

**APPENDIX A**

Planning Committee - 18 July 2019

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<b>2.4 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			
<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>			
The application has been referred to committee by Cllr Ben Martin.			
<b>WARD</b> Watling	<b>PARISH/TOWN</b> Faversham Town	<b>COUNCIL</b>	<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	

**Planning History**

15/504264/OUT - Outline application (with all matters reserved other than access into the site) for a mixed use development comprising: up to 310 dwellings; 11,875sqm of B1a floorspace; 3,800sqm of B1b floorspace; 2,850sqm of B1c floorspace; a hotel (use class C1)(up to 3,250sqm) of up to 100 bedrooms including an ancillary restaurant; a care home (use class C2)(up to of 3,800sqm) of up to 60 rooms including all associated ancillary floorspace; a local convenience store (use class A1) of 200sqm; 3 gypsy pitches: internal accesses; associated landscaping and open space; areas of play; a noise attenuation bund north of the M2; vehicular and pedestrian accesses from Ashford Road and Brogdale Road; and all other associated infrastructure.

Approved Decision Date: 27.03.2017

17/506603/REM - Approval of reserved matters relating to scale, layout, appearance and landscaping for the erection of 310 dwellings, pursuant to conditions 1, 4, 10 and 24 of outline planning permission 15/504264/OUT. Approval sought for residential part of outline scheme only - Approved 01.03.2019

18/502735/FULL - Erection of a new supermarket (Use Class A1) and a hotel (Use Class C1) along with associated accesses, car and cycling parking, lighting, drainage, hard and soft landscaping and associated infrastructure – Under consideration

**1. DESCRIPTION OF SITE**

1.01 application site consists of a parcel of land of approximately 0.5 hectares in area, located approximately 100m to the west of Ashford Road, as part of a much larger area

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of land forming Perry Court. The land is raised above the level of Ashford Road, by up to 2 metres, and is partially screened by existing hedging.

- 1.02 The land was formerly part of larger agricultural fields, and forms part of the wider Perry Court development site as allocated under Policy MU7 of the adopted Local Plan. This wider land benefits from outline permission for a large scale development under application 15/504264/OUT, and from reserved matters approval for residential development of 310 units on a large part of the site (ref 17/506603/REM). The residential development has now been commenced.
- 1.03 As part of this existing permission, a new roundabout and access point into the site has been formed from Ashford Road. The land parcel subject to this application site is located to the west of this new access point.
- 1.04 The application site is surrounded to the north, south and west by the housing as approved under the above referenced application. The land to the east was shown at outline stage to accommodate a care home and hotel, but is now subject to a current planning application for a retail and hotel development under 18/502735/FULL.
- 1.05 A line of detached dwellings are located on the eastern side of Ashford Road and are the closest existing dwellings to the scheme.

**2. PROPOSAL**

- 2.01 This application seeks permission for a 66 bed care home building. The building would be arranged over three storeys, and over an L shaped footprint. The building would measure some 11.5 metres in height under a continuous hipped roof, and incorporates a number of vertical sections, distinguished by use of differing materials (cladding, brick and render), and also by a number of projecting bay details. The central bay (on the corner of the L shaped footprint) would be most prominent in height, and successive bays would gradually drop in height to the outer wings of the building.
- 2.02 The building would be sited with the two longest and most prominent elevations facing east and south, measuring some 54 and 42m in length respectively. The east facing elevation would face towards the proposed retail and hotel parcels and towards Ashford Road, and would be highly visible to persons entering the wider Perry Court site from the roundabout access. The southern elevation would face towards a footpath connection to the residential area, as approved as part of the reserved matters for the residential development. The building would be partially cut into land levels, which rise from north to south.
- 2.03 The proposal would include en-suites in all bedrooms, a range of communal rooms (lounge / dining areas, “quiet” lounges, a café / tea room, a gallery / library, garden room and hair salon) and communal grounds around the buildings, and a 20 space car park. The care home is expected to generate between 40 and 50 full time jobs.

**3 PLANNING CONSTRAINTS**

Within built confines of Faversham  
Part of site allocation Policy MU7

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**4 POLICY AND CONSIDERATIONS**

4.01 The National Planning Policy Framework (NPPF) - paragraphs 2 (determination of applications), 7 (sustainable development), 8 (the three objectives of sustainable development), 10 (presumption in favour of sustainable development), 54-57 (use of conditions and planning obligations), 59-61 (to significantly boost housing supply / meeting needs of specific housing groups including elderly persons), 108-111 (sustainable transport), 117-121 (Making effective use of land), 124-131 (good design), 149-154 Planning for climate change, 155-165 (flood risk and drainage), 174-177 (biodiversity)

4.02 National Planning Practice Guidance (NPPG). The following guidance documents are of relevance - Air Quality, Climate Change, Design, Determining a Planning Application, Ensuring the vitality of town centres, Planning Obligations, Transport evidence bases in plan making and decision taking, Travel plans, Transport Assessments and Statements, Use of Planning Conditions.

Development Plan: Bearing Fruits 2031: The Swale Borough Local Plan 2017

4.03 Policy MU7 of the Local Plan is relevant insofar that it is a specific site allocation policy for the wider parcel of land at Perry Court, which this application forms a part of. The policy is copied in full below.

*Planning permission will be granted for a mixed use development at Perry Court Farm, Faversham, as shown on the [Proposals Map](#), to include a minimum of 370 dwellings (inc. care home), together with 18,525 sq. m of B1a, B1b, B1c class employment uses (with a further 2 ha reserved for future employment use), supporting uses and landscaping and open space. Development proposals will:*

*1. Be in accordance with Policy CP 4 and in particular demonstrate and provide a strong landscape framework (shown by a submitted Landscape Strategy and Landscape and Ecological Management Plan, informed by a landscape and visual impact assessment) to include:*

- a. substantial width of woodland planting along the site boundary with the M2, which shall additionally safeguard the setting of the Kent Downs AONB;*
- b. additional substantial areas of woodland planting and green space e.g. community orchards and allotments, within the south western quarter of the site near Brogdale Road;*
- c. retained, managed and enhanced hedgerows and shelterbelts;*
- d. footpath and cycle path routes within green corridors linked to the adjacent network; and*
- e. planting selected to reinforce the local landscape character area.*

*2. Be of high quality design, with building siting, form, height and materials related to the existing built form and topography of the site and the surrounding context and to include consideration of:*

- a. the setting of landscape and heritage assets;*
- b. the rural approaches to the town; and*
- c. building heights demonstrating they have been influenced by, and show respect for, views from the south.*

*3. Provide for a mix of housing in accordance with Policy CP 3, including provision for affordable housing in accordance with Policy DM 8;*

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*4. Through both on and off site measures, ensure that any significant adverse impacts on European sites through recreational pressure is mitigated in accordance with Policies CP 7 and DM 28, including a financial contribution towards the Strategic Access Management and Monitoring Strategy;*

*5. Submit a detailed Heritage Assessment to consider the significance of the impact of development at the local level on the heritage setting of the town and other heritage assets in accordance with policies DM 32-DM 33. An archaeological assessment should consider the importance of the site and, if necessary propose mitigation in accordance with DM 34;*

*6. Provide the majority of B1 class employment floorspace as B1a (offices). Employment uses other than B1 will not be permitted unless it is clearly shown that B1 uses would not be achievable.*

*Proposals for alternative employment uses must demonstrate they would not diminish the quality of the development, whilst proposals for main town centre uses will need to be the subject of an impact assessment;*

*7. Undertake an Air Quality Assessment to ensure that the Ospringe AQMA is not compromised, with, if necessary, the use of innovative mitigation measures;*

*8. Submit a Noise Assessment and implement any mitigation arising;*

*9. Be supported by a Transport Assessment to determine the need and timing for any improvements to the transport network and the phasing of development. Development shall undertake such mitigation as necessary which shall include:*

*a. interim improvements at Junction 7 of the M2;*

*b. improvements to the junctions of the A2/A251 and to the A2/Brogdale Road;*

*c. pedestrian and cycling routes;*

*d. public transport enhancements to improve links to the town centre; and*

*e. implementation of an agreed travel Plan; and*

*10. Provide infrastructure needs arising from the development, including those matters identified by the Local Plan Implementation and Delivery Schedule, in particular those relating to libraries, education and health.*

4.04 Other relevant policies are ST1 (Delivering sustainable development), ST7 (The Faversham Area Strategy), CP3 (delivering a wide choice of homes), CP4 (good design), DM6 (Managing Transport Demand), DM7 (vehicle parking), DM14 (general Development criteria), DM19 (sustainable design), DM28 (biodiversity),

## **5 LOCAL REPRESENTATIONS**

5.1 18 letters of objection received –

- The care home is taller (3 storeys) than approved (2 storeys)
- The care home would not relate well to the approved housing scheme
- Any development over 2 storeys would impact properties on Ashford Road
- Lack of screening / loss of hedgerows
- Concern that the development will increase surface water flooding
- The design is not in keeping with the area, with little regard for local influence / context
- The development will increase transport movements, causing further traffic and air quality impacts.
- The development would prevent building of the Ospringe bypass
- Lack of need - There are several former care homes in the area that could be brought back into use without the need for this one.

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- Safeguarding issues re increased pedestrian movements adjacent to Abbey school
- Negative impact on residents on Ashford Road, including loss of light.
- Fails to take advantage of solar energy or provide EV charging points.
- The height of the building will be intrusive and invade privacy
- The A2 / A251 junction must be upgraded before further development is considered
- The application should be considered alongside the applications for housing development and retail / hotel development on the wider site.
- Light pollution
- The site is unsuitable for elderly residents as there is no easy access into Faversham
- Noise / disturbance from additional traffic, including doctors, nurses, ambulances, deliveries, visitors.
- The Council has adopted an incrementalist approach to planning in Faversham, dealing with separate application in isolation and not considering cumulative impacts.
- There is no indication whether the development would prevent the creation of a relief road through the site as advocated by residents / the town council.
- Fire risk arising from a three storey development
- The precise location of the care home has not been fixed.
- Legitimate objections raised by residents throughout all applications for Perry Court have been ignored.

5.02 1 letter received from the Faversham Society in support of the scheme –

- It is needed to replace accommodation lost at Jubilee Way
- The orientation and design are well thought out, and the access is off a spine road of the approved scheme

**6 CONSULTATIONS****Faversham Town Council**

6.01 Original plans – recommend that the application is deferred for the following reasons:

- The decision on the A251 / A2 junction upgrade remains outstanding and no applications should be considered whilst this is outstanding.
- Concerns raised by KCC re storm water drainage need to be addressed
- Parking is inadequate
- The design is poor and bland.

6.02 Further comments (March 2019) – support the changes to the proposal and state that previous issues have been addressed. But makes the following comments –

- FTC Still has serious concerns about the A2 / A251 junction and requests clarification from KVV Highways
- FTC has concerns regarding the new roundabout on the A251 which needs further review.

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- 6.03 Further comments (June 2019) – take a neutral position on the recommendation, but repeat the above comments re the A2 / A251 and the roundabout at the site entrance.

### **KCC Highways**

- 6.04 Original comments – advise that a 66 bed care home would have no material change to traffic impacts when compared to the approved 60 bed scheme, but require further information to justify parking provision, and demonstrate visibility / swept paths.
- 6.05 Further comments - Advises that parking provision is acceptable following clarification off staff numbers, and that technical drawings of visibility splays and swept paths are also acceptable. Advises that footway connections to the A251 must be provided prior to first occupation, and recommends conditions relation to construction, provision of vehicle and cycle parking, and provision of suitable access / highways engineering / furniture details.

### **Environmental Protection Team Leader**

- 6.06 No objection subject to conditions requiring a construction management plan, control over extraction / filtration equipment, loading / unloading, and measures to deal with contamination not previously identified. Confirms that the increase in the number of units from 60 to 66 would not have a significant impact upon the conclusions of the Air Quality assessment associated with the Perry Court development as a whole.

### **Environment Agency**

- 6.07 No objections subject to conditions relating to contamination not previously identified, surface water drainage, and control over piling works.

### **Natural England**

- 6.08 Has no comments to make on this application

**KCC Ecology** (comments taken from application 18/502735 as ecology report covered both applications)

- 6.09 Raise no objection based on the ecological appraisal submitted. Advise that notable species (including reptiles, breeding birds and badgers) have been recorded within the wider site, and that development will need to follow a precautionary mitigation strategy. The mitigation proposed is appropriate. Require conditions relating to bat sensitive lighting, ecological mitigation, and ecological enhancements to the site.

### **Southern Water**

- 6.10 Advise that there is an increased risk of flooding unless required network reinforcement is provided by Southern Water, and this will be funded through the New Infrastructure Charge, and SW Capital Works programme. Advise that a condition should be applied to enable occupation to be aligned with delivery of such improvements.

### **KCC Strategic Commissioning**

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- 6.11 Advises that the Kent Accommodation Strategy for social care projects that, by 2021, Swale will require additional capacity for dementia care. This strategy will be refreshed to forecast to 2031 and this will evidence further need due to increasing demographic changes for older people.
- 6.12 Advise that the care home is of a size and scale that would be financially viable and needed for older people although further discussions with KCC and the provider will be sought as the scheme is refined.
- 6.13 Overall KCC Strategic commissioning, on behalf of Adult Social Care, supports this application.

**Kent Police**

- 6.14 Advise the application has had regard to crime prevention and community safety, but there remain some outstanding matters re perimeter / boundary heights, secure gardens, security of windows, lighting, control of parking, surveillance, access control, drug store siting, staff security, securing storage areas, and securing cycles. Advise that a condition should be imposed to deal with these matters if not resolved during the application.

**KCC Drainage**

- 6.15 Advise that a cellular soakaway for water management is acceptable and raise no objections subject to conditions.

**7 BACKGROUND PAPERS AND PLANS**

- 7.01 The application includes an Arboricultural Assessment, Ecological Appraisal, Flood Risk Assessment, Landscape and Visual Impact Appraisal, Planning Statement, Preliminary Ground Investigation Study, Public Consultation leaflet, Staff Travel Plan, Transport Statement, Design and Access statement, Foul Drainage Strategy and Energy Statement.

**8 APPRAISAL****Principle of Development**

- 8.01 The site of the care home is located on land allocated under policy MU7 of the Local Plan for the wider mixed-use Perry Court development. The terms of the policy specify that the site will deliver a minimum of 370 dwellings (including a care home), together with employment land, landscaping and open space.
- 8.02 The site already benefits from outline planning permission for development, including provision of a 60 bed care home, as granted under application 15/504264/OUT. The key differences between the outline scheme and the application now presented to Members are that the proposed care home is a 66 bed unit, and that the siting of the care home has moved from the indicative location shown at outline stage (by the main site entrance) to a location further into the site and adjacent to the residential development.

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- 8.03 The care home would provide specialist accommodation for elderly persons, including dementia care. This would cater for a sector of the population that is growing and predicted to grow considerably. The KCC Strategic Commissioning department advise that current care forecasts identify additional need for such facilities to 2021, and that further forecasts to 2031 will identify additional needs due to increasing demographic changes for older people. As the responsible authority for adult social care, KCC support this application. It would also comply with Policy CP3 of the Local Plan insofar that it would provide accommodation to meet the needs of an identified housing group.
- 8.04 Given the forecast need for such facilities, the policy requirement for a care home on this site and the existence of an extant outline permission which includes provision of a similar sized care home, I am satisfied that the principle of such development is clearly in accordance with policy and is acceptable.

**Visual Impact**

- 8.05 The building would occupy a prominent location within the wider Perry Court Development, being sited at the end of the main entrance road into the development from Ashford Road. Given the height and footprint of the building, it would also be one of the larger buildings within the wider development. The intention is that the building would form one of a group of three larger buildings centred around the site entrance, also incorporating a hotel and retail unit (these developments are subject to a separate application under 18/502735/FULL). The care home would be comparable in height to the proposed hotel development.
- 8.06 The building would also be flanked to the north, south and west by the residential development approved on the main part of the Perry Court site. This development consists of 2 and 2.5 storey dwellings. The applicant has partially lowered the ground floor of the care home into existing site levels. As a result of this, the height of the care home would be approximately 2 metres taller than the residential plots sited to the south (which would be approx. 25 metres distance from the care home). The site levels drop further to the north and west, and as a result, the care home would be some 4.5 metres greater in height than plots 149-151 to the west (separation distance of 20.9m), and 6 metres taller than plots 165-166 to the north (separation distance of some 44m with local play area in between).
- 8.07 Whilst my officers have sought to negotiate a scheme that lowers in height towards the ends of the building to deal with the variances with neighbouring buildings, this is not an acceptable position to the applicant, who has made clear that they require three full storeys to deliver their scheme. However on balance, I consider the scale of the building to be acceptable in street scene terms, taking into account the relationship with the commercial parcels to the east and the separation distances from the residential development to the north and south which would help absorb the differences in height in visual terms.
- 8.08 The design of the building has been improved through the use of different materials to break down scale, and also through the use of projecting bay features which drop progressively in height from the main corner feature on the south / east axis of the building.



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- 8.09 I also note that the development parameters for the care home proposed under the outline scheme showed the provision of a 2 storey care home of up to 11 metres in height and 3,800 sqm in floor area. Whilst the proposal is over three storeys and is slightly greater in height (at approx.11.5m), it is smaller than the parameter footprint (3,390 sqm). As such, I do not consider the scale of the building to be significantly different to the parameters submitted with the outline application.
- 8.10 Overall, I am content that the scheme does meet policy tests for design and visual impact as set out under policies CP4 and DM14 of the Local Plan.

**Residential Amenity**

- 8.11 The proposed care home would provide single person bedrooms, all with ensuite bathrooms. The size of the bedrooms (at 15sqm) would exceed the standards set by the Care Quality Commission (12 sqm). A range of communal areas would be provided at a ratio of between 7.2 and 11.8sqm per resident, which would also exceed CQC standards of 4.1 sqm per resident. The facility would also provide outdoor space for use by residents. Overall, I am satisfied that the development would provide a good standard of accommodation for future residents.
- 8.12 The closest residential units to the care home would be those as approved to the west of the building (but not yet built) within the wider Perry Court site. Given the L shaped configuration of the care home, the closest point would be to housing plots 147, and 148-150. Plot 147 as approved is an end of terrace unit facing in a north-south direction. It would not directly face the care home, although the closest wing of the care home would be 11.2 metres from this property. This wing contains an escape staircase and subject to windows being obscure glazed I do not consider it would impact upon privacy to this property. Given the relationship between this plot and the care home, I do not consider it would be likely to result in any undue loss of light or outlook.
- 8.13 Plots 148-150 face east-west and the rear elevations would directly face the closest part of the care home at a minimum distance of 20.9m. This would again be the wing containing an escape staircase, which would be obscure glazed as specified above. Given the distance and use of obscure glazing, I am content that this would not cause any privacy issues. The care home would be on a slightly higher land level and would clearly be visible from the rear of these residential buildings. However I am content that this section of the care home would not result in unacceptable impacts relating to light or outlook given the distance that would be provided between buildings.
- 8.14 The main rear elevation of the care home building would be set back from the approved residential dwellings to the west (including plots 149-159) by a distance of between 35-40m and at this distance I am content that this section of the building would not result in any unacceptable amenity impacts.
- 8.15 The approved residential units to the south would be sited 25 metres from the care home, with an intervening public footpath between the two sites. I consider this relationship to be acceptable.
- 8.16 Some residents of existing dwellings on Ashford Road have raised concern over the size of the care home. However as the care home would be sited some 100m from

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Ashford Road, I do not consider it would be likely to cause any significant impacts upon the amenities of these properties.

- 8.17 Policy DM14 of the Local Plan states that development should not cause significant harm to amenity. In my opinion the development would accord with this policy.

**Highways**

- 8.18 The wider development site benefits from outline planning permission, of which the impacts of traffic relating to a 60 bed care home were considered and deemed to be acceptable. This proposal would increase the number of bed spaces to 66, and KCC Highways are content that this increase would have no material impact on traffic generation arising from the site. As the outline permission included a range of measures to mitigate traffic impacts from the wider development on Perry Court, I am content that no further mitigation is required to support this slight increase in bed spaces now proposed.
- 8.19 Notwithstanding the above, Faversham Town Council and some local residents have raised concern over the lack of plans for the junction improvements to the A2 / A251. Some Members may be aware that this matter was reported to the Swale Joint Transportation Board on the 24<sup>th</sup> June and that a recommendation was agreed to pursue a scheme for signalisation of the junction. Delivery of the scheme is expected in the next 18 months.
- 8.20 The care home scheme would accommodate 20 parking spaces and an ambulance / drop off point, and this quantum and arrangement is acceptable to KCC Highways.
- 8.21 Policies DM6 and DM7 of the Local Plan seek to ensure that new developments do not create unacceptable highways impacts and provide suitable parking. For the above reasons I consider this scheme to comply with these policies.

**Landscaping / Ecology**

- 8.22 The application provides opportunities for landscaping within the grounds of the site. At present, there are no current landscape features on this particular parcel of land.
- 8.23 The application includes an Ecological Appraisal. This sets out that whilst some ecological value was found on parts of the wider development site, this parcel of land contains no such features of value (such as trees / hedgerows). The report also identifies the presence of protected species on the wider Perry Court site, including badgers, bats and reptiles, although no habitat suitable to such species was identified within the site of the care home itself. Nonetheless, precautionary mitigation is proposed in the ecology appraisal.
- 8.24 The ecological appraisal covers both the care home proposal and the hotel / retail scheme submitted under 18/502735. The KCC Ecology comments from the latter application are set out earlier in this report, and should apply equally to this application. The ecologist is satisfied with the report and mitigation suggested for this part of the site. Subject to conditions, I am satisfied that the application would not harm biodiversity and would accord with Policy DM28 of the Local Plan.

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**Other Matters**

- 8.25 Air Quality – As specified above, the small increase in bed spaces compared to the 60 bed care home approved at outline stage is not considered to cause any material increase in traffic. Given that the impact of traffic movements arising from the approved 60 bed scheme was considered in the context of the wider development of the site, I do not consider that the increase of 6 bed spaces would necessitate further consideration of air quality impacts. This is also the view of the Environmental Protection Team Leader.
- 8.26 Sustainable Design – Policy DM19 of the Local Plan states that development proposals should include measures to address and adapt to climate change. The applicant has submitted an energy statement which sets out the measures to be applied to insulate the building and to control / minimise energy use. It also sets out that the care home provider utilises renewable energy technology within its premises, that ground source heat pumps are preferred, and that solar panels can be installed on the southern roof slope of the building. The applicant intends that renewables would deliver in excess of 15% of the energy requirements of the care home.
- 8.27 In my opinion, these measures would go beyond the requirements of the above policy. I would propose to include a condition requiring the details of such renewable provision to be provided and implemented, together with a separate condition requiring compliance with BREEAM Very Good standards. On this basis, I consider the application would meet and potentially exceed the requirements of policy DM19.

**9 CONCLUSION**

- 9.01 The proposed care home would deliver a type of residential accommodation that is needed in the Borough and for which demand will grow. The location of a care home on the Perry Court site forms part of the allocation policy under MU7 of the Local Plan. The scheme has been amended to accommodate an appropriate design, would include sustainable construction measures and renewable energy, and the relationship with surrounding buildings within the wider Perry Court site, as well as with existing dwellings on Ashford Road, is considered acceptable. The scheme would not give rise to any material traffic increases or air quality impacts, when compared with the 60 bed care home scheme approved under the outline permission for Perry Court.
- 9.02 On this basis, I consider the application would accord with the development plan, and recommend that permission is granted.

**10 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

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- 2) The development hereby permitted shall be carried out in accordance with the following plans – ME13 8RY A03-G, A04, A05-C, A05.1-B, A07-B

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

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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

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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

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- 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

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- 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:



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- (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

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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.

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