

**APPENDIX 1**

<b>2.6 REFERENCE NO - 17/506010/FULL</b>			
<b>APPLICATION PROPOSAL</b> Erection of an 74 suite Care Home (use class C2) with associated car parking, refuse and external landscaping.			
<b>ADDRESS</b> Southlands Rook Lane Bobbing Sittingbourne Kent ME9 8DZ			
<b>RECOMMENDATION – That planning permission is GRANTED subject to completion of a S106 agreement to secure NHS contributions.</b>			
<b>SUMMARY OF REASONS FOR RECOMMENDATION/REASONS FOR REFUSAL</b>  Whilst the site falls outside of any defined settlement, there is an identified need for such accommodation, the development would partially be on previously developed land, the site is in a reasonably accessible location, and the countryside / landscape impacts would not be significantly adverse.			
<b>REASON FOR REFERRAL TO COMMITTEE</b>  The recommendation is contrary to the views of Bobbing Parish Council			
<b>WARD</b> Bobbing, Iwade And Lower Halstow	<b>PARISH/TOWN</b> Bobbing	<b>COUNCIL</b>	<b>APPLICANT</b> Graham Land & Development <b>AGENT</b> Carless & Adams Partnership
<b>DECISION DUE DATE</b> 16/03/18	<b>PUBLICITY EXPIRY DATE</b> 26/01/18		
<b>RELEVANT PLANNING HISTORY (including appeals and relevant history on adjoining sites):</b>			
<b>App No</b>	<b>Proposal</b>	<b>Decision</b>	<b>Date</b>
16/503411/DEMR EQ	Prior Notification for demolition of former Southlands Medical Assessment Centre	Granted	08/09/16
14/501647/OUT	Demolition of existing building. Outline planning application for re-development of the site for 12 detached dwellings with appearance, landscaping and scale reserved	Withdrawn	07/12/15
<i>This related to residential development of the land currently occupied by the former Southlands centre, and not the greenfield land to the west. The planning committee had resolved to grant permission for the development, subject to a S106 agreement. However the land was sold to another party prior to determination and the application was withdrawn.</i>			
SW/04/1580	Alterations to provide 24 bed unit and clinic facilities for swale elderly people	Granted	15/02/05
SW/03/0755	New vehicle access road and 45 vehicle parking spaces.	Granted	19/09/03
SW/03/0826	Non illuminated entrance sign	Granted	

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SW/03/0227	Single storey extension	Granted	18/04/03
SW/99/0116	Relocation of generator, demolition of redundant buildings	Granted	
SW/99/1144	Outline application for 36 dwellings (on what is now Rooks View)	Granted	

**MAIN REPORT**

**1.0 DESCRIPTION OF SITE**

- 1.01 The application site is a rectangular shaped parcel of land measuring 1.57 Ha in area. The eastern part of the site is previously developed land, occupied by the former Southlands centre, and this is a single storey building occupying a large footprint, with associated car parking. This part of the site is relatively flat and contains a number of mature trees that are protected by an area TPO. The western part of the site slopes substantially downwards to the rear (western) boundary of the site. This is undeveloped land containing largely grassland but also in part an orchard. The difference in levels is some 10 metres from east to west across the site, and some 7 metres from south to north.
- 1.02 The existing building was built in 1990 to provide residential care for dementia sufferers who could no longer reside at home. The residential element was closed some 11 years ago. The building was then used as a day centre for dementia assessment serving Sittingbourne and the surrounding area. It provided a range of functions such as one on one and group counselling and assessment, memory clinics and similar services. It took GP referrals and also accepted self-referrals. Its closure in October 2013 resulted from a reorganisation of service provision in the Swale area with the services provided elsewhere such as the Memorial Hospital.
- 1.03 The site is accessed via Rook Lane and is located behind the Rooks View housing development, so does not have a frontage onto the road. The dwellings at Rooks View also flank the site to the south, and Demelza house is located to the north. Land to the west is undeveloped – and this land rises to the west. As a result, the rear part of the site effectively sits in a valley. A belt of trees line the boundary with Demelza House. The west (rear boundary) is open.
- 1.04 The site (in part) forms part of a cluster of buildings accessed via Rook Lane, but is not located within a defined settlement and therefore falls to be considered as countryside under the local plan. Rook Lane is also designated as a rural lane.

**2.0 PROPOSAL**

- 2.01 The application seeks permission to demolish the former southlands centre and erect a 74 suite care home, for elderly people requiring specialist nursing and dementia care. Whereas the existing building is located on the eastern side of the site, the proposed care home would be sited on the western side, on what is presently undeveloped land. The care home would be arranged over three storeys, with the top floor contained within the roof space. Due to the significant levels changes, the building would be cut into land levels so that effectively the ground floor of the east facing elevation would be hidden by the rising land to the east. Due to cut and fill, the

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land levels would also be raised towards the north of the site to provide a level platform for the building.

- 2.02 The building would contain 74 “care suites”, and the applicant sets out that residents would benefit from much more space than traditional nursing homes bedrooms, to provide greater social space, dining space, and a kitchenette. The suites – which come in two formats - would measure a minimum of 23 sqm, which exceed minimum National Care Standards of 12 sqm. Other facilities would include communal lounge / dining areas, a tea bar, cinema room, hair and beauty treatment room, and a training room. The building would also accommodate a Day Centre for local elderly people, measuring some 50 sqm in size.
- 2.03 The building would be roughly “J” shaped in footprint, with two large wings at either end. It would measure some 67 metres in width and 40 metres in depth, approximately 5.5 metres in height to the eaves, and up to 12.5 metres in height to the tallest ridge lines. The building has been designed with varying ridge lines, gable features, dormers windows and hipped roofs. The elevations would be finished in a combination of brickwork, render and boarding, and the roof would be in clay tiles. It would be sited between 13 and 21 metres from the southern boundary with dwellings at Rooks View, and a similar distance to the northern boundary with Demelza House.
- 2.04 The application proposes to utilise much of the land occupied by the existing building at Southlands as a communal garden / orchard area, and would provide 50 car parking spaces, including overspill parking to be finished with seeded geocellular paving.
- 2.05 The existing orchard would be removed from the site, as would three Birch Trees, a Hawthorn tree and a multi-stemmed crack willow tree. All other trees are shown for retention.
- 2.06 The proposed care building would be set into land level so that the ground floor would be approximately 7-8 metres below the ground floor level of dwellings at Rooks View.

**3.0 PLANNING CONSTRAINTS**

- 3.01 Outside of designated built confines  
 3.02 Rook Lane is a designated rural lane  
 3.03 Site is within a Groundwater Source Protection Zone  
 3.04 The eastern part of the site (and Rooks View) is subject to Area TPO 1 of 2000

**4.0 POLICY AND OTHER CONSIDERATIONS**

- 4.01 **The National Planning Policy Framework (NPPF)** – paragraphs 7 (3 dimensions to sustainable development), 14 (presumption in favour of sustainable development), 17 (core planning principles), 18-20 (economic growth), 28 (supporting a prosperous rural economy), 32 (traffic impacts / sustainable transport options), 50 (providing a mix of housing including needs for older persons), 55 (avoiding isolated new homes in the countryside), 56 (good design), 70 (guarding against the loss of community facilities), 109 (protecting the natural environment), 111 (effective use of brownfield land), 117-118 (biodiversity)
- 4.02 **The Swale Borough Local Plan – Bearing Fruits 2031** – Policies ST2, ST3, ST5, CP3, CP4, CP5, DM6, DM7, DM14, DM24, DM26, DM28.

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5.01 8 letters of objection were received following the original notification process. Following amendments to the scheme, a further 7 letters of objection have been received, raising the following concerns –

- Size and scale of building is excessive
- There are already 3 other care homes nearby
- Overlooking of properties and gardens in Rooks View
- The access between Rook Lane and the A2 is dangerous
- Additional traffic will be generated from the development
- Disturbance during construction
- Trees must be retained on the site
- Excavation works will undermine properties on Rooks View, where there is a history of subsidence
- Impact of the development on surrounding trees
- Numerous windows in the new building will face directly towards existing dwellings on Rooks View, where there are currently no such windows.
- Disturbance from day to day operation of the care home
- Light pollution
- Rook Lane is not designed for HGV's
- Improvements to Rook Lane / the A2 junction must be made if this is approved
- The proposal to allow Demelza House to use part of the car park is not required
- Impact / loss of a rural setting
- Size, scale and mass will be overbearing
- Unacceptable visual impact
- The building would be out of keeping with the area
- Loss of views for residents in Rooks View
- This will result in financial reward for the applicant at the expense of local residents
- The site is not allocated in the Local Plan and is in the open countryside and should be protected against development.
- The brownfield land is only on the eastern side of the development.
- The design is not in keeping with the low density character of the area, or the barn / oast-like character of Demelza House
- Over-use of dormer windows on the building
- Landscaping offers limited screening
- The site is a BAP habitat, and there are bats present. The orchard has remained undisturbed.
- Transport links are insufficient – infrequent bus / train services – which will not suit people working shifts
- The traffic survey was carried out at the end of school holidays
- The development fails to protect Rook Lane as a designated rural lane.
- Mutual overlooking between the care home and properties in Rooks View
- The refuse point is sited unacceptably close to existing dwellings
- Impact on a secondary aquifer
- The community garden would present a security issue
- No need for additional care homes. Permission exists for a 60 bed care home in Iwade (on land adjacent Coleshall Farm)

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- Concern over occupancy of care home, and how this can change under the Use Classes Order
- The west part of the site was never part of the Southlands site and was purchased at a later date.
- Impact on biodiversity / wildlife
- Cumulative impact of development in the area, including the new dwellings on Rook Lane, and the proposals for housing on the opposite side of the lane (see reference 18/500258/FULL, which envisages 23 dwellings, a car park and outdoor area for events).

**6.0 CONSULTATIONS****6.01 Bobbing Parish Council – raise objection to the application for the following reasons**

- The site is not allocated for housing in the adopted Local Plan and is outside of the built-up area boundary.
- The actual proposed building is not on previously developed land (i.e. Southlands footprint).
- The size, scale and mass are not in character with the surrounding developments.
- The Parish Council understands from residents that at certain times of the year numerous bats are present on the site, the survey does not really support this.
- The Parish Council understands that the orchard part of the site may contain historic and rare fruit trees. It would like to see a professional survey and report covering this aspect. Are there plans to save any rare trees? This area (Orchard) may also be the home of a rare beetle (the noble chafer beetle) which is extremely rare. These have been found in a neighbouring parish and this needs to be investigated.
- Access to public transport is poor. The Medway to Sittingbourne bus service is limited, a considerable walking distance away and with poor access to bus stops. There are no pavements for pedestrians.
- Concern regarding traffic generated by the care home - all of which would enter or leave the area from the A2 - Rooks Lane junction or the Bobbing Hill - Key Street roundabout junction, two of the most notorious junctions in the local area for accidents.
- This application should not be considered in isolation - within a short distance approval has recently been given to five more detached houses, on the old waterworks site adjacent to the Rook View development. The Parish Council has recently had a presentation of a proposed planning application for a development of twenty houses, plus a large car park and worker accommodation to the east side of Rook view. This whole area is in danger of being transformed from one with a rural character to one, which is being over developed without the infrastructure to cope with this.
- Concerns over future use which could be changed under Permitted Development rights. The Parish Council requests that if approved these are removed so that this cannot be changed from a Care Home unless planning permission is first obtained.

**6.02 KCC Drainage - No objections raised, subject to conditions****6.03 KCC Commissioning Officer – Accommodation Solutions - Kent County Council would like to express its support for this development in Swale. It fits with the need for modern care home provision locally and demographic projections as laid out in our Accommodation Strategy.**

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- 6.04 **Kent Police** - Do not raise objection but observes that the application does not demonstrate how crime prevention has been designed out. Recommend the imposition of a planning condition to deal with this.
- 6.05 **Rural Planning Ltd** – advises that the undeveloped part of the site is approximately 0.8 ha and has not been in productive commercial use for many years. The 1976 Soil Survey study indicates that this land is unlikely to fall as best and most versatile agricultural land. On this basis the loss of agricultural land is not considered to be a significant consideration in this instance.
- 6.06 **UK Power Networks** - No objection
- 6.07 **Environment Agency** - No objection subject to conditions
- 6.08 **KCC Highways and Transportation** – advise that no objection is raised to the development. The submitted Transport Assessment considers the previous use as a care home and demonstrates that predicted peak traffic movements arising from the new care home are likely to be less than those generated by the former use in the AM peak and just 2 more during the PM peak. It is also noted that the most recent use of the site was as a specialised EMI (Elderly, mentally, infirm) day centre, with potential to generate over 50 movements in the AM peak and 40 movements at PM peak. Typically this could also generate similar numbers throughout each hour of the working day. Historic aerial photos also show that actual parking was much greater reported in the Transport Assessment, indicative of the more intensive use of the building as a day centre.
- 6.09 There is therefore no justification to raise concerns over traffic impact. The access and internal layout are suitable and parking provision is in line with relevant standards for this use. Recommend conditions to require parking / loading turning details during construction works, to take precautions to guard against mud on the highway, retention of car parking for the development, and cycle parking. Would also raise no objection to improvements to Rook Lane as suggested by the applicant, to change priority arrangements near the junction with the A2.
- 6.10 **KCC Ecology** – advise that the applicant has submitted a Traditional Orchard Mitigation and Compensation Strategy which confirms that an orchard will be planted elsewhere on site and created with a mixture of translocating existing trees and planting new trees. Subject to a condition to set out the methodology of for creating the orchard and subsequent management, no objection is raised to this.
- 6.11 Emergence surveys demonstrate that 1 bat was roosting in the existing building. No objection is raised to the mitigation measures in the ecology report to deal with this. Reptiles are present on site and the report details that a mitigation area within the site will be created. Overall, and subject to conditions, KCC Ecology do not object to the development.
- 6.12 **Natural England** - No Objection. Since this application will result in a net increase in residential accommodation, impacts to the coastal Special Protection Area(s) and Ramsar Site(s) may result from increased recreational disturbance. As your authority has measures in place to manage these potential impacts through the agreed strategic solution, subject to the appropriate financial contribution being secured, Natural England is satisfied that the proposal will mitigate against the potential effects

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of the development on the site(s) and that the proposal should not result in a likely significant effect.

- 6.13 **Southern Water** – comment that an initial study indicates that Southern Water cannot currently accommodate the needs of this application without the development providing additional infrastructure, otherwise the development would increase flows into the wastewater sewerage system and increase the risk of flooding.
- 6.14 Alternatively the developer can discharge foul flow no greater than existing levels if proven to be connected, and it is ensured that there is no overall increase in flows into the foul system.
- 6.15 Should the Local Planning Authority be minded to approve the application, a condition should be attached to require a drainage strategy to be submitted and approved.
- 6.16 **SBC Tree Officer** – raises no objection to the removal of the old orchard trees, and is satisfied that important existing trees on site (including those protected by a TPO) will be retained, subject to conditions relating to tree protection measures. No objection to the new soft landscaping scheme as revised.
- 6.17 **Environmental Protection Team Leader** – No objections, subject to conditions to control hours of construction, suppression of dust, and to deal with any land contamination.
- 6.18 **NHS England** -Request a contribution of £36,000 to mitigate the likely additional impacts upon services in the area.

**7.0 APPRAISAL****Principle of Development**

- 7.01 The site is located outside of the defined settlement boundaries and falls to be considered as open countryside under policy ST3 of the adopted Local Plan. This policy states that in such locations, development will not be permitted unless supported by national policy and where it would contribute to protecting the intrinsic value, setting, tranquillity and beauty of the countryside.
- 7.02 Part of the site (extending to 0.75 hectares) falls to be considered as previously developed land. Paragraph 111 of the NPPF encourages the effective use of such land, provided it is not of high environmental value.
- 7.03 The proposal would deliver a residential led development with additional employment benefits - the application states that upwards of 100 staff would be employed. Paragraph 28 of the NPPF supports sustainable economic growth in rural areas. Paragraph 47 of the NPPF seeks to significantly boost housing supply. Paragraph 50 seeks to deliver a wide choice of housing, including the needs of different groups, such as older persons. Policy CP3 of the adopted Local Plan similarly seeks to provide a range of housing to meet needs, and seeks to prioritise the development of previously developed land.
- 7.04 Policy ST2 of the adopted Local Plan sets out the development targets in Swale for the plan period, including housing, but does not include specific targets for care homes.

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- 7.05 The applicant has provided a needs assessment for care home proposals in the Borough. This sets out that within a 5 mile radius of the site, the population of persons aged 65 years and above is set to increase by 1,100 persons by 2027, and those persons aged 85 years plus by 1000 persons during the same period. In turn, forecast demand for persons requiring care will increase from 646 to 928 persons by 2027.
- 7.06 The report sets out that there is currently a supply of 556 care bed spaces in the catchment area, of which 7% are shared rooms. In addition, a number of single bedrooms have no ensuite facilities, or are less than the current size standard of 12 sqm per room. The report identifies a current shortfall of 70 beds in 2017 and a projected shortfall of up to 332 single room spaces in the 5-mile catchment area.
- 7.07 Kent County Council has been consulted on the application and advises – as set out at Paragraph 6.03 above - that it would fit in with the needs for care home provision and demographic projections as set out in the KCC Accommodation Strategy.
- 7.08 The applicant has also submitted an alternative site assessment, which has considered other sites within urban confines in the catchment area. These have been discounted as either not fitting relevant site area criteria, not being available, or being allocated / with permission for conventional housing. Although permission has been granted for a care home at Coleshall Farm, Iwade, this would be a 60 bed unit and would not address forecast needs.
- 7.09 Taking the above into account, there are a number of competing issues to be balanced. Whilst the site is located outside of the built confines, it falls within a cluster of development on Rook Lane and part of the site represents previously developed land. The proposal would provide a form of accommodation for which a clear need has been identified, and which is expected to grow in coming years. The scheme would also provide employment benefits. Balanced against this is the impact of a large development on the intrinsic value, character and landscape setting of the countryside, whether the site is in an accessible location, as well as localised impacts including residential amenity, and highways movements. These are considered in greater detail below.

**Visual and Landscape Impact**

- 7.10 Policy DM14 of the adopted plan states that developments should respect the positive features of a site and locality, be well sited, and of a scale, design and appearance that is sympathetic and appropriate to the location. Policy CP4 states that all developments should be of high quality design and appropriate to their surroundings.
- 7.11 As a purpose-built care home, the building would occupy a large footprint and would be substantial in scale and form. The scale of the building is mitigated in part by the topography of the site and the design to build into the lower slope of the site. The effect of this is that building would appear no taller than the existing building on site, when viewed from Rook Lane, and much of the building would be lower than the road level of Rooks View.
- 7.12 The building has been designed in a rough J shape with a series of projecting gable features and use of different materials on the elevations – render, brick and weatherboarding. Rooflines are varied throughout the building, with a series of dormer windows in the roof to provide the third floor of accommodation. The building footprint,



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projections, varying rooflines and elevational materials all help to add interest and break up the scale of the building, which is architecturally superior to the existing building on site, albeit on a much larger scale.

- 7.13 Although the building is much greater in scale and form than the dwellings to the south, it does provide a care facility use which would have some similarities with the Demelza House complex to the north.
- 7.14 The land to the east of the site would be largely provided as a garden / green setting to the building. It includes retention of existing mature trees protected by a TPO, and provision of an area of new orchard planting to replace the orchard to be removed. In addition, areas of green space providing a residents' gardens would be provided to the north, south and west of the building.
- 7.15 In landscape terms, the site is a non-designated landscape. Policy DM28 of the adopted plan states that such landscapes will be protected and enhanced, and that planning permission will be granted subject to the minimisation and mitigation of adverse landscape impacts, or where significant adverse impacts remain, that the social and / or economic benefits of the proposal significantly outweigh any landscape harm.
- 7.16 The Swale Landscape Character and Biodiversity Appraisal (which is adopted as a supplementary planning document) designates the site within the Iwade Arable Farmlands. It describes the landscape as a gently undulating rural landscape, with medium and large scale fields providing long views across open the landscape; buildings of mixed style built in the mid to late 20<sup>th</sup> Century, the dominance of several major transport links through the area; a sense of isolation and a sense of tranquillity due in part to topography. The overall condition of the landscape is rated as poor, and landscape sensitivity is rated as moderate.
- 7.17 The applicant has provided a Landscape and Visual Impact Assessment (LVIA) for the site. This makes reference to the following characteristics –
- That the building would be no taller in the landscape than the existing building on site (due to levels changes)
  - That the site benefits from mature landscaping, which is a key landscape feature of the site
  - That replacement of the existing building with a larger building to the west of the site would give rise to adverse impacts. However the design of the scheme and existing / proposed landscaping would mitigate this, with an overall minor adverse impact on landscape character arising.
  - In visual amenity terms, the assessment sets out the main public visual receptors to be from the road and public right of way network. From the road network, the development would have a limited effect due to the backland location of the building, and falling topography. From the public right of way network, particularly to the north [on PROW ZR105], the impact of the development would be mitigated by landscaping and by existing built form surrounding the site.
  - The assessment concludes that there would not be any significant landscape or visual effects arising from the development.
- 7.18 I would generally agree with the findings of the LVIA. Whilst the building is extensive in size, it would not have significant landscape impacts from the east or west due to the topography of the site and surrounding area, which helps to screen the building. From the south, the building would be screened by the Rooks View development, and

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would be on lower ground than this housing. In my opinion, the greatest landscape impact would be from the north and from the public footpath network, where short and medium distance views can be attained of the site. Whilst existing landscaping would provide some screening, the building would still be visible through this. However the building would be lower in height than the dwelling at Rooks View seen in the backdrop of such views, and the tallest buildings in the Demelza House complex. The scheme has also been amended to lower the height of the building in the north corner of the site, to help reduce its wider visual impact. Taking the above into account, whilst there would be an adverse impact on the countryside through the act of developing a partially undeveloped site, I am satisfied that adverse landscape impacts are minimised by the design of the building, removal of the existing building, the topography of the site, the screening effect of existing mature landscaping (and ability to strengthen this with new landscaping), and surrounding built form. As such, I consider that the scheme would accord with policy DM24 of the adopted Local Plan.

- 7.19 In design and scale terms, the building is large and different to the residential housing to the south and east of the site. However as a care home use, it does share some similarities with the Demelza House complex to the north. I consider the building to be well designed, and the scheme respects existing site features through the retention of landscaping and use of the sloping site to manage the scale and visual impact of the development. In my opinion, the scheme would not be in conflict with Policies CP4 or DM14 of the adopted plan.

**Residential Amenity**

- 7.20 Policy DM14 of the adopted Local Plan states that developments shall cause no significant harm to surrounding amenities or other sensitive uses. In this instance, the key impacts relate to those on the dwellings at Rooks View, and on Demelza House which is clearly sensitive due to the nature of hospice care that it provides.
- 7.21 The proposed care home building would be sited immediately to the rear of the dwellings at 19, 20 and 21 Rooks View. A separation gap of between 28 metres and 33 metres would be maintained between the flank wall of the care home and these dwellings. In addition, due to differing land levels, the dwellings are sited at a much higher level than the care home - to the effect that the first two floors of the care home would be set lower than the ground floor levels of these dwellings. As such, the main outlook from the ground floor of these dwellings would be the roof of the proposed building.
- 7.22 Following concerns raised by residents, the applicant has amended the scheme to remove the large gable features originally shown in this elevation facing Rooks View, and to lower part of the building. Whilst I acknowledge that residents currently enjoy a view over an undeveloped area of land, Members will appreciate that protection of views is not a material planning consideration. In privacy terms, given the differences in levels and the separation distance of at least 28 metres, I do not consider that this would result in an unacceptable impact on existing dwellings. In terms of light and outlook, given the changes in land levels the care home would be sited well below the roofline of these dwellings, and at a distance of at least 28 metres I do not consider there to be unacceptable light or outlook impacts. Whilst the proposal would clearly change the view and outlook from these dwellings, this cannot be protected in absolute terms under the planning system.

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- 7.23 The dwellings on Rooks View that border the eastern side of the site, where the existing building, is sited would face onto the orchard, gardens and parking area. In my opinion, this would have no greater impact on amenity than the existing building and historic use of the site, and would be likely to have much less impact.
- 7.24 Some residents have complained about disturbance during construction, disturbance from the care home operation, and the effects of light pollution. Whilst there would be some disturbance arising from activities connected to the care home use, as this is primarily a residential use I do not consider such disturbance would be significant, and I note that the Environmental Protection Team Leader (see Paragraph 6.17 above) does not raise objection on such grounds. Disturbance during construction can be managed via a condition requiring a construction management plan. I do not consider light pollution to be significant given the existing lawful use of part of the site, the changes in land level which mean that any lighting is likely to be at a lower level, and the use of modern lighting technology which limits light spill. Again, a condition would control this.
- 7.25 Demelza House, as a childrens' hospice, has particular characteristics that should also be given weight - it is set in rural and relatively tranquil surroundings (notwithstanding background noise from the A2 and A249) and it is important that the impacts of the development on patients and their families are fully considered. In this respect, the proposal would provide a residential care facility that, by its nature, would be unlikely to raise significant noise or amenity issues. The proposed care home building would be sited some 50 metres from the buildings at Demelza House, with intervening landscaping. Overall, I do not consider this would be likely to impact upon the particularly sensitive nature of the Demelza House use.
- 7.26 Taking the above factors into account, I do not consider that the development would result in any unacceptable impacts on surrounding properties and uses, and this would accord with policy DM14 of the adopted Local Plan.

**Highways and locational sustainability**

- 7.27 Policies DM6 and DM7 of the adopted Local Plan require that development proposals generating significant traffic are submitted with a Transport Assessment (TA), that opportunities for sustainable transport modes have been taken up, that any adverse impacts on the highway are mitigated, that air quality is not worsened, and that appropriate parking is provided.
- 7.28 The application has been submitted with a TA This demonstrates that traffic generated by the development in the morning peak hour is likely to be less than the former use of the Southlands centre, and particularly its last use as an EMI day centre. KCC Highways and Transportation are satisfied that such vehicle generation is acceptable.
- 7.29 The site is located approximately 2kms from Newington station and a bus service operates along the A2, providing transport links to Medway and Sittingbourne. The A2 is a lit road with a dedicated pavement. Whilst Rook Lane does not provide a pavement connection to the A2, it is possible to walk through the Rooks View development to the A2 via a pedestrian link. In my opinion, this provides some transport choice for staff and visitors, albeit I recognise that some staff working shifts may not benefit from this.

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- 7.30 The scheme proposes 50 parking spaces to serve the development, and KCC Highways and Transportation advise that this is acceptable.
- 7.31 The applicant has offered to implement an improvement scheme to the existing priority road narrowing in Rook Lane, to give priority to vehicles turning from the A2 onto Rook Lane. However I note that this arrangement has been secured under the terms of the planning permission for 5 houses on the Southern Water site on Rook Lane.

**Landscaping**

- 7.32 The proposal would involve retention of many of the trees on site, and those on the eastern side of the site, as well as those off-site trees on the southern boundary are protected by an area Tree Preservation Order. Five trees are shown for removal, and although they are covered by the TPO, Members will note that they are rated Category B and C trees in the arboricultural report submitted with the application. As noted above, the Tree Officer raises no objection to this, and I am satisfied that the mature landscaped character of the eastern part of the site and site boundaries would not be adversely affected by the development.
- 7.33 The scheme includes large areas of new landscaping particularly on the eastern side of the site, to incorporate a communal garden, new orchard and wildlife mitigation area. Further tree planting is also proposed on the western and southern boundaries of the site. The Tree Officer is satisfied that such planting is appropriate.

**Ecology**

- 7.34 A mature fruit orchard, extending to 0.8 hectares, is sited on part of the western side of the site, and will be removed as a result of the development. Traditional orchards are a habitat of principle importance and a BAP Habitat. The application includes a Traditional Orchard Mitigation and Compensation Strategy which sets out that a new orchard, of 0.13 hectares, will be planted to the east of the site, and created through translocation of existing trees and planting new trees.
- 7.35 In addition, ecological surveys have revealed a bat roost in the existing building and a population of slow worms. The reports identify mitigation, to provide a receptor area for slow worms to the east side of the site, and provision of a bat box in a tree and bat access roof tiles in the proposed building.
- 7.36 Policy DM28 of the adopted plan sets out that adverse impacts on biodiversity must be mitigated, and that the preservation, restoration or re-creation of priority habitats (including BAP Habitats) should be promoted. The KCC Ecologist is satisfied that the above mitigation measures are acceptable and on this basis I consider the impacts on biodiversity to be in accordance with this policy.
- 7.37 I note that Natural England has made reference to the potential for recreational disturbance on the Swale and Medway SPA and Ramsar sites. However, as this application is for specialised elderly and dementia care accommodation, I do not consider that residents would be likely to materially add to recreational disturbance, and on this basis I am satisfied that there would not be any negative impacts.

**Other Matters**

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- 7.38 As a former day centre, the existing building offered a healthcare facility for the public. Policy CP6 of the adopted Local Plan seeks to retain such facilities to meet local needs. In this instance, I note that the premises have been closed for almost 5 years and that the services previously provided have been located elsewhere. I also note that Members had resolved in principle to allow the site to be developed for housing under application 14/501647, albeit that application was eventually withdrawn. On this basis, I do not raise objection in principle to the loss of this former use.
- 7.39 Rook Lane is a designated Rural Lane under Policy DM26 of the adopted Local Plan. The policy states that permission will not be granted for development that physically or through traffic levels would significantly harm the character of rural lanes. In this instance, KCC Highways do not raise concern that the development would increase traffic levels, and no physical works are required to the lane to accommodate the development. On this basis, I do not consider the scheme would conflict with this policy.
- 7.40 Some residents of Rooks View have raised concern that the development could impact upon land stability, given the changes in level. Some also report historical problems with subsidence. Any excavation and retaining wall structures will need to be engineered to avoid this. However, this is not a matter that falls under planning control.
- 7.41 Concern has been raised that the proposal should be considered cumulatively with other developments in the area, including the 5 dwellings on Rook Lane, and the current application for housing development on the east side of Rook Lane. Each application should be considered on its own merits, but in any case, this scheme demonstrates that there would be no material highway impacts, and I have set out above why I consider the visual impacts of the development to be limited.
- 7.42 NHS England advises that the development would generate a need for a contribution towards local services and facilities. The applicant has agreed to pay such costs.

**8.0 CONCLUSION AND FINAL BALANCING**

- 8.01 The site falls outside of any defined settlement boundary under policy ST3 of the development plan and in the open countryside where there is a general presumption against development unless supported by the NPPF and where impacts on the countryside are acceptable. The scheme would result in the partial development of previously developed land and the application also sets out that there is an identified need for this type of accommodation in the local area. The scheme would provide employment opportunities and I consider the site to be relatively accessible and provide travel options, albeit I note that some services are limited.
- 8.02 I consider that this scheme hinges on the extent of harm to the countryside and landscape, balanced against the need for such accommodation and partial re-use of brownfield land. In this respect, I have concluded in the sections above that the countryside / landscape harm is limited due to topography, design, screening and surrounding built form. In addition, I note that the site does not fall within a designated landscape and would involve the removal of an existing building of no merit. In my opinion, the need for such accommodation in a location that is reasonably accessible would outweigh the limited harmful impact on the countryside and landscape.

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- 8.03 I have also concluded that the scheme is acceptable in highways, ecology and landscape terms, and that whilst there would be an impact on neighbouring dwellings, such impact would not be unacceptable in planning terms.
- 8.04 Paragraph 7 of the NPPF sets out the three dimensions to sustainable development, and paragraph 14 sets out how such development should be seen as a golden thread through plan-making and decision-taking.
- 8.05 In economic terms, the development would provide short-term construction employment, and long-term employment opportunities for care home staff. In social terms, the development would provide a form of accommodation for older persons. This is recognised as a sector of the population that is forecast to grow, and the development would help address such accommodation needs. In environmental terms, there would be some adverse impacts to the countryside and landscape, however these are not considered to be significant.
- 8.06 As I have assessed this specifically on the basis of an identified need for care home accommodation for persons aged 65 years +, I consider it would be appropriate to attach conditions to prevent use of the building for any other purpose, and to prevent occupation by persons under this age.
- 8.07 Taking the above into account, I would conclude that the development is acceptable, subject to completion of a S106 agreement to secure NHS contributions.

**9.0 RECOMMENDATION – GRANT** Subject to the signing of a suitably-worded Section 106 agreement and the following conditions -

- 1) The development to which this permission relates must be begun not later than the expiration of three years beginning with the date on which the permission is granted.

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

- 2) No development beyond the construction of foundations shall take place until details in the form of samples of external finishing materials to be used in the construction of the development hereby approved have been submitted to and approved in writing by the Local Planning Authority, and works shall be implemented in accordance with the approved details.

Reason: In the interest of visual amenity.

- 3) The development hereby permitted shall be carried out in accordance with the following approved plans: A-684 02B, 03B, 04B, 11B, 12C, 22C and LC/00185 001 Rev D.

Reason In the interests of proper planning

- 4) No development (including demolition or earthworks) shall take place until tree protection measures have been installed in full accordance with the arboricultural statement reports (AR/3841rgL2, dated 17<sup>th</sup> May 2017 and AR/3481d/jq, dated 8<sup>th</sup> November 2017). No equipment, machinery or materials shall be brought on to the site until the protection measures are installed, and shall be maintained until all equipment, machinery and surplus materials have been removed from the site.

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Nothing shall be stored or placed, nor fires lit, within any of the area fenced in accordance with this condition and the ground levels within those areas shall not be altered, nor shall any excavation be made, without the written consent of the Local Planning Authority.

Reason: To safeguard the existing trees to be retained and to ensure a satisfactory setting and external appearance to the development.

- 5) No tree shown for retention shall be damaged, cut down, uprooted or destroyed, nor shall any retained tree be pruned other than in accordance with the Arboricultural Statement Reports (AR/3841rgL2, dated 17<sup>th</sup> May 2017 and AR/3481d/jq, dated 8<sup>th</sup> November 2017), without the written approval of the Local Planning Authority. Any pruning approved shall be carried out in accordance with British Standard 3998:2010 Tree Work - Recommendations or any revisions thereof. If any retained tree dies, or is removed, uprooted or destroyed, another tree shall be planted at the same place and that tree shall be of such size and species and shall be planted at such time as may be specified in writing by the Local Planning Authority.

Reason: To safeguard the existing trees to be retained and to ensure a satisfactory setting and external appearance to the development.

- 6) No development shall commence until the developer has (at their own expense):
  - i) Instructed an arboricultural consultant, approved in writing by the Local Planning Authority, to liaise with the developer and/or his architect or engineer to approve relevant details of construction methods, oversee the works and report to the Council throughout the period of the works in so far as the works may affect retained trees; and
  - ii) Submitted to and obtained the written approval of the Local Planning Authority for an auditable system of arboricultural site monitoring, including a schedule of specific site events requiring arboricultural input or supervision where construction and development activity is to take place within or adjacent to any root protection area of any tree identified for retention.

Reason: To safeguard the existing trees to be retained and to ensure a satisfactory setting and external appearance to the development.

- 7) Landscaping of the site shall be in accordance with the details shown on the soft landscaping proposals drawing LC/00185 001 Revision D. The works shall be carried out prior to the occupation of any part of the development or in accordance with the programme agreed in writing with the Local Planning Authority.

Reason: In the interests of the visual amenities of the area and encouraging wildlife and biodiversity.

- 8) Upon completion of the approved landscaping scheme, any trees or shrubs that are removed, dying, being severely damaged or becoming seriously diseased within five years of planting shall be replaced with trees or shrubs of such size and species as may be agreed in writing with the Local Planning Authority, and within whatever planting season is agreed.

Reason: In the interests of the visual amenities of the area and encouraging wildlife and biodiversity.

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- 9) No development beyond the construction of foundations shall take place until full details of hard landscape works have been submitted to and approved in writing by the Local Planning Authority. These details shall include means of enclosure, hard surfacing materials, retaining wall structures, site levels changes and an implementation programme.

Reason: In the interests of the visual amenities of the area

- 10) No development shall take place until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written specification and timetable which has been submitted to and approved by the Local Planning Authority.

Reason: To ensure that features of archaeological interest are properly examined and recorded.

- 11) No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by, the Local Planning Authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:
- i. the parking of vehicles of site operatives and visitors
  - ii. loading and unloading of plant and materials
  - iii. storage of plant and materials used in constructing the development
  - iv. the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate
  - v. wheel washing facilities and measures to guard against the deposit of mud and similar substances on the highway
  - vi. measures to control the emission of dust and dirt during construction
  - vii. a scheme for recycling/disposing of waste resulting from demolition and construction works

Reason : In the interests of residential amenity.

- 12) No demolition or construction work in connection with the development shall take place on any Sunday or Bank Holiday, nor on any other day except between the following times :-  
Monday to Friday 0730 - 1800 hours, Saturdays 0830 - 1300 hours unless in association with an emergency or with the prior written approval of the District Planning Authority.

Reason : In the interests of residential amenity.

- 13) No development approved by this permission shall be commenced prior to a contaminated land assessment (and associated remediation strategy if relevant), being submitted to and approved in writing by the Local Planning Authority, comprising:
- a) An investigation, including relevant soil, soil gas, surface and groundwater sampling, carried out by a suitably qualified and accredited consultant/contractor in accordance with a Quality Assured sampling and analysis methodology.
  - b) A site investigation report detailing all investigative works and sampling on site, together with the results of analyses, risk assessment to any receptors and a



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proposed remediation strategy which shall be of such a nature as to render harmless the identified contamination given the proposed end-use of the site and surrounding environment, including any controlled waters.

Reason: To ensure any contaminated land is adequately dealt with.

- 14) Before any part or agreed phase of the development is occupied, all remediation works identified in the contaminated land assessment and approved by the Local Planning Authority shall be carried out in full (or in phases as agreed in writing by the Local Planning Authority) on site under a quality assured scheme to demonstrate compliance with the proposed methodology and best practice guidance. If, during the works, contamination is encountered which has not previously been identified, then the additional contamination shall be fully assessed and an appropriate remediation scheme agreed with the Local Planning Authority.

Reason: To ensure any contaminated land is adequately dealt with

- 15) Upon completion of the works identified in the contaminated land assessment, and before any part or agreed phase of the development is occupied, a closure report shall be submitted which shall include details of the proposed remediation works with quality assurance certificates to show that the works have been carried out in accordance with the approved methodology. Details of any post-remediation sampling and analysis to show the site has reached the required clean-up criteria shall be included in the closure report together with the necessary documentation detailing what waste materials have been removed from the site.

Reason: To ensure any contaminated land is adequately dealt with.

- 16) 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 a remediation strategy detailing how this contamination will be dealt with has been submitted to and approved in writing by the Local Planning Authority. The remediation strategy shall be implemented as approved.

Reasons: To ensure that the development does not contribute to, or is not put at unacceptable risk from, or adversely affected by, unacceptable levels of water pollution from previously unidentified contamination sources at the development site in line with paragraph 109 of the National Planning Policy Framework.

- 17) Development shall not commence until a drainage strategy detailing the proposed means of foul disposal, any off site works required and a implementation timetable, has been submitted to and approved in writing by, the local planning authority in consultation with the sewerage undertaker. The development shall be carried out in accordance with the approved scheme and timetable.

Reason: To ensure suitable capacity in the drainage network

- 18) Development shall not begin until a detailed sustainable surface water drainage scheme for the site has been submitted to (and approved in writing by) the local planning authority. The detailed drainage scheme shall demonstrate that the surface water generated by this development (for all rainfall durations and intensities up to and including the climate change adjusted critical 100 year storm) can be

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accommodated and disposed of within the curtilage of the site without increase to flood risk on or off-site. The drainage scheme shall also demonstrate that silt and pollutants resulting from the site use and construction can be adequately managed to ensure there is no pollution risk to receiving waters.

Reason: To ensure the development is served by satisfactory arrangements for the disposal of surface water and to ensure that the development does not exacerbate the risk of on/off site flooding. These details and accompanying calculations are required prior to the commencement of the development as they form an intrinsic part of the proposal, the approval of which cannot be disaggregated from the carrying out of the rest of the development.

- 19) No building hereby permitted shall be occupied until details of the implementation, maintenance and management of the sustainable drainage scheme have been submitted to and approved in writing by the local planning authority. The scheme shall be implemented and thereafter managed and maintained in accordance with the approved details. Those details shall include:
- a) a timetable for its implementation, and
  - b) a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public body or statutory undertaker, or any other arrangements to secure the operation of the sustainable drainage system throughout its lifetime.

Reason: To ensure that any measures to mitigate flood risk and protect water quality on/off the site are fully implemented and maintained (both during and after construction), as per the requirements of paragraph 103 of the NPPF and its associated Non-Statutory Technical Standards.

- 20) No infiltration of surface water drainage into the ground is permitted other than with the written consent of the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reasons: To ensure that the development does not contribute to, or is not put at unacceptable risk from, or adversely affected by, unacceptable levels of water pollution caused by mobilised contaminants in line with paragraph 109 of the National Planning Policy Framework.

- 21) Piling or any other foundation designs using penetrative methods shall not be permitted other than with the express written consent of the Local Planning Authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to groundwater. The development shall be carried out in accordance with the approved details.

Reasons: To protect the underlying groundwater from the risk of pollution.

- 22) The area shown on the submitted layout as vehicle parking and turning space shall be provided, surfaced and drained to the satisfaction of the Local Planning Authority before the use is commenced or the premises occupied, and shall be retained for the use of the occupiers of, and visitors to, the premises, and no permanent development, whether or not permitted by the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking and re-enacting that Order), shall be carried out on that area of land so shown or in such a position as to preclude vehicular access to this reserved parking space.

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Reason: Development without provision of adequate accommodation for the parking and turning of vehicles is likely to lead to parking inconvenient to other road users and be detrimental to highway safety and amenity.

- 23) The development hereby approved shall not be occupied or the approved use commenced until space has been laid out for cycles to be securely sheltered and stored in accordance with details to be submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure the provision and retention of adequate off-street parking facilities for cycles in the interests of sustainable development and promoting cycle visits.

- 24) The development hereby permitted shall incorporate measures to minimise the risk of crime. No development shall take place until details of such measures, according to the principle and physical security requirements of Crime Prevention through Environmental Design (CPTED) have been submitted to and approved in writing by the Local Planning Authority. The approved measures shall be implemented before the development is occupied and thereafter retained.

Reason: In order to minimise opportunities for crime or anti-social behaviour.

- 25) Prior to commencement of development of the new building hereby permitted, the existing buildings shown on the approved site plan shall be demolished and all material removed from the site.

Reason: To avoid an accumulation of buildings on the site, to accord with the terms of the application and protect the character and appearance of the area and wider countryside.

- 26) The premises shall be used for the purposes of a care home and ancillary elderly persons day centre as shown on the approved plans, and for no other purpose whatsoever, including any other purposes in Class C2 of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (as amended) and any other use whether permitted by the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (or any order revoking or re-enacting that Order) or not.

Reason: In the interests of the amenities of the area, and to accord with the terms of the application which identifies substantial need for care home accommodation and which carries particular weight in the decision making process.

- 27) The development shall only be occupied by residents aged 65 years and above.

Reason: To accord with the terms of the application which identifies substantial need for accommodation for such persons and which carries particular weight in the decision making process.

- 28) The development shall be constructed to achieve the BREEAM “very good” standard or equivalent as a minimum.

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Reason: to deliver a sustainable form of design and construction

- 29) The development shall be carried out in strict accordance with the bat mitigation measures detailed within the Bat Emergence Survey and Mitigation Strategy Report (Corylus Ecology; June 2018). If no the development is not commenced on the site by 31<sup>st</sup> December 2019, an updated bat survey shall be submitted to and approved in writing by the Local Planning Authority prior to such commencement.

Reason: In the interests of biodiversity

- 30) No development shall take place until -
- i) a method statement for the translocation / grafting of the existing trees as set out in the Traditional Orchard Mitigation and Compensation Strategy and Reptile Mitigation Strategy by Corylus Ecology has been submitted to and approved in writing by the Local Planning Authority.
  - ii) all mitigation measures as set out in the Traditional Orchard Mitigation and Compensation Strategy and Reptile Mitigation Strategy; Corylus; April 2018 have been carried out.

The development shall be carried out in accordance with the approved details.

Reason: In the interests of biodiversity

- 31) Within 6 months of works commencing on site an ecological management and enhancement plan must be submitted to the Local Planning Authority for written approval. The plan must include the following information:
- Overview of the habitats present on site
  - Details of the mitigation implemented within the site
  - Aims and objectives of the management plans
  - Details of the management required to be implemented in the site
  - 5yr management programme – capable of being rolled forward
  - Details of enhancements to be incorporated in to the site
  - Site plan clearly showing the management areas and ecological enhancements

The plan must be implemented as detailed within the approved plan.

- 32) Prior to first occupation of the development, the details and specification of any external lighting shall be submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of biodiversity and surrounding amenity.

INFORMATIVES

- 1) It is the responsibility of the applicant to ensure , before the development hereby approved is commenced, that all necessary highway approvals and consents where required are obtained and that the limits of highway boundary are clearly established in order to avoid any enforcement action being taken by the Highway Authority. Across the county there are pieces of land next to private homes and gardens that do not look like roads or pavements but are actually part of the road. This is called 'highway land'. Some of this land is owned by The Kent County Council (KCC) whilst

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some are owned by third party owners. Irrespective of the ownership, this land may have 'highway rights' over the topsoil. Information about how to clarify the highway boundary can be found at

<https://www.kent.gov.uk/roads-and-travel/what-we-look-after/highway-land/highway-boundary-enquiries>

The applicant must also ensure that the details shown on the approved plans agree in every aspect with those approved under such legislation and common law. It is therefore important for the applicant to contact KCC Highways and Transportation to progress this aspect

- 2) The applicant is reminded that, under the Wildlife and Countryside Act 1981, as amended (section 1), it is an offence to remove, damage or destroy the nest of any wild bird while that nest is in use or being built. Planning consent for a development does not provide a defence against prosecution under this act. Trees and scrub are likely to contain nesting birds between 1st March and 31st August inclusive. Trees and scrub are present on the application site and are to be assumed to contain nesting birds between the above dates, unless a recent survey has been undertaken by a competent ecologist to assess the nesting bird activity on site during this period and has shown it is absolutely certain that nesting birds are not present.

NB For full details of all papers submitted with this application please refer to the relevant Public Access pages on the council's website.

The conditions set out in the report may be subject to such reasonable change as is necessary to ensure accuracy and enforceability.

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