

**PLANNING COMMITTEE – 10 OCTOBER 2019****DEFERRED ITEM 1**

Report of the Head of Planning

**DEFERRED ITEMS**

Reports shown in previous Minutes as being deferred from that Meeting

<b>REFERENCE NO - 18/503057/FULL</b>		
<b>APPLICATION PROPOSAL</b> Erection of a 3 storey, 66 bed care home for older people with associated access, car park and landscaping.		
<b>ADDRESS</b> Land At Perry Court Ashford Road Faversham Kent ME13 8YA		
<b>RECOMMENDATION –</b> Grant subject to conditions and no objections being raised by the Council's Climate Change Officer		
<b>SUMMARY OF REASONS FOR RECOMMENDATION/REASONS FOR REFUSAL</b> <ul style="list-style-type: none"> <li>• The site forms part of a strategic mixed use development site as allocated under policy MU7 of the local plan.</li> <li>• The principle of a 60 bed care home has already been established through the grant of outline permission, and the impacts arising from a 66 bed care home are not considered to be materially greater.</li> <li>• The scale and design of the development is considered to be acceptable.</li> <li>• Other localised impacts have been assessed and found to be acceptable</li> </ul>		
<b>REASON FOR REFERRAL TO COMMITTEE</b> This application was deferred by the Planning Committee on 18 <sup>th</sup> July 2019.		
<b>WARD</b> Watling	<b>PARISH/TOWN COUNCIL</b> Faversham Town	<b>APPLICANT</b> LNT Care Developments & HDD (Faversham) Ltd <b>AGENT</b> LNT Construction Ltd
<b>DECISION DUE DATE</b> 18/09/18	<b>PUBLICITY EXPIRY DATE</b> 06/02/19	

**1. Background**

1.01 This application was reported to the Planning Committee on 18<sup>th</sup> July 2019. A copy of the report is attached as Appendix A. The planning Committee deferred the application for the following reason - *That the application be deferred to review the design, and the renewable energy measures, and officers discuss these further with the Applicant and Agent.*

1.02 A copy of the minutes of the committee meeting is attached as Appendix B.

1.03 The applicant has subsequently met with my officers and submitted revised design details and renewable energy measures.

## **2. FURTHER REPRESENTATIONS**

2.01 1 further letter has been received from a local resident, raising the following concerns

–

- The development at Perry Court could be found anywhere in the UK and does not relate to the architecture / character of Faversham
- Thousands of new homes are not required in Kent
- The town is becoming gridlocked

## **3. FURTHER CONSULTATIONS**

3.01 Faversham Town Council – Raise no objection, but comment that the commencement of work or occupation of the care home should only be on condition that the A2 / A251 upgrade has been completed.

3.02 KCC Highways – Advise that the latest amendments have been submitted to address the Concerns raised by Members of the Planning Committee – and that although parking provision was raised as a concern, KCC Highways did not object to the level of parking previously shown. Two additional parking spaces are now shown, bringing the total to 22 spaces. As before this would meet the number suggested in the current parking standards, which calls for 1 space per 2 staff, and 1 space per 6 beds. On that basis, with a maximum of 16 staff members on site at any one time, the suggested provision for this 66 bed care home would be 19 spaces (8 staff + 11 resident). The latest scheme proposal will therefore provide 3 more spaces than the current standards require.

3.03 KCC Highways therefore confirm that they have no objection subject to securing conditions as previously requested.

3.04 SBC Climate Change Officer – Further comments awaited and I will update members at the meeting.

## **4. APPRAISAL**

4.01 This section deals specifically with the queries raised by the Planning Committee in deferring the application in July 2019.

### Design

4.02 The applicant has amended the design, to provide gables to the projecting bays (previously shown as parapets) that tie into the main roof, and has simplified the material palette, removing rendering and proposing brick elevations with cladding on the projecting bays. They have provided a design note to explain that the drawings now show a more traditional building, reflective of local vernacular and the character of surrounding residential properties, with the use of brick and cladding to match surrounding development and provide a more rural feel.

4.03 My Principal Urban Design and Landscape Officer has reviewed the amendments and considers these to be an improvement to the previous design. She further comments that material choice will be key and that further landscaping can be achieved within the site. Both are controlled by planning conditions.

- 4.04 I consider that the design amendments have simplified the appearance of the scheme through the reduced material palette. The alterations to provide gables to the projecting bays have resulted in a more traditional vernacular appearance to the building, which sits adequately with the housing development adjoining the site.

#### Parking provision

- 4.05 Although KCC Highways raised no objection to the parking provision previously shown (20 spaces), some Members considered this to be inadequate. Two additional spaces are now shown, resulting in 22 spaces in total. This is in excess of the parking provision required by KCC Highways.

#### Sustainability

- 4.06 The appellant has provided a revised Renewable Energy Statement which sets out that the development will incorporate the following measures –
- Use of ground source heat pumps
  - Provision of “comfort cooling” within the care home, using the ground source heating system to provide cooler air in summer months
  - Use of PV slates as roofing material on the south facing elements of the roof slope. The statement sets out that these would provide between 15-20kw per hour
- 4.07 Comments from the Council’s Climate Change Officer are currently awaited. However the revised sustainability note provides further clarity on the use of solar roofing and the means by which the care home would be cooled in hot periods. In addition to this, Members will note the requirements in proposed conditions 8 and 10 that the care home will meet BREEAM “Very Good” standards and that EV charge points are provided.

#### Other matters

- 4.08 Members will note the comments from Faversham Town Council that the care home should not be occupied until the A2/ A251 junction improvements are completed. This matter is also set out in detail under a separate but related application for development of a food store and hotel adjacent to the care home – and which is also on this committee agenda under application 18/502735/FULL. Members will note that KCC Highways do not object to the potential opening of the food store / hotel prior to the junction improvements taking place.
- 4.09 There is however a key difference between the care home scheme and the adjacent development. Development of a 60 bed care home formed part of the outline planning permission for the wider Perry Court site under application 15/504264/OUT, and the traffic movements from the outline scheme were accounted for as part of this permission. A sum of £300,000 was secured under the outline scheme for the A2 / A251 junction improvements, but there was no requirement for the improvements to have been completed prior to any occupation of the development. The scheme now in front of members is for a marginally larger care home (66 beds), and the difference in traffic movements would be very marginal, given the relatively low traffic generation associated with such uses. As such I consider it would not be reasonable to prevent occupation of the care home (as suggested by Faversham Town Council) until the junction improvement works took place, on the basis that KCC Highways do not object on such grounds, and that this scheme effectively replaces the care home proposed at outline stage.

## **5. CONCLUSION**

- 5.01 The applicant has provided revisions to the design of the scheme, increased parking provision beyond that required by KCC Highways, and provided further clarification on sustainability measures. Subject to further comments from the Council's Climate Change Officer, I consider such revisions and clarification have improved the scheme and recommend that permission should be granted.

## **6. RECOMMENDATION**

GRANT Subject to 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.

### General

- 2) The development hereby permitted shall be carried out in accordance with the following plans – A03-K, A04, A05-D, A05.1-C, A07-D

Reason: To accord with the application and in the interests of proper planning.

- 3) 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 interests of visual amenity

- 4) No development shall be commenced until details of existing and proposed site levels and finished floor levels, which shall include cross-sectional drawings through the site, have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason: In order to secure a satisfactory form of development having regard to local topography.

- 5) The development hereby permitted shall incorporate measures to minimise the risk of crime. No development beyond the construction of foundations shall take place until details of such measures, according to the principles 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.

Reasons: In the interest of Security, Crime Prevention and Community Safety

### Amenity

- 6) No dust or fume extraction or filtration equipment, or air conditioning, heating, ventilation or refrigeration equipment shall be installed until full details of its design, siting, discharge points and predicted acoustic performance have been submitted to and approved by the Local Planning Authority.

Reason : To safeguard the amenities of nearby residential properties.

- 7) No deliveries shall take place outside the hours of 0700 hours and 2300 hours Monday to Sunday.

Reason: In the interests of residential amenity.

#### Sustainability

- 8) The building hereby approved shall be constructed to BREEAM 'Very Good' Standard or an equivalent standard, and within 3 months following occupation of the building the relevant certification shall be submitted to the Local Planning Authority confirming that the required standard has been achieved.

Reason: In the interest of promoting energy efficiency and sustainable development.

- 9) No development shall be commenced until full details of renewable energy measures to be applied to the development have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason: In the interest of promoting energy efficiency and sustainable development.

- 10) No development beyond the construction of foundations shall take place until details of electric vehicle charging facilities to be provided have been submitted to and approved in writing by the Local Planning Authority. The approved details shall be completed prior to first occupation of the care home, and maintained thereafter.

Reason: In the interests of sustainable development.

- 11) The measures contained within the staff Travel Plan shall be implemented upon first occupation of the building. 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 sustainable development

#### Landscaping

- 12) No development beyond the construction of foundations shall take place until full details of both hard and soft landscape works have been submitted to and approved in writing by the Local Planning Authority. These details shall include existing trees, shrubs and other features, planting schedules of plants, noting species (which shall be native species and of a type that will encourage wildlife and biodiversity), plant sizes and numbers where appropriate, means of enclosure, hard surfacing materials, and an implementation programme.

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

- 13) All hard and soft landscape works shall be carried out in accordance with the approved details. 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.

- 14) 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.

#### Contamination

- 15) 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.

Reason: 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.

- 16) 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.

Reason: To protect groundwaters.

#### Drainage

- 17) 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. 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.

Reason: 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.

- 18) No building hereby permitted in any phase shall be occupied until an operation and maintenance manual for the proposed sustainable drainage scheme is submitted to and approved in writing by the local planning authority. The manual at a minimum shall include the following details:
- A description of the drainage system and its key components
  - A general arrangement plan with the location of drainage measures and critical features clearly marked
  - An approximate timetable for the implementation of the drainage system

- Details of the future maintenance requirements of each drainage or SUDS component, and the frequency of such inspections and maintenance activities
- Details of who will undertake inspections and maintenance activities, including 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

The drainage scheme as approved shall subsequently be maintained in accordance with these details.

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).

- 19) Where infiltration is to be used to manage the surface water from the development hereby permitted, it will only be allowed within those parts of the site where information is submitted to demonstrate to the Local Planning Authority's satisfaction that there is no resultant unacceptable risk to controlled waters and/or ground stability. The development shall only then be carried out in accordance with the approved details.

Reason: To protect vulnerable groundwater resources.

#### Construction

- 20) 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 personnel, operatives and visitors
  - ii. Measures for the loading and unloading of construction and delivery vehicles, including turning facilities, on the site.
  - 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 public 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 the amenities of the area and highway safety and convenience.

- 21) No construction work in connection with each phase of 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 - 1900 hours, Saturdays 0730 - 1300 hours unless in association with an emergency or with the prior written approval of the Local Planning Authority.

Reason: In the interests of residential amenity

- 22) No impact pile driving in connection with the construction of each phase of the development shall take place on the site on any Sunday or Bank Holiday, nor any other day except between the following times:- Monday to Friday 0800-1800hours, Saturday 0800 - 1300, unless in association with an emergency or with the written approval of the Local Planning Authority.

Reason: In the interests of residential amenity.





Highways

- 23) The development hereby approved shall not be occupied until a surfaced footway linking the A251 Ashford Road to the proposed care home has been constructed in accordance with a design and specification to be approved in writing with the Local Planning Authority and to be fully implemented to the satisfaction of the Local Planning Authority.

Reason: In the interests of pedestrian safety.

- 24) 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.

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.

- 25) No dwelling/building shall be occupied or the approved use commenced until space has been laid out within the site for cycles to be parked 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.

- 26) The access details shown on the approved plans shall be completed prior to the occupation of any buildings hereby approved, and the access shall thereafter be maintained.

Reason: In the interests of highway safety.

- 27) Before the first occupation of the care home, the following works between that dwelling / premises and the adopted highway shall be completed as follows:

- (A) Footways and/or footpaths shall be completed, with the exception of the wearing course;
- (B) Carriageways completed, with the exception of the wearing course, including the provision of a turning facility beyond the dwelling together with related:
  - (1) highway drainage, including off-site works,
  - (2) junction visibility splays,
  - (3) street lighting, street nameplates and highway structures if any.

Reason: In the interests of highway safety.

Archaeology

- 28) No development shall take place until the applicant, or their agents or successors in title, has secured the implementation of:

- (1) archaeological field evaluation works in accordance with a specification and written timetable which has been submitted to and approved in writing by the Local Planning Authority; and
- (2) following on from the evaluation, any safeguarding measures to ensure preservation in situ of important archaeological remains and/or further archaeological investigation and recording in accordance with a specification and timetable which has been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure appropriate assessment of the archaeological implications of any development proposals and the subsequent mitigation of adverse impacts through preservation in situ or by record.

### Ecology

- 29) The development shall be carried out in strict accordance with the mitigation measures set out in the Ecological Appraisal and Badger Report by FPCR, both dated April 2018.

Reason: In the interests of biodiversity.

- 30) No installation of any external lighting shall take place until a bat sensitive lighting scheme, to minimise impacts on bats, is submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason: In the interests of biodiversity.

- 31) No development beyond the construction of foundations shall take place until a detailed scheme of ecological enhancements have been submitted to and approved in writing by the Local Planning Authority. The enhancement measures shall be completed prior to first use of the building.

Reason: In the interests of biodiversity.

## **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 Council's approach to the application**

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.

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

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.

