

PLANNING COMMITTEE – 11th OCTOBER 2018

DEFERRED ITEM

Report of the Head of Planning

DEFERRED ITEMS

Reports shown in previous Minutes as being deferred from that Meeting

DEF ITEM 1 REFERENCE NO - 17/506010/FULL			
APPLICATION PROPOSAL Erection of an 74 suite Care Home (use class C2) with associated car parking, refuse and external landscaping.			
ADDRESS Southlands Rook Lane Bobbing Sittingbourne Kent ME9 8DZ			
RECOMMENDATION – That planning permission is GRANTED subject to completion of a S106 agreement to secure NHS contributions and conditions as set out below.			
SUMMARY OF REASONS FOR RECOMMENDATION/REASONS FOR REFUSAL 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.			
REASON FOR REFERRAL TO COMMITTEE Deferred following the Planning Committee meeting of 19 th July 2018 to allow for more detailed evidence of the highways data and consideration of air quality, and improved design quality and consideration of visual amenity and landscape implications.			
WARD Bobbing, Iwade And Lower Halstow	PARISH/TOWN Bobbing	COUNCIL	APPLICANT Graham Land & Development AGENT Carless & Adams Partnership
DECISION DUE DATE 16/03/18	PUBLICITY EXPIRY DATE 26/01/18		
RELEVANT PLANNING HISTORY): As set out in original report attached.			

1.0 INTRODUCTION

1.01 Members will note that this application was deferred at the July committee meeting for the following reasons – “*That application 17/506010/FULL be deferred for more detailed evidence of the highways data and consideration of air quality, and improved design quality and consideration of visual amenity and landscape implications.*” The original report for this meeting is attached as Appendix 1, and the minute of the meeting is attached as Appendix 2. Following deferral, further advice has been sought from KCC Highways and Transportation, and from the Council’s Environmental Health department. These comments are set out below.

2.0 CONSULTATIONS

SBC Environmental Protection Team Leader

- 2.01 States that - *Further to my consultation response of 21st June, you sought clarification on a couple of matters. The first was whether the proposed development was deemed detrimental to local air quality, bearing in mind the proximity of the AQMA at Newington. I have explored this a little further at your request.*
- 2.02 *The transport statement, as you pointed out, anticipated fewer car journeys associated with the proposed use than that of the previous use of the site. Larger developments located much closer to the AQMA in question have been not been objected to by this department due to the fact that an adverse impact on air quality was not anticipated. The relatively small size of this proposal in comparison to other much larger developments closer to Newington does not cause any concern to this department in terms of air quality. In addition to this and the reduction in anticipated traffic, the nature of the prevailing winds will, in the main, direct any pollution away from the AQMA as opposed to towards it. In conclusion, no concerns are held by this department regarding any adverse affect on air quality as a result of this development.*
- 2.03 *The second point you raised was the likelihood of noise disturbance to local residents as a result of the commercial nature of this development. This is a valid point, however, I do consider any potential noise can be dealt with or mitigated by condition, which I admit I omitted in include in my original response. In order to cover the potential for noise nuisance, I recommend that any planning approval be subject to the following conditions, in addition to those I recommended in my original response:*
1. *There shall be no servicing of the building, no goods shall be loaded or deposited and no vehicles shall arrive, depart, be loaded or unloaded, within the application site before 0700 or after 2300 hours Mondays to Saturdays or at any time on Sundays or Bank Holidays.*
 2. *Prior to the first use of the premises, details of any plant (including ventilation, refrigeration and air conditioning) or ducting system to be used in pursuance of this permission shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details. The scheme shall ensure that the noise generated at the boundary of any noise sensitive property shall not exceed Noise Rating Curve NR35 (in areas of low background sound levels a target of NR30 shall be achieved) as defined by BS8233: 2014 Guidance on sound insulation and noise reduction for buildings and the Chartered Institute of Building Engineers (CIBSE) Environmental Design Guide 2006. The equipment shall be maintained in a condition so that it does not exceed NR35 as described above, whenever it's operating. After installation of the approved plant, no new plant or ducting system shall be used without the prior written consent of the Local Planning Authority"*

KCC Highways and Transportation

- 2.04 States that - *Following the deferral of this application by Members at the Planning Committee meeting of 19th July 2018, I would like to provide the following information to assist Members with respect to highway matters:*

2.05 The TRICS database is the recognised tool used in the transport industry for predicting the number of vehicle movements associated with different types of land uses and developments. The database consists of a vast number of surveys conducted at different locations to measure the trips associated with each of those sites over various time periods. Using the survey information from a number of similar sites, the system is able to predict trip rates for each of the different uses, and these can be tailored to most closely match the specific circumstances of the site in question, such as influencing factors like the population located within certain distances of the site and the local car ownership levels.

2.06 Whilst mentioned at the meeting, I don't think that it was fully appreciated that the traffic figures applicable to the former use of the development site were derived from the extant lawful use of the hospital building, rather than as a care home catering for a limited number of residents. Southlands Hospital was last operated as a specialised EMI day centre specialising in the assessment of dementia patients. This use would fall under the Health-clinic category within the TRICS database, and in this instance the amount of traffic generated from that use is calculated from the floorspace of the buildings. The buildings here amount to an area of 1,672m² according to the application details, and TRICS has generated a report to show the traffic movements expected from the lawful use, which is presented in Table 1 below.

TRIP RATE for Land Use 05 - HEALTH/E - CLINICS

VEHICLES

Calculation factor: 100 sqm

Estimated TRIP rate value per 1672 SQM shown in shaded columns

BOLD print indicates peak (busiest) period

Time Range	ARRIVALS				DEPARTURES				TOTALS			
	No. Days	Ave. GFA	Trip Rate	Estimated Trip Rate	No. Days	Ave. GFA	Trip Rate	Estimated Trip Rate	No. Days	Ave. GFA	Trip Rate	Estimated Trip Rate
00:00 - 01:00												
01:00 - 02:00												
02:00 - 03:00												
03:00 - 04:00												
04:00 - 05:00												
05:00 - 06:00												
06:00 - 07:00	2	709	0.071	1.180	2	709	0.071	1.180	2	709	0.142	2.360
07:00 - 08:00	3	544	0.184	3.074	3	544	0.061	1.025	3	544	0.245	4.099
08:00 - 09:00	5	383	1.565	26.166	5	383	0.261	4.361	5	383	1.826	30.527
09:00 - 10:00	5	383	1.878	31.399	5	383	1.200	20.061	5	383	3.078	51.460
10:00 - 11:00	5	383	0.991	16.572	5	383	1.982	33.143	5	383	2.973	49.715
11:00 - 12:00	5	383	1.408	23.549	5	383	0.991	16.572	5	383	2.399	40.121
12:00 - 13:00	5	383	1.461	24.421	5	383	1.565	26.166	5	383	3.026	50.587
13:00 - 14:00	5	383	1.461	24.421	5	383	1.356	22.677	5	383	2.817	47.098
14:00 - 15:00	4	461	0.923	15.431	4	461	1.031	17.246	4	461	1.954	32.677
15:00 - 16:00	4	461	0.923	15.431	4	461	1.086	18.154	4	461	2.009	33.585
16:00 - 17:00	4	461	1.031	17.246	4	461	1.303	21.785	4	461	2.334	39.031
17:00 - 18:00	4	461	0.434	7.262	4	461	1.086	18.154	4	461	1.520	25.416
18:00 - 19:00	4	461	0.109	1.815	4	461	0.217	3.631	4	461	0.326	5.446
19:00 - 20:00	3	542	0.061	1.028	3	542	0.061	1.028	3	542	0.122	2.056
20:00 - 21:00												
21:00 - 22:00												
22:00 - 23:00												
23:00 - 24:00												
Total Rates:			12.500	208.995			12.271	205.183			24.771	414.178

Table 1

2.07 The report above indicates that the existing buildings could generate a fairly high number of vehicle movements during each hour of the working day under its lawful use, and this is also suggested by evidence from the aerial photographs that show approximately 50 vehicles parked within the grounds in 2013.

2.08 Similarly, using TRICS to predict the traffic movements associated with the proposed care home use for 100 residents produces the report shown in Table 2.

TRIP RATE for Land Use 05 - HEALTH/F - CARE HOME (ELDERLY RESIDENTIAL)

VEHICLES

Calculation factor: 1 RESIDE

Estimated TRIP rate value per 100 RESIDE shown in shaded columns

BOLD print indicates peak (busiest) period

Time Range	ARRIVALS				DEPARTURES				TOTALS			
	No. Days	Ave. RESIDE	Trip Rate	Estimated Trip Rate	No. Days	Ave. RESIDE	Trip Rate	Estimated Trip Rate	No. Days	Ave. RESIDE	Trip Rate	Estimated Trip Rate
00:00 - 01:00												
01:00 - 02:00												
02:00 - 03:00												
03:00 - 04:00												
04:00 - 05:00												
05:00 - 06:00												
06:00 - 07:00												
07:00 - 08:00	8	43	0.105	10.465	8	43	0.076	7.558	8	43	0.181	18.023
08:00 - 09:00	8	43	0.064	6.395	8	43	0.049	4.942	8	43	0.113	11.337
09:00 - 10:00	8	43	0.078	7.849	8	43	0.041	4.070	8	43	0.119	11.919
10:00 - 11:00	8	43	0.073	7.267	8	43	0.078	7.849	8	43	0.151	15.116
11:00 - 12:00	8	43	0.096	9.593	8	43	0.061	6.105	8	43	0.157	15.698
12:00 - 13:00	8	43	0.076	7.558	8	43	0.061	6.105	8	43	0.137	13.663
13:00 - 14:00	8	43	0.102	10.174	8	43	0.084	8.430	8	43	0.186	18.604
14:00 - 15:00	8	43	0.081	8.140	8	43	0.064	6.395	8	43	0.145	14.535
15:00 - 16:00	8	43	0.055	5.523	8	43	0.081	8.140	8	43	0.136	13.663
16:00 - 17:00	8	43	0.055	5.523	8	43	0.090	9.012	8	43	0.145	14.535
17:00 - 18:00	8	43	0.055	5.523	8	43	0.119	11.919	8	43	0.174	17.442
18:00 - 19:00	8	43	0.044	4.360	8	43	0.044	4.360	8	43	0.088	8.720
19:00 - 20:00	8	43	0.044	4.360	8	43	0.078	7.849	8	43	0.122	12.209
20:00 - 21:00	8	43	0.023	2.326	8	43	0.029	2.907	8	43	0.052	5.233
21:00 - 22:00												
22:00 - 23:00												
23:00 - 24:00												
Total Rates:			0.951	95.056			0.955	95.641			1.906	190.697

Table 2

- 2.09 Comparing the two scenarios suggests that the former use would generally be associated with much higher vehicle movements throughout the day. The most relevant time to consider would be during the AM network peak hour between 08:00 and 09:00, where the former use would be expected to generate 30 movements against the 11 likely from a care home. Overall, the previous use could attract over 400 movements over the day compared to less than 200 from the proposed care home.
- 2.10 Again, aerial photography ranging from 2013 to 2018 of one of the applicant's existing care homes of a comparable size in Woodchurch, Ashford indicates that around 15 vehicles are generally parked at that site during the day.
- 2.11 Consequently, I do not believe that it can be categorically demonstrated that the proposed development would generate more vehicle movements than the former use of the hospital site could. It follows, therefore, that it would be difficult to sustain the view that the development proposal would result in a decrease in highway safety.

3.0 APPRAISAL OF FURTHER MATTERS RAISED BY THE PLANNING COMMITTEE

Highways Impacts

- 3.01 At the previous committee meeting, Members sought further clarification on the highways data used by KCC to evidence that vehicle movements arising from the scheme would be no greater than the former use of the site.

- 3.02 The KCC Highways and Transportation Officer has provided detailed further comments which are printed in full above. As Members will note, the analysis uses TRICS (Trip Rate Information Computer System) data which is an established tool in the transport industry to predict likely vehicle movements for developments and land uses. It works from a large database of traffic survey information across the country for different land uses.
- 3.03 In this instance, the TRICS data has been used firstly to assess the likely trip rates associated with the former use of the site as an EMI day centre and clinic, and then for the proposed use of the site as a care home. As Members will appreciate, a day centre / clinic would typically provide services via appointments with a steady stream of visitors attending over a day. The TRICS data demonstrates that for a building the size of Southlands, this would generate in the region of 400 vehicle movements per day, with an AM peak of 50 vehicle movements.
- 3.04 The TRICS data for a care home of the size proposed estimates that it would generate some 200 vehicle movements per day, with a peak of 18 movements. This is consistent with a use where residents typically have very low demands for vehicle use.
- 3.05 The KCC Highways and Transportation Officer has also analysed aerial photographs of the site, which demonstrate that, when operational, the day centre / clinic at Southlands was heavily parked and at parking capacity. In contrast, aerial photographs for another care home in Ashford operated by the applicant and of comparable size to the proposal show relatively low levels of parking (around 15 vehicles). Whilst the aerial photos are just a snapshot in time on one day, they do endorse the evidence set out in the TRICS data.
- 3.06 Based on this, the highways officer remains of the view that the proposal would not generate more vehicular movements than the former use of the site and no highways safety issues are raised.
- 3.07 In addition, the applicant has provided an outline travel plan incorporating traffic mitigation measures for the development. This includes provision of cycle stores, changing facilities, use of travel notice boards with details of public transport, and car sharing schemes. This is acceptable to the highways officer and can be secured via a condition to add further mitigation.
- 3.08 Whilst not directly related to this development, Members will also be aware that a residential development (reference 18/500258/FULL, 20 private dwellings and three units of accommodation for Demelza staff) on the east side of Rook Lane has recently secured a resolution to approve subject to the signing of a Section 106 Agreement from Planning Committee, which includes widening of the access and provision of a pedestrian footpath to the A2. This will in time improve visibility and provide pedestrian access at this junction, although I would stress that this is not required to make the care home proposal acceptable.
- 3.09 Taking the above into account, I remain of the view that the development would not give rise to any highways safety issues and would accord with Policy DM6 of the adopted Local Plan.

Air Quality and Noise

- 3.10 Members will note the comments from the Environmental Protection Team Leader, which are provided in full above.

- 3.11 No objection is raised to the development on air quality grounds, primarily as fewer car journeys are anticipated from the development when compared to the former use of the site – which can of course be resumed as a fall-back position. On this basis, air quality levels will not worsen – and arguably there may be a slight improvement given the evidence within the TRICS data that suggests vehicle movements would be half that of the former use of the building.
- 3.12 No objection is raised on noise grounds, although the Environmental Protection Team Leader does recommend the imposition of conditions to control hours for service vehicles to attend the site, and for details of any extraction / ventilation systems to be submitted for approval.
- 3.13 Taking the above into account, I am satisfied that there would be no worsening of air quality conditions, particularly in the Newington AQMA, as the proposed development would be likely to generate less vehicle movements than the last use, which could be resumed. Any noise impacts relating to service vehicles and plant / extraction equipment can be satisfactorily addressed by the conditions suggested by the Environmental Health Team Leader.

Scale / Design / Visual Impact of building

- 3.14 Paragraphs 2.01 – 2.03 of the main committee report set out the general dimensions and form of the building, and paragraphs 7.10 - 7.17 provide an analysis of visual and landscape impacts. The design of the development has not been amended further. However the following paragraphs provide further analysis of the design, and the negotiations undertaken by my officers during the course of the application to address scale, design and visual impact issues, which was raised by Members at the last meeting.
- 3.15 A key challenge on this site is the topography of the land, which falls away substantially from east to west. The care home has been designed on a “cut and fill” basis – and as a result the east elevation facing Rook Lane sits below land levels on the east side of the site – meaning that the building is effectively perceived from this direction as single storey with rooms in the roof space – as shown in elevation A on the submitted drawings.
- 3.16 As first submitted, the proposed care home was designed with a relatively unrelieved roof line. Whilst this did not pose an issue for the east facing elevation, being cut into existing levels, the design did create a large building mass that did not respond to the topography of the site and levels changes. This was raised with the applicant, and following negotiations the elevations were amended so that the roof line of the building stepped down in height from east to west, to follow the site topography. The original roofline is shown by the dashed red line on the elevation plans. Members will note that there has been a significant reduction in the height of the building by up to three metres. As a result, the roofline responds to the topography of the site in a much better way, particularly in how it steps down in height from east to west as the land slopes down in the same direction. This stepped effect not only works better with the topography of the site, but provides variation in the roofline which in turn helps to break up the scale of the building.
- 3.17 The application was also amended to help address concerns raised by local residents at Rooks View. Again, Members will note the red dashed outline on elevation K which shows the reduction in the height of the building following

amendments. The amendments also included removal of two large feature gables in this elevation, which has resulted in a much reduced building mass. This will be highlighted to Members at the committee meeting.

- 3.18 In design terms, the key issues in my opinion relate to ways in which the large scale and massing of the care home could be broken down, and how it would respect the rural setting of the area. The proposal utilises a number of methods to deal with scale – the varied roofline, different eaves heights, differences in the buildings line, gable features, and use of different materials, which all help break the building down into sections. The main external materials to be used on the elevations would be brickwork and weatherboarding, and the applicant has agreed to the use of clay tiles on the roof. Wider public views of the building would be limited and likely to be focused on the roof. I am content that the above approach has the potential to provide a good quality design.
- 3.19 In terms of wider landscape impact, the building has little impact from views to the east as it is set on a lower land level, would be no higher than the existing building on the site, and is on a backland site with intervening landscaping and two storey buildings at Rooks View providing screening.
- 3.20 The land to the west of the site rises considerably and as such, the rear part of this site effectively sits in a valley. There are no public footpaths or roads crossing this land to the west. A property known as Crock Cottage is sited on the crest of the slope and it is highly unlikely that any views of the development would be attained further to the west from this dwelling. Although I advised in my original report that this boundary is open, there is in fact some considerable mature tree planting on parts of the adjacent land which, when combined with the topography, would substantially limit any views from the west.
- 3.21 The site lies adjacent to the Rooks View housing estate to the south. As the building would be partially cut into land levels, the highest part of the care home would be roughly at the same height as the eaves levels to these properties. In public views from the south (i.e from the road at Rooks View), the care home would be significantly screened from view by these dwellings and associated garages. Any views of the care home would be seen through small gaps between these buildings, and would essentially be limited to the roof.
- 3.22 The most significant viewpoints are likely to be from the north, from public footpath ZR105. However these views are mitigated by mature landscaping around the site and on adjacent land, and also by the stepped roofline of the building, which is likely to be the most visible section of the building. In addition, these views would incorporate the Demelza House buildings and the dwellings on Rooks View. On this basis, I consider any visual impacts from this direction would fall substantially short of being “significantly adverse” – which is the planning test for undesignated landscapes under policy DM24 of the adopted Local Plan.

4.0 **CONCLUSION**

- 4.01 The additional consultee comments in relation to highways, air quality and noise impacts demonstrate that these do not give rise to unacceptable impacts or worsen highways / air quality conditions compared to the former use of the site. The further design and landscape impact analysis also demonstrates that this is acceptable, and that there would not be significant adverse impacts on the landscape.

4.02 Therefore, taking the above into account together with the main report, I remain of the view that the development is acceptable and in accordance with the relevant policies of the development plan. As per the original report, I would recommend approval subject to the completion of a S106 agreement to secure NHS contributions, and with the addition of three further conditions relating to the provision of a travel plan, details of plant / extraction and a restriction on service vehicles.

5.0 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 17th May 2017 and AR/3481d/jq, dated 8th 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. 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 17th May 2017 and AR/3481d/jq, dated 8th 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.

- (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 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

- (17) Development shall not commence until a drainage strategy detailing the proposed means of foul disposal, any off site works required and an implementation timetable, has been submitted to and approved in writing by, the local planning authority. 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 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).

- (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.

- (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) (England) Order 2015 (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.

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 building hereby approved shall be constructed to BREEAM ‘Very Good’ Standard or an equivalent standard and prior to the use of the building the relevant certification shall be submitted to the Local Planning Authority confirming that the required standard has been achieved.

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 the development is not commenced on the site by 31st 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:
- An 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 on the site
 - A 5 year management programme, capable of being rolled forward
 - Details of enhancements to be incorporated in to the site
 - A Site plan clearly showing the management areas and ecological enhancements

The plan shall be implemented as approved

Reason: In the interests of biodiversity

- (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.

- (33) No development beyond the construction of foundations shall take place until a Travel Plan, based on the outline proposal submitted on the 5th September 2018, has been submitted to and approved in writing by the Local Planning Authority. The Plan shall describe the means by which residents, visitors and users of the development shall be encouraged to travel to the site by means other than the private car. The plan as approved shall be implemented, monitored and reviewed (on an annual basis) and a copy of that annual review and action plan arising shall be submitted to the Local Planning Authority for approval in writing and thereafter implemented as approved.

Reason: In the interests of encouraging non-car modes of travel

- (34) There shall be no servicing of the building, no goods shall be loaded or deposited and no vehicles shall arrive, depart, be loaded or unloaded, within the application site before 0700 or after 2300 hours Mondays to Saturdays or at any time on Sundays or Bank Holidays.

Reason: To protect the amenities of surrounding occupiers.

- (35) Prior to the first use of the premises, details of any plant (including ventilation, refrigeration and air conditioning) or ducting system to be used in pursuance of this permission shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details. The scheme shall ensure that the noise generated at the boundary of any noise sensitive property shall not exceed Noise Rating Curve NR35 (*in areas of low background sound levels a target of NR30 shall be achieved*) as defined by BS8233: 2014 Guidance on sound insulation and noise reduction for buildings and the Chartered Institute of Building Engineers (CIBSE) Environmental Design Guide 2006. The equipment shall be maintained in a condition so that it does not exceed NR35 as described above, whenever it's operating. After installation of the approved plant, no new plant or ducting system shall be used without the prior written consent of the Local Planning Authority

Reason: To protect the amenities of surrounding occupiers

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 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.

The Council's Approach

In accordance with paragraph 38 of the National Planning Policy Framework (NPPF), July 2018 the Council takes a positive and proactive approach to development proposals focused on solutions. We work with applicants/agents in a positive and creative way by offering a pre-application advice service, where possible, suggesting solutions to secure a successful outcome and as appropriate, updating applicants / agents of any issues that may arise in the processing of their application.

In this instance:

The applicant/agent was advised of minor changes required to the application and these were agreed.

The applicant/agent was provided with formal pre-application advice.

The application was considered by the Planning Committee where the applicant/agent had the opportunity to speak to the Committee and promote the application.

If your decision includes conditions, there is a separate application process to discharge them. You can apply online at, or download forms from, www.planningportal.co.uk (search for 'discharge of conditions').

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.

