Survey carried out on behalf of the applicant confirms the site has the potential to support a wide variety of flora and fauna, including protected species such as bats and nesting birds.
30. As an outline planning application the applicant has exercised the right to reserve the landscaping scheme for later consideration. However, this application is to establish the principle of the development, and as such consideration should be given to whether the clearing of an area of the site to be redeveloped the land is acceptable in this case. The site as identified is not afforded any specific designation by the Local Plan in terms of habitat, landscape or open amenity space.
31. English Nature as statutory consultees raise no objection to the proposals, nevertheless identifies the need for further information. English Nature support the recommendations put forward by the submitted Habitat Survey, advising the need further survey work into the bats found on site to be carried out and approved, that vegetation clearance should be avoided during the bird nesting season (March to August), compensatory landscaping be provided for the loss of habitats, existing vegetation should be retained where possible, the use of native species within landscaping proposals and the provision of bird and bat boxes. English Nature advised the need for mitigation strategies to be agreed in writing with the County Planning Authority prior to commencement of any development work and request that stronger proposals be provided to enhance biodiversity across the remaining site.

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32. Kent County Council's Countryside Group lend additional support to the need for further survey work to be undertaken prior to any development taking place, and also advises that further detail would be required as to potential mitigation and enhancement strategies for the site, alongside a comprehensive landscaping scheme. The Countryside Group has advised the need for further clarification of the survey work carried out on potential Great Crest Newt habitats in the area before the application is determined.
33. The Tree Survey submitted by the applicant in support of the application advises that the site consists of recent secondary woodland comprising predominantly of semi mature/ mature sycamore with ash, silver birch, cherry, hawthorn, elm, field maple, hazel, goat willow and buddleia. The woodland has received no management and the dominant sycamore and Ivy at the site have suppressed the growth of many trees. The report confirms the comments made by a local resident in relation to the existence of Dutch Elm disease at the site, with a large number of trees dead or diseased. The survey advises that collectively the woodland is a significant feature of amenity value located with the urban area. However, individually the majority of trees are considered of low quality or value, the development would involve the loss of a significant area of woodland, with the outer perimeter to retained to minimise the impact of the development on the local environment. Advice is that the only one mature Silver Birch of value would be lost, and that the removal of this tree should be mitigated through the landscaping scheme.
34. In terms of the impact of the development on biodiversity and the acceptability of the proposed site clearance, both English Nature and KCC's Countryside Group has identified the need for further survey work, mitigation strategies and enhancement schemes prior to any work being carried out on site. However, neither consultee has raised an objection to the loss of habitat, English Nature identifying that the application offers the opportunity to enhance biodiversity of the site through sensitive planning. The comments put forward within the Tree Survey suggest that the woodland is in an unmanaged state that limits the potential of the trees on site. The redevelopment of the site would allow the opportunity for careful landscaping and continued management of the trees retained on site. Taking all of the above into account, and subject to clarification of the survey work undertaken in relation to Great Crested Newts, and conditions covering the submission of further survey work in relation to bats, appropriate mitigation strategies, a biodiversity enhancement plan, and a full landscaping scheme, I have no material planning objections to the proposal in biodiversity and landscaping terms.

Contamination

35. Notwithstanding the objections raised by Maidstone Borough Council in relation to ground contamination, I would advise that the applicant has provided a Ground Conditions Report. The report confirms that given the documented history of the site and the results of the initial phase of ground investigation, some substantial ground contamination remediation works and/or mitigation of contamination risks as part of any future development should be expected as necessary. The report recommends further investigation at the site to determine the contamination risks and any appropriate remediation works to mitigate for the suspected ground contamination. Conditions covering further site investigations, the submission of a detailed report and Method Statement, and the completion of any appropriate mitigation, as advised by the Environment Agency, would be an appropriate means of addressing this issue.

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Traffic and Access

36. There are a number of issues arising in relation to traffic, access and parking as a result of the proposed development. These are reflected in the letters of representation summarised in paragraph (14) above and include concerns about congestion and parking.
37. The application site is currently unused and as such there are no vehicle movements currently associated with the application site. The development would provide 46 apartments and would employ approximately 25 full and part time staff working in 3 shifts in order to provide around the clock cover at the site. Therefore there would be an increase in vehicle movements at the site as a result of the development.
38. The site would be accessed from an existing access off Tovil Green and 28 car parking spaces would be provided within the site. This would include 1 ambulance space and 6 disabled spaces and I would advise that the number of car parking spaces has been calculated to provide parking for residents and staff. A drop-off point would be provided close to the main entrance to the communal facilities and 12 bicycle bays are proposed within the site to encourage the use of non-car modes of transport.
39. I would advise that the Divisional Transportation Manager has checked the suggested parking allocation against Kent Vehicle Parking Standards and advises that the number of spaces proposed is acceptable. The Divisional Transportation Manager has also advised that the principle of re-opening the existing site access is acceptable, the required visibility splays can be achieved and that the traffic generation from the site can be accommodated on the local network. I therefore do not consider that parking problems should be exacerbated in the area as a direct result of the development. I would therefore recommend that a conditions requiring detailed drawings of the access illustrating the visibility splays to be submitted and approved, the ambulance space to be marked out and kept available only for that use and that the other car parking spaces should be provided prior to the first occupation of the development and then kept available for that use.
40. I note the request by a local resident that car parking provision be provided within the site for local residents and that the residents be provided with dropped kerbs to allow them to park within their gardens. I also acknowledge that there would be an increase in vehicle movements in the area as a result of the development. However, given the scale of the development and the fact that the Divisional Transportation Manager has advised that the principle of re-opening the existing site access is acceptable, the traffic generation from the site can be accommodated on the local network and the correct number of car parking spaces are proposed, I do not consider the residents request to be proportionate, reasonable and necessary as part of this development.

Need

41. Due to the material planning objections that have been raised, need becomes a balancing factor. With regard to the need for the development the applicant has advised that the development is required to improve the Council's provision of appropriate accommodation for vulnerable people. The applicant also advises that outline planning permission is being sought in order to facilitate the PFI process and so realise the new extra care and supported accommodation urgently required by Kent County Council.

Conclusion

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42. This is an outline application and therefore it is the principle of the development only, which needs to be considered. The application has to be considered in the context of the Development Plan and in relation to the location of the proposed development set against the impact of the proposal and the need for the proposal. I acknowledge the objections raised to the proposed development on policy grounds by Maidstone Borough Council, and draw members attention to the concerns raised regarding availability of land designated for economic development. However, I am satisfied that the applicant has provided special circumstances that justify the use of the land otherwise. The application would need to be referred to the Secretary of State if Members are minded to permit contrary to the Local Plan designation. Whilst issues have been raised relating to the siting of the development, ground contamination, biodiversity, landscaping, traffic and access, subject to clarification of the survey work carried out on protected species habitats, I consider that the location of the development and means of access are acceptable. I therefore recommend accordingly.

Recommendation

43. SUBJECT TO the submission of clarification of the survey work carried out in relation to Great Crested Newts, I RECOMMEND that the application BE REFERRED to the First Secretary of State as a departure from the Development Plan, PERMISSION BE GRANTED, SUBJECT TO the conditions including the standard outline time conditions, the submission of reserved details relating to external appearance, landscaping and design, the development being carried out in accordance with the approved plans, details of a method to obscure views from the north elevation of the building, the provision of car parking spaces prior to the first occupation of the development and once provided the parking spaces should be kept available for that use, further survey work on bats, protection of breeding birds, submission of mitigation and enhancement strategies, tree protection, foul and surface water drainage, the submission of further ground contamination reports and completion of remedial work, further ground contamination conditions as recommended by the Environment Agency, hours of operation during construction, details of site levels, measures to ensure no mud is deposited on the public highway.

Case officer – James Bickle	01622 221068
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Background documents - See section heading
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