

**APPENDIX 1****PLANNING COMMITTEE – 15 OCTOBER 2020****PART 2**

Report of the Head of Planning

**PART 2**Applications for which **PERMISSION** is recommended

<b>2.1 REFERENCE NO - 18/504562/FULL</b>		
<b>APPLICATION PROPOSAL</b> Alterations and extensions to existing residential care home to provide 12no. bedrooms and 2no. self-contained two bedroom units with associated facilities. Erection of a single storey building to provide 4no. supported living self-contained apartments, a new work shop building and associated landscape works.		
<b>ADDRESS</b> Ellens Court Lady Margaret Manor Road Doddington ME9 0NT		
<b>RECOMMENDATION</b> GRANT subject to the views of the Climate Change Officer and conditions		
<b>SUMMARY OF REASONS FOR RECOMMENDATION/REASONS FOR REFUSAL</b> The development of this site would involve the modernisation of an existing care home and would offer much needed adult social care accommodation, with the support of the KCC Strategic Commissioning Officer. These factors weigh heavily in favour of the development. The scheme is considered to offer a good quality environment for the existing and future residents of the scheme, whilst protecting the residential amenities of the existing properties that are adjacent to the site. The proposal would be of a good design that would add to the visual amenities of the area, and would respect the landscape and scenic beauty of the Area of Outstanding Natural Beauty. The parking provision would be adequate in terms of the number and layout of the spaces. There are no objections from KCC Highways and Transportation.		
<b>REASON FOR REFERRAL TO COMMITTEE</b> Parish Council objection and request for referral from former ward member that the planning application is reported to the Planning Committee.		
<b>WARD</b> East Downs	<b>PARISH/TOWN COUNCIL</b> Doddington	<b>APPLICANT</b> Inspire Care Outreach Ltd <b>AGENT</b> Adam Woodbridge Architects
<b>DECISION DUE DATE</b> 02/01/19		<b>PUBLICITY EXPIRY DATE</b> 10/12/18

**Planning History**

SW/93/0538

ERECTION OF DETACHED GARAGE (EXISTING GARAGE TO BE DEMOLISHED)

Grant of Conditional PP Decision Date: 19.08.93

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SW/85/0036

CHANGE OF USE TO HOSTEL FOR MENTALLY HANDICAPPED PEOPLE

Approved

Decision Date: 14.03.1985

SW/75/0098

FIRE ESCAPE

Approved

Decision Date: 09.06.1975

**1. DESCRIPTION OF SITE**

- 1.1 The application site is a rectangular shaped parcel of land measuring 0.41 hectares in area, located within the countryside and the Kent Downs Area of Outstanding Natural Beauty (AONB). The northern part of the site is occupied by the existing Care Home known as Ellens Court, providing residential care for adults with a learning disability. This is a two storey building with nine single bedrooms, all with shared facilities and a single storey building providing a kitchen/dining area. A number of smaller outbuildings are arranged around the courtyard area and are used as a workshop, games room, office and storage shed.
- 1.2 The site is a large corner plot located at the junction of Manor Road and Payden Street, approximately 1.5 miles south of Doddington. The house itself sits close to the edge of Payden Street with its entrance through a garden court space and a small parking area to the rear. The site is accessed off a narrow country lane which is at a lower level and connects through woodland to Slade Road. A small cluster of detached homes lie to the north eastern and north western boundary of the site, and to the south west lies a cottage and to the south a mature woodland. The southern part of the site slopes gradually downwards to the rear (south eastern) boundary of the site where there is a public footpath through the woodland.
- 1.3 The existing building was occupied by Dr. Josiah Oldfield at the turn of the 20<sup>th</sup> century when he set up a hospital here (formally Margaret Manor which was then known as 'Greet') based on a Fruitarian Diet. The building was for many years until 1979, run as a Youth Hostel. It then became a study centre for the Charles Darwin School. Part of the Oast House remains today but the roof has been replaced and various additions have changed the original form of the building.
- 1.4 The site can be reached from both the M2 and M20 (approximately 6 – 7 miles from the site) or from the A20. Bus Services serve Doddington Village which also connect to the train stations at Teynham and Faversham.
- 1.5 An area of ancient woodland and a locally designated site of biodiversity, known as Oakenpole Wood is situated close by, to the south of Ellens Court.
- 1.6 The application site is located within the countryside as defined in Bearing Fruits 2031: The Swale Borough Local Plan 2017. Lady Margaret Manor Road is designated as a rural lane.

**2. PROPOSAL**

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- 2.1 The application seeks permission to demolish part of the existing care home, and to extend the building to provide a 12 bedroom care home, and 2 self-contained two bedroom units, for adults with a learning disability and a new workshop building. The care home would be arranged around a courtyard and a further single storey building will be erected to the south that would provide 4 self-contained apartments designed for supported living.
- 2.2 The proposal involves the demolition of mostly the single storey elements of the existing building and all of the smaller outbuildings, representing a total of 250m<sup>2</sup> of existing footprint to be demolished. The building would contain 6 single bedrooms at first floor, and 6 single bedrooms at ground floor, all with ensuite accommodation and a minimum floorspace of 12m<sup>2</sup> in accordance with National Care Standards.
- 2.3 The ground floor accommodation would also provide a communal kitchen/dining area with games room, a lounge, staff room, meeting room, an office, and a lounge/dining area with kitchenette. The 2 self-contained two-bedroom units would form a separate wing and will provide double bedrooms with an en-suite, a lounge and kitchen, which will allow carers to give one to one care. A communal lounge would be positioned at the end of the corridor.
- 2.4 The building would be roughly “G” shaped in footprint, with two large wings at either end, measuring some 54 metres in width and 32 metres in depth. The elevations would be finished in white stained weatherboarding on top of a brick plinth, with grey aluminium windows and doors and the roof would be in artificial slate tiles. It would be sited between 3 and 4 metres from the side boundary with Greet Cottage, and a similar distance to the front boundary of the property known as The Hermitage.
- 2.5 The single storey detached building would be rectangular shaped, measuring a maximum of 25 metres in width and 15 metres in depth. The building would provide 4 supported living apartments comprising of self-contained units, each with a double bedroom, bathroom, lounge and kitchen. A communal lounge would also be provided in the far corner of the building.
- 2.6 The supported living accommodation will be for adults with a learning disability who will need ‘minimum support’ rather than ‘care’, focusing on recovery, skill building and maximising independence. Following concerns raised by neighbours, revised drawings have been submitted showing the supported living repositioned further away from the boundary and re-orientated to minimise the impact upon the adjacent property.
- 2.7 The small workshop would be single storey with a pitched roof and measure 4m x 3m. This would be positioned close to the main building, tucked into the corner alongside the boundary wall.
- 2.8 The existing vehicular access onto Slade Road will be retained allowing access into the car park which will be more formalised than the existing arrangement. As submitted, the proposed parking layout provided 36 parking spaces. However, revised drawings show the parking area reduced in size, providing 17 parking spaces and 4 electric/disabled parking spaces as well as 2 mini bus parking bays, an ambulance bay, a loading/unloading bay and 4 of the parking spaces would have electric car charging points. A total of 5 secure cycle parking spaces will also be provided.

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2.9 The central courtyard will provide a communal garden and will require the removal of a Holly Tree. To the north-west of the site, there will be a private quiet lawn area with a path linking around to the car parking area and another private lawn area.

2.10 The application is supported by a number of reports including a Planning Statement, a Design and Access Statement, a Transport Statement, Arboricultural Report, a Preliminary Ecological Appraisal and a Bat Survey. From the above listed reports, I draw the following summarised key points:

2.11 Planning Statement

- Ellens Court provides a valuable and much needed community facility for privately paying individuals as well as for users who are under the remit of Kent County Council (KCC)
- The proposal provides larger bedrooms with en-suites (currently small bedrooms with a shared bathroom), level access and open plan dining room, kitchen, games room, lounge area and inside toilets. Currently there are many steps into separate rooms and users have to go outside to use the separately accessed kitchen, dining rooms and toilets.
- KCC has a requirement for care home spaces specifically in the rural area where it is quiet and away from loud noises and activities
- The proposal will enable the health of those users of Ellens Court care home to be maintained and their care will be improved with the enhanced facilities
- The proposals will also help to support the local rural economy
- The proposal is not for a large scale development
- There are no suitable existing buildings which could be utilised to provide the modernised facilities that are required
- The proposed extensions and new buildings are single storey and are simply designed elevations, and laid out in a courtyard format, following the existing building arrangement
- The self-contained apartments and supported living units are required to cater for the needs and demand of service users that are requesting for units to live in, specifically in a countryside/isolated location
- KCC requested the supported living units to be separated from the main units in order to promote the service user's independence in accordance with the Care Act 2014
- The proposed development would only be visible from three short range, glimpse views
- There are no long range views of the site given intervening vegetation, woodlands, buildings and natural topography
- The proposal can utilise natural slate or natural clay tiles, instead of artificial slate

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- The car park has been reduced in size and is not significantly larger than the existing car park
- The benefits of the identified community needs outweigh the locational disadvantages of the site
- There is adequate separation between the proposed development and neighbouring properties, and the proposals are low in height, being single storey such that there would be no overbearing or overshadowing impact
- Overlooking would not occur as the site is well screened

2.12 Design and Access Statement

- The current accommodation is not ideal for the purpose, however the location and care provided is excellent and deserves investment
- The new building is sustainable in terms of construction and energy efficiency
- The garden court space formalises and enhances the entrance to the care home
- The scheme seeks a modern design
- The proposed development has been designed in accordance with good guidance for inclusive design

2.13 Transport Statement

- It is forecast that the proposed redevelopment could be associated with up to 24 full time equivalent (FTE) staff, with no more than 12 staff anticipated to be on site at any one time
- Collated Personal Injury Collision (PIC) records detailed no PIC on the local highway network in the vicinity of the site over the last three years
- the local highway network includes Lady Margaret Manor Road which runs from Doddington in NE to Warren Street in S into Slade Road, and Payden Street which runs from Warren Street in S and meets with Lady Margaret Manor Road. The lanes closest to the site have a 30mph speed limit and beyond the hamlet, 60mph (cars, motorcycles and light vans) and 50mph (Heavy Goods Vehicle).
- The scheme is designed to accommodate the local municipal and emergency services. It is proposed to provide a route for refuse vehicles within the layout to access the waste collection point via a 'run-around' feature
- The proposed parking is in accordance with KCC guideline [the recently-adopted Swale 'Parking Standards' SPD is discussed below] – it should be noted that none of the existing or proposed residents will have the ability to drive or the personal capacity to hold a driving licence

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- The applicant is willing to accept a Planning condition requiring the implementation of a Travel Plan to promote sustainable travel
- The proposed development is predicted to generate a minor increase in vehicular trips
- The impact of the proposed development on the operation of the local highway network will be negligible
- Deliveries of food/beverage and linen are expected a few times a week
- Waste and recycling collections are expected to occur once a week
- A speed survey has been undertaken and this has found traffic speed to be low
- Achievable visibility splay details have been provided

2.14 Flood Risk Assessment and Drainage Strategy Report

- An initial assessment has deemed that the risk of flooding is low
- The proposed development would formalise the majority (if not all) of the surface water to positively control the discharge from the site, whilst at the same time enhancing the current foul drainage setup
- The preferred proposed foul drainage solution is to provide a new gravity system which will pass through a package treatment plant before discharging to the deep bore soakaway which forms the point of discharge for the surface water. This will be subject to approval from the Environment Agency, with the backup of using a cesspit should the preferred proposal not be acceptable to the Environment Agency

2.15 Arboricultural Report

- A low impact foundation design will have less impact on the root protection area of existing trees
- Providing the existing sub base of the car park is retained and there is no disruption to the soil, the proposed works can be completed without harming existing trees

2.16 Preliminary Ecological Appraisal

- The main building and the Oast were assessed as having 'high' potential to support a bat roost, and the store building as having 'moderate' potential
- A slow worm was observed on the site
- There were no signs of other protected species using the site

2.17 Bat Survey and Mitigation Strategy

- The buildings, which are both due to be re-roofed, are used as day roosts by low numbers of two common species of bats

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- Mitigation Strategy includes installing bat boxes onto adjacent trees prior to commencement of works; only bitumen Type 1F with hessian matrix to be used under slates/tiles; installation of bat access slate/tiles onto roofs of buildings; pre-works survey under supervision of an ecologies; toolbox talks for contractors and a sensitive lighting design.

**3. SUMMARY INFORMATION**

	<b>Existing</b>	<b>Proposed</b>	<b>Change (+/-)</b>
Site Area (ha)	0.41 ha	0.41 ha	0
Approximate Ridge Height (m) of main building	7.5m	7.5m	0
Approximate Eaves Height (m) of main building	4.5m	4.5m	0
Approximate Ridge Height (m) of self-contained apartments	-	6.3m	n/a
Approximate Eaves Height (m) of self-contained apartments	-	2.6m	n/a
No. of Storeys of main building	2	2	0
No. of Storeys of self-contained apartments	-	1	n/a
Net Footprint	340.9m <sup>2</sup>	1042.8m <sup>2</sup>	+701.9m <sup>2</sup>
Parking Spaces	14 - 20	21	+1
Cycle parking Spaces	0	5	+5
No. of Bedrooms	9	12	+3
No. of Self-Contained two bedroom Units	0	2	+2
No. of Supported Living Self-Contained Units	0	4	+4

**4. PLANNING CONSTRAINTS**

As noted above, the site is located in the Kent Downs Area of Outstanding Natural Beauty.

**5. POLICY AND CONSIDERATIONS**

The National Planning Policy Framework (NPPF): Achieving sustainable development – paras 8, 11; Decision-making paras 38, 47; Delivering a sufficient supply of homes para 61; Building a strong, competitive economy para 84; Promoting healthy and safe communities paras 92, 96; Promoting sustainable transport para 111; Achieving well designed places paras 127, 130, 131; Conserving and enhancing the natural environment para 172, which notes, among other things, that “great weight should be given to conserving and enhancing scenic beauty in...Areas of Outstanding Natural Beauty...”.

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Development Plan: Bearing Fruits 2031: The Swale Borough Local Plan 2017- Policies ST1 (Delivering sustainable development in Swale); ST3 (The Swale Settlement Strategy); ST7 (The Faversham Area and Kent Downs Strategy); CP2 (Promoting sustainable transport); CP3 (Delivering a wide choice of high quality homes); CP4 (Requiring good design); CP5 (Health and wellbeing); CP6 (Community facilities and services to meet local people); DM3 (The rural economy); DM7 (Vehicle Parking); DM11 (Extensions to, and replacement of, dwellings in the rural area); DM14 (General Development Criteria); DM19 (Sustainable design and construction); DM21 Water, flooding and drainage; DM24 (Conserving and enhancing valued landscapes); DM26 (Rural lanes); DM28 (Biodiversity and geological conservation) and DM29 (Woodlands, trees and hedges).

Supplementary Planning Guidance (SPG): “Parking Standards” (May 2020) was adopted by the Council in June 2020 and is a material consideration in the determination of planning applications. This guidance suggests one parking space for every resident staff member; one space per two other members of staff and one space per six beds for residents. There should be one cycle space per ten beds.

The Swale Landscape Character and Biodiversity Appraisal SPD 2011.

**6. LOCAL REPRESENTATIONS**

6.1 6 letters objecting to the application have been received raising the following summarised points:

- The site lies within a very peaceful, small rural hamlet in the AONB and this proposal would be detrimental to that status
- The proposal would constitute over-intensive use of the site
- Access to the care home is via extremely narrow, single track lanes with a serious lack of passing spaces
- Lanes inaccessible during periods of inclement weather
- It is not easy for emergency services to access the area
- Concerns about road safety
- I have concerns about privacy being infringed by the building planned opposite my bedroom
- The proposed new extension appears to extend dramatically from the original footprint of the property to within close proximity of our boundary, therefore we feel that there is a cause for concern with overshadowing, an increase in noise and general disturbance
- The scale of the enlargement of the facility will have a significant impact on the surrounding houses
- Care for people with learning disability has been modernised – moving towards assisting them to live in communities, not hide them away in remote part of the countryside

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- The increase in traffic and the staff would generate a considerable increase in noise and completely change the nature of the area
- There is a possibility of light pollution with regards to floodlighting, security lighting etc.
- Proposed parking area will have a huge visual impact on the area
- Size of development not in keeping with the surrounding area
- Remote location of facility means it does not benefit from any amenities such as shops, leisure activities or doctors surgery, so all trips are reliant on the use of a car
- Residents have little opportunity to interact with the community so are in fact being kept away from the community
- Question what provision will be made for the treatment of sewage

6.2 Local re-consultations on the updated Transport Statement resulted in the following comments:

- For the most part, the access road is only 8 feet wide and already of poor quality, potholes and sinkage. Where wider widths can be measured it is plus a few inches
- The roads do not need extra traffic and weights it will bring
- I would ask that the site and surrounding area is actually visited to get the real picture
- There are no shops of interest in Doddington – only a garage with a few provisions (food) and a butchers
- Doddington is not easily accessible on foot – it is very hilly and very muddy in winter
- Road measurements listed in the Transport Statement are ‘interesting’ and I would say inaccurate – I am concerned about my property being damaged by large vehicles trying to turn around
- There is absolutely no space on the narrow lanes for the vehicles that will be required for this application to be built
- The amendments still show building directly opposite my bedroom – a visit will show how close it will be. My privacy will be lost and I am concerned about noise

6.3 The agent responded to say that there is a desperate need for this type of accommodation in the Borough, raising the following points:

- There is an existing parking area which is unmade and unmarked, but can hold around 14 -20 cars
- The proposal formalises the arrangement of the existing car park and is intended for the increase in staff members and visitors

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- Staffing levels are currently at 15 members and it is intended to increase this by a further 10 members of staff
- The provision of 10 new jobs is a bonus for Doddington but not all of these staff will be on site at any one time; they cover shifts and the perceived increase in traffic is just not going to happen
- We consulted neighbours prior to submitting the application and have kept them informed with the details of the application. Initially they were supportive but it wasn't until the application was submitted that issues have arisen. We have tried to arrange a meeting to discuss their concerns but this was not taken up by any of the neighbours
- The scheme is well hidden from public view and contained entirely within the confines of the existing property; they will have little or no impact on the wider context of the AONB
- Highways have accepted that the proposal will not have a detrimental impact on the highway capacity
- The additional accommodation (which is predominately single storey) is designed to minimise its impact on the adjacent buildings, and indeed much of the accommodation will not even be seen from the highway
- A modern sewage treatment plant is much more sustainable than the existing cesspit
- The proposed increase from 9 to 20 occupants does not constitute a significant increase in numbers or size or facility. KCC are in full support of this application, there is a desperate need for these rooms, and KCC consider this site appropriate for its use
- There will be no overshadowing, the building is some distance away from the boundary which contains some very large trees

**7. CONSULTATIONS**

- 7.1 Doddington Parish Council requests that the Planning Committee makes a site visit to assess the situation on the ground, commenting as follows:

*"The site is in the Kent Downs AONB.*

*The roads are rural lanes with inadequate width and condition to support the proposed operation.*

*The application is for a very large expansion, of considerable height and mass.*

*In recent years an application for a redevelopment of a residential property in the hamlet has been refused at appeal and we would refer the planning officer to that application."*

- 7.2 Following the submission of the Transport Statement, the Parish Council reiterated its concerns, commenting as follows:

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*“Councillors were unable to find any point on the access roads to the site which are more than three metres wide and it was assumed that the 6.5 metre width quoted only refers to the proposed entrance/exit and includes the owner’s property.*

*Whilst Doddington is served by a bus service it is not frequent, as claimed in the Transport Statement, and neither is the site within reasonable walking distance of the village bus stop.*

*Pedestrians would find the walk a hard slog and find themselves having to climb banks to avoid traffic as there are few pedestrian refuges.*

*Arrival at Lenham station would mean a taxi journey for any visitors.*

*The report suggests that service, delivery and collection vehicle journeys to and from the site would not increase even though there would be more than doubling the numbers of staff and residents.*

*The local roads are in a poor condition, in particular the final miles of country lanes after leaving The Street, Doddington heading south and the Faversham Road heading north to across the site.*

*The site is an Area of Outstanding Natural Beauty and the proposal represents a very substantial increase in built area and mass within the AONB.*

*Doddington Parish Council objects to the application and requests that the Planning Committee visits the site prior to making a decision”*

7.3 KCC Highways and Transportation requested a Transport Statement, once this was received they raised no objections subject to conditions, commenting as follows:

*“1) The Statement demonstrates to our satisfaction that the expected increase in vehicle movements does not represent a detrimental impact on local highway capacity. The proposals are expected to generate an additional 3 vehicle movements in the morning peak (1 additional every 20 minutes) and an additional 2 movements in the evening peak (1 additional every 30 minutes). These figures are obtained from the TRICS database and their surveys count all associated vehicle movements with a particular land usage, including service, delivery and collection journeys. It is noted that the roads serving the site are rural lanes with occasional passing places but these are lightly trafficked and will effectively disperse the minor increase in vehicle movements. The personal injury collision record for the last 3 years has also been examined and there appears to be no pattern of highway safety issues on the local road network that could prove to be exacerbated by these proposals.*

*2) An independent speed survey has been carried out to the TA 22/81 standard and has determined the actual 85<sup>th</sup> percentile speeds, from which a suitable visibility splay has been calculated and demonstrated on a plan. This will be achieved through the cutting back of tree canopy/foliage within the applicant’s land, an arrangement that can be maintained by way of planning condition.*

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*3) Parking provision is in conformity with current standards and provision has been made for an ambulance, minibus and electric vehicles. An additional request would be the creation of two disabled parking bays proximal to the building entrance. I note that swept path drawings also indicate an on-site turning loop for larger vehicles, which should accommodate even refuse freighters.”*

- 7.4 The Council's Environmental Protection Team raises no objection subject to conditions to control hours of construction, suppression of dust, and the submission of details for any mechanical ventilation.
- 7.5 The KCC Ecology Officer requested additional surveys, but whilst a bat survey has been undertaken, no reptile survey information has been provided. The bat emergence surveys show that the main buildings are used as a day roost by a small number of bats. No objection is raised to the mitigation measures in the bat report to deal with this. Suitable reptile habitat is present on-site and a Slow worm was observed during the original ecological survey, therefore a reptile survey is required before the development commences. Overall, and subject to conditions, KCC Ecology do not object to the development.
- 7.6 KCC Flood and Water Management raise no objection, subject to conditions. However, they also state that the Environment Agency should be consulted as the site is located at groundwater source protection zone.
- 7.7 Southern Water stated that the applicants should consult the Environment Agency regarding the use of a septic tank drainage which disposes of effluent to sub-soil irrigation. But they do not require the development to be connected to mains drainage. They also stated that the applicant will need to ensure that arrangements exist for the long-term maintenance of the SUDS facilities and that it is critical that the effectiveness of these systems is maintained in perpetuity.
- 7.8 The Environment Agency raises no objection subject to conditions to ensure that the development will not cause or be put at unacceptable risk from, or be adversely affected by, unacceptable levels of water pollution. They also request that the applicants recalculate their discharge volume to ensure that the current permit will be sufficient to cover the extra volume intended with the proposed extension to the property.
- 7.9 Kent Police do not raise objection but observes that the application does not demonstrate how crime prevention has been designed out. They recommend an informative to address the following issues stated below:

*“Perimeter and boundary treatments to incorporate security to blend attractively into the environment*

*The following should meet SBD PAS 24 2016 and be tested and certified by a recognised 3<sup>rd</sup> party certification authority:*

*1. All external doorsets*

*2. All potentially vulnerable windows e.g. ground floor or above flat roofs*

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*3. All internal apartment/bedroom doors*

*4. All doors leading from the reception area to the private areas and corridors including the stairs*

*All external fire doors should be alarmed.*

*There may be some residents with needs that require different forms of security. Being potentially more vulnerable, their security needs can be addressed in other ways.*

*All ground floor bedrooms need defensible space in front of their bedroom windows.*

*The workshop will need appropriate security depending on tool storage.*

*Patio and private garden areas to have some fencing to reinforce their private nature.”*

7.10 The KCC Strategic Commissioning Officer provided the following clarification on the need for this type of accommodation:

*“Our accommodation strategy has recognised the needs of our clients with Learning Disabilities that they are living longer and their physical needs are overtaking their learning needs as they grow older. This means they need the same environments found in care homes for older people, wheelchair accessibility, wider door frames, sloped/flat access rather than steps, larger spaces for equipment needs, hospital/profiling beds, hoists, flush floor wet rooms etc.*

*The home in question has a cohort of people who have been living there for some time and fall into this group of older LD. We have few homes in the market specialising in older LD with the physical adaptations to the property that would allow the home (as far as is practicable and appropriate) to be a home for life. In summary, we support the changes to the property.*

*The other aspect of the supported living unit. The 1<sup>st</sup> draft of the plans I saw had the supported living unit as part of the main building with the ability to share staff and facilities by connecting doors and corridors. This is not a model we support and the design principle in our accommodation, preferably independent flats with a separate staff team. The skill sets and training for supported living staff will be different from that of residential care home staff, especially if the residential home are looking at delivering to an older cohort of clients. Supported living is focussed on recovery, skill building and maximising independence. Residential services, whilst they should always maximise independence irrespective of client group, tend to do more ‘care for’ than ‘support with’. The older and more considerable the health needs or dementia, the more ‘care’ will be required.”*

7.11 The Kent Downs AONB Unit does not consider that the proposal will conserve or enhance the special qualities and distinctive character of the AONB, commenting:

*“The proposed works at Ellen Court would significantly increase the amount of building on the site and would appear out of scale in its rural context. It would also result in increased general activity at the site including an increase in traffic on rural single track roads. Harm would also arise as a result of the large area of hardstanding required in*

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*connection with the proposed 36 space car park. [As noted above, 21 car parking spaces are proposed] The proposed use of artificial slate on the new buildings would fail to strengthen the locally distinctive character of the Kent Downs AONB.”*

7.12 The Climate Change Officer has been consulted and Members will be updated at the meeting.

**8. BACKGROUND PAPERS AND PLANS**

8.1 The submission is accompanied by the following plans/drawings:

Drawing No. 17\_48\_01 Location Plan; 17\_48\_02 Existing Site Plan; 17\_48\_03 Ground Floor Plans as Existing; 17\_48\_04 First Floor Plans as Existing; 17\_48\_05 Existing Elevation; 17\_48\_06 Existing Elevation; 17\_48\_07 Existing Elevation; 17\_48\_08 Existing Elevation; 17\_48\_10 Rev A Site Plan; 17\_48\_12 Rev A Ground Floor Plan; 17\_48\_13 Rev A First Floor Plan; 17\_48-14 Rev A Supported Living Apartments Plans; 17\_48\_15 Supported Living Apartments Elevations; 17\_48\_16 Rev A Supported Living Apartments Elevations; 17\_48\_17 Rev A Supported Living Apartments Elevations; 17\_48\_18 Workshop Plans and Elevations; 17\_48\_20 Rev A Elevations; 17\_48\_21 Elevations; 17\_48\_22 Existing and Proposed Street Elevations; 17\_48\_31 Existing Building – A; 17\_48\_32 Existing Building – B; 17\_48\_33 Existing Building – C; 17\_48-34 Existing Building – D; 17\_48\_35 Existing Building – E; 17\_48\_36 Existing Building Footprint Areas; and 17\_48\_37 Rev A Footprint Areas Analysis Plan.

**9. APPRAISAL**

Principle of Development

9.1 The application site lies within the open countryside and the AONB, where policies ST3, DM11, and DM24 seek to restrain large scale development in rural locations for both amenity and sustainability reasons, particularly in isolated locations.

9.2 Without doubt it would be unusual to grant planning permission for large scale development at this rural location in the current policy context and I would not normally expect to recommend so. However, in this instance, as the development amounts to an extension to an existing social care facility, such considerations need to be carefully balanced against the benefits the proposal will provide and whether it would satisfy the economic, social and environmental objectives of achieving sustainable development in the NPPF. In terms of the economic objective, the proposed development will provide an employment generating use and create immediate jobs in construction. In terms of the social objective, the proposal would provide much needed specialist accommodation. The NPPF is clear that needs of groups with specific housing requirements are met and provided within a well-designed and safe built environment. Policy CP3 aims to provide a wide choice of homes that are inclusive to, *“Meet the housing requirements of specific groups, including families, older persons, or disabled and other vulnerable persons”*. The proposals will meet the future needs of the existing residents and provide additional accommodation for an identified need. In terms of the environmental objective, the development will provide a new care home facility that is both sustainable in terms of construction and energy efficient.

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Report to Planning Committee – 15 October 2020

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9.3 As set out above, the proposal seeks the retention and enhancement of an existing facility. As such, my starting point for consideration of this planning application is the provisions of policies of Bearing Fruits 2031: SBLP 2017. Policy CP5 states that proposals will “*Bring forward accessible new community services and facilities*” as well as “*Safeguard existing community services and facilities where they are viable or can be made so*”. Policies DM11 and DM24 seek to resist development in the countryside and to protect valued landscapes and rural lanes. There is no doubt that the site is not generally suitable for residential development as it is located in open countryside, well outside any defined settlement designated as suitable for residential development except in specific exceptional circumstances. I take the view that greater weight should be given towards safeguarding this facility for the future requirements of existing and planned residents and, as a result, I believe this proposal to be acceptable.

**Social Care Housing Need**

9.4 The proposed extension will provide better facilities at the care home which will improve the health and wellbeing of residents at Ellens Court and enable them to remain living there as their requirements change. The addition of the supported living units are for adults with learning disabilities who are able to live independently when given the appropriate level of support as required.

9.5 As set out above, Kent County Council Strategic Commissioning on behalf of Adult Social Care supports this development because Kent’s Accommodation Strategy identifies the need for this specialist accommodation. This strategy for social care projects concludes that, the Swale district will need to increase supported living units, based on current provision.

**Landscape and Visual Impact**

9.6 The application site lies within the Kent Downs AONB and as such the proposal is required to be considered in terms of policy DM24 which states that permission for major developments should be refused unless exceptional circumstances prevail as defined by national planning policy. The NPPF makes it clear that it must be demonstrated that the development is in the public interest and consideration should be given to:

a) the need for the development, including in terms of any national considerations, and the impact of permitting it or refusing it, upon the local economy;

b) the cost of, and scope for, developing outside the designated area, or meeting the need for it in some other way; and

c) any detrimental effect on the environment, the landscape and recreational opportunities, and the extent to which that could be moderated.

9.7 At the same time, the NPPF indicates that support should be given to suitably located and designed development necessary to facilitate local business and community needs.

9.8 As such, I give significant weight to the need for the development. The internal re-configuration of the existing building will provide better and more accessible facilities for the

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existing residents, and the proposal will enable the expansion of the care home to meet a specific need identified by KCC. Although the site is located within the AONB, it is nonetheless relatively enclosed by dense trees and hedgerows. From the south, the development would be screened by the existing woodland which means there are limited views of the site from the public footpath(ZR303). In my opinion, the greatest landscape impact would be from the north and east, where views can be attained of the site. However, only glimpsed views of the development would be seen from the road leading northwards up to the crossroads at the centre of the hamlet due to the topography of the site and the existing mature boundary trees. Whilst the existing boundary wall along Payden Street would provide some screening, the roof of the new apartments would still be visible. Additional tree and shrub planting behind the boundary wall would help limit views of the apartments.

- 9.9 The Swale Landscape Character and Biodiversity Appraisal designate the site within the Doddington and Newnham Dry Valleys. It describes the landscape as a gently sloping landscape, with extensive woodlands; mixed land use of small to medium scale orchards and large scale arable fields; small-scale settlements; the dominance of several major transport links through the area and historic parklands. The overall condition of the landscape is rated as good, and landscape sensitivity is rated as high.
- 9.10 I have carefully considered the concerns of local residents and the Parish Council about the scale of the development. However, paragraph 84 of the NPPF states that planning decisions should recognise that sites to meet local business and community needs in rural areas may have to be found outside existing settlements. Policy DM3 supports rural business development, with an emphasis on the appropriate re-use of the existing buildings or previously developed land and when new buildings are sympathetic to the rural location and appropriate in their context. As I have said above the proposal will retain and enhance a much needed facility, and I consider the design and layout to be acceptable. Whilst the building would occupy a large footprint and would be substantial in scale and form, this is in part mitigated by the topography of the site. The self-contained wings and supported living apartments are single storey and follow the existing courtyard arrangement. The extended building would be no taller than the existing building on the site and would be screened by the topography of the site, existing mature landscaping and the surrounding built development.
- 9.11 Paragraph 127 of the NPPF states development should be sympathetic to local character and history, including the surrounding built environment and landscape setting, whilst not preventing or discouraging appropriate innovation or change. Policy CP4 states all development proposals should be of a high quality design that is appropriate to its surroundings. I consider the general design approach here to be acceptable for this sensitive location. The use of contrasting weatherboarding and crisp window and roof detailing with the more traditional converted Oast house will work well to create a visually attractive scheme. However, the proposed use of artificial slate is not considered to be appropriate and I am satisfied that a more appropriate roof covering such as natural slate can be secured by condition (3) below.

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- 9.12 I consider the scheme to be well designed, and I am satisfied that there would not be any significant landscape or visual effects arising from the development.

Residential Amenity

- 9.13 The nearest properties to the proposed development are a small cluster of detached homes situated to the north eastern and north western boundary of the site, and also a cottage to the south west. The revised layout of the site has repositioned the supported living apartments further away (now a minimum of 16 metres, rather than 8 metres as originally proposed) from the cottage to the south west, however the proposed self-contained wing of the extended care home would be sited immediately to the side boundary of the rear garden to this neighbouring property. Given that the building is of single storey, the main outlook from the ground floor level of this dwelling would be the roof of the proposed building. There is a specific concern regarding loss of privacy at the property known as The Hermitage with a building, directly opposite their bedroom window. However I do not consider that the proposal would give rise to a significantly worse degree of overlooking than is currently experienced by this neighbouring property. There is a road in between the two properties and there is already a kitchen window along the flank wall of the existing care home that faces them.
- 9.14 I have also given consideration to the impact on the future occupiers of the care home. The residents would have larger bedrooms with ensuite bathrooms and communal living space that is more accessible. There would be a sensory garden within the courtyard that would provide amenity space, as well as a generous sized lawn area behind the supported living apartments.
- 9.15 Local concern makes reference to potential disturbance from the care home operation, and the effects of light pollution. Whilst there would be some disturbance arising from activities connected to the care home use, as this is primarily a residential use, I do not consider such disturbance would be significantly worse than that already, and I note that the Environmental Protection Team Leader does not raise objections on such grounds. I do not consider light pollution to be significant given the existing lawful use of part of the site but a condition could control this, and Members will note condition (34) below.
- 9.16 I therefore consider that the development would not result in any unacceptable impacts on surrounding neighbouring properties.

Highways and Parking

- 9.17 There is concern from local residents and the Parish Council about the impact of increased traffic on the local roads, particularly given that they are narrow and in a poor condition. Whilst KCC Highways and Transportation acknowledge that the site is reached by narrow rural lanes, they comment that they are lightly trafficked and as such are satisfied that the minor increase in vehicle movements will not have a detrimental impact on the local roads. They are also satisfied that an adequate visibility splay has been demonstrated on the plan which can be achieved by the cutting back of tree canopy/foilage within the site which can be maintained by way of planning condition.

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- 9.18 There is also some local concern that emergency vehicles or large vehicles will not be able to access the site. The revised parking arrangement has made provision for ambulance parking bays and the swept path analysis shows that service and emergency vehicles will be able to manoeuvre in and out of the site.
- 9.19 The scheme proposes 21 parking spaces to serve the development, which meets the car parking standards of the recently adopted SPG. KCC Highways and Transportation also advise that this is acceptable, but they request that an additional 2 disabled bays are provided close to the building entrance, and this is included as a planning condition.

Landscaping/Trees

- 9.20 The development will involve retention of many of the trees on site, other than the removal of a holly tree to allow the courtyard garden to be landscaped in accordance with the plans. The Council's Tree Consultant raises no objection to this, and I am satisfied that the landscaped character of the site would not be adversely affected by the development, and Members will note conditions (4), (5) and (6) below.

Ecology

- 9.21 The Preliminary Ecological Appraisal identified that the main building had a high potential for roosting bats, therefore a bat survey and bat mitigation report was submitted at the request of KCC Ecology. This was deemed satisfactory and conditions have been included to ensure the mitigation measures are adhered to. However, a reptile survey still needs to be undertaken and the KCC Ecologist is satisfied provided this is secured as a pre-commencement condition. The agent has agreed, and on this basis an ecological enhancement plan can be submitted once the reptile information has been provided. Members will note conditions (23) and (24) below.

Drainage

- 9.22 Local concern also point out that there is a need for the property to be connected to mains drainage given its proposed size. Since submission, further details have been provided regarding drainage and these have been sent to the relevant consultees. The existing cesspit will be removed and replaced with a new drainage system. The preferred proposed foul drainage is to provide a new gravity system which will then pass through a package treatment plant before discharging to the deep bore soakaway which forms the point of discharge for the surface water. KCC Flood and Water Management raise no concerns subject to a pre-commencement condition which the agent has agreed to. The Environment Agency also raises no concerns but request that the applicants contact them to vary the Permit if the extra discharge volume is greater than the permitted volume. Southern Water makes reference to SUDS, advising that the applicant will need to maintain the long-term effectiveness of these systems to avoid flooding from the proposed surface water system, which may result in the overflow of the foul sewage system.

Sustainable Design and Construction

- 9.23 The Supporting Planning Statement states that materials used in the construction of the development will be locally sourced and that it will be constructed to a very high

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sustainability standard, in accordance with Policy DM19. The applicant has agreed to the imposition of a pre-commencement condition requiring the development to be constructed to achieve a 50% reduction in carbon emissions compared to the current Building Regulations.

Other Matters

9.24 Lady Margaret Manor Road is a designated Rural Lane under Policy DM26 of the adopted Local Plan. The policy states that permission will not be granted for development that physically or through traffic levels would significantly harm the character of rural lanes. In this case, KCC Highways and Transportation do not raise concern that the development would increase traffic levels, and no physical works are required to the lane to accommodate the development. On this basis, I do not consider the scheme would conflict with this policy.

**10. CONCLUSION**

10.1 The site falls outside of any defined settlement boundary under policy ST3 of the development plan and in the open countryside where there is a general presumption against development unless supported by the NPPF and where impacts on the countryside are acceptable. The scheme would result in the modernisation of an existing care home, as well as additional accommodation and the application sets out that there is an identified need for this type of accommodation in the local area. The scheme would provide employment opportunities and that whilst there would be an increase in traffic, such impact would not be detrimental on the local area.

10.2 Members also note the comments of the KCC Strategic Commissioning Officer at paragraph 7.10 above and that, in summary, they are supportive of the proposed development.

10.3 The objections that have been received have been considered in detail. However, based upon the views of consultees and the appraisal of the application as set out above I believe that subject to the imposition of the listed conditions the proposal would not give rise to unacceptable harm in regards to residential or visual amenity, the landscape designation or highway safety and amenity.

**11. RECOMMENDATION**

GRANT Subject to the views of the Climate Change Officer and the following conditions:

**CONDITIONS to include**

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) The development hereby approved shall be carried out in accordance with the following approved plans and documents:

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Drawing No. 17\_48\_10 Rev A Site Plan; 17\_48\_12 Rev A Ground Floor Plan; 17\_48\_13 Rev A First Floor Plan; 17\_48-14 Rev A Supported Living Apartments Plans; 17\_48\_15 Supported Living Apartments Elevations; 17\_48\_16 Rev A Supported Living Apartments Elevations; 17\_48\_17 Rev A Supported Living Apartments Elevations; 17\_48\_18 Workshop Plans and Elevations; 17\_48\_20 Rev A Elevations; 17\_48\_21 Elevations; 17\_48\_22 Existing and Proposed Street Elevations; 17\_48\_37 Rev A Footprint Areas Analysis Plan;

Reason: For the avoidance of doubt and in the interests of proper planning.

- 3) No development beyond the construction of foundations shall take place until details of the external finishing materials to be used in the construction of the development hereby permitted 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 preserving or enhancing the character and appearance of the surrounding area.

- 4) No development beyond the construction of foundations shall take place until a detailed hard and soft landscaping 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.

- 5) 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.

- 6) 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.

- 7) No development beyond the construction of foundations shall take place until details in the form of manufacturers colour brochure and specification details of the proposed window and door systems/products to be used on the buildings have been submitted to and approved in writing by the Local Planning Authority, and works shall be implemented in accordance with the approved details.

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Reason: In the interests of preserving or enhancing the character and appearance of the surrounding area.

- 8) No development beyond the construction of foundations shall take place until detailed drawings at a suggested scale of 1:1 or 1:2 vertical section of the eaves and verge construction details have been submitted to and approved in writing by the Local Planning Authority. The works shall be carried out in accordance with the approved details.

Reason: In the interests of preserving or enhancing the character and appearance of the surrounding area.

- 9) The proposed residential development hereby approved shall be constructed and tested to achieve the following measure:

At least a 50% reduction in Dwelling Emission Rate compared to the Target Emission Rates as required under Part L1A of the Building Regulations 2013 (as amended);

No development shall take place until details of the measures to be undertaken to secure compliance with this condition 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) The proposed residential development hereby approved shall be designed to achieve a water consumption rate of no more than 110 litres per person per day, and the residential units shall not be occupied unless the notice for that unit of the potential consumption of water per person per day required by the Building Regulations 2015 (as amended) has been given to the Building Control Inspector (internal or external).

Reason: In the interests of water conservation and sustainability.

- 11) No demolition / 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 to 1800 hours, Saturdays 0830 to 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.

- 12) Details of any mechanical ventilation system that will be installed shall be submitted to and approved by the Local Planning Authority and upon approval shall be installed, maintained and operated in a manner which prevents the transmission of odours, fumes, noise and vibration to neighbouring premises.

Reason: In the interests of residential amenity.

- 13) No development beyond the construction of foundations shall take place until details have been submitted to the Local Planning Authority and approved in writing, which set out a programme for the suppression of dust during the construction of the development. The measures approved shall be employed throughout the period of construction unless any variation has been approved by the Local Planning Authority.

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Reason: In the interests of residential amenity.

- 14) No development shall take place until a Construction Management Plan on site 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 include the following:
- (a) Routing of construction and delivery vehicles to/from the site
  - (b) Parking and turning areas for construction and delivery vehicles and site personnel
  - (c) Timing of deliveries
  - (d) Provision of wheel washing facilities
  - (e) Temporary traffic management/signage

Reason: In the interests of highway safety

- 15) Before the development hereby permitted is first occupied, the access details shown on the approved plans (namely drawing number PCD235/002 (TR1) shown in Appendix C of Transport Statement by Transport Dynamics dated February 2019) shall be completed and the access shall thereafter be maintained.

Reason: In the interests of highway safety

- 16) Before the development hereby permitted is first occupied, the visibility splays shown on the submitted plans (namely drawing number PCD235/002 (TR1) shown in Appendix C of Transport Statement by Transport Dynamics dated February 2019) with no obstructions over 0.9 metres above carriageway level within the splays, shall be provided and thereafter maintained free of obstruction at all times.

Reason: In the interests of highway safety

- 17) The area shown on the submitted plan (namely drawing number PCD235/002 (TR1) shown in Appendix C of Transport Statement by Transport Dynamics dated February 2019) as vehicle parking and turning space, shall be provided before occupation of the development hereby permitted is commenced, along with the provision and permanent retention of two disabled parking bays, which shall be in accordance with details to be submitted and approved by the Local Planning Authority in writing. These areas 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 (as amended) (or any order revoking and re-enacting that Order) or not, 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 of vehicles is likely to lead to parking inconvenient to other road users and be detrimental to highway safety and amenity.

- 18) The area shown on the submitted plan (namely drawing number PCD235/002 (TR1) shown in Appendix C of Transport Statement by Transport Dynamics dated February 2019) as vehicle loading/unloading, and turning facilities shall be provided before occupation of the development hereby approved is commenced, and these areas shall be retained for such use at all times when the premises are in use and no development, whether or not permitted by the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (or any order revoking and re-enacting that Order) or not, shall be carried out

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on that area of land or in such a position as to preclude vehicular access to this reserved area.

Reason: Development without adequate provision for the parking, loading or off-loading of vehicles is likely to lead to parking inconvenient to other road users.

- 19) Before the development hereby approved is first occupied, the access road shall be provided with a bound surface for the first 5 metres of the access from the edge of the highway.

Reasons: In the interests of highway safety and convenience.

- 20) The access road shall incorporate measures to prevent the discharge of surface water onto the highway.

Reason: In the interests of highway safety

- 21) Before the development hereby approved is first occupied, provision and permanent retention of secure, covered cycle parking facilities shall be completed in accordance with the submitted Transport Statement by Transport Dynamics dated February 2019.

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.

- 22) The development shall be carried out in strict accordance with the bat mitigation measures detailed within the Bat Survey and Mitigation Strategy by KB Ecology dated 21 July 2020, along with measures to enhance the site for bats shall be implemented in full, and shall be thereafter retained. The mitigation strategy must be implemented as approved unless varied by a European Protected Species (EPS) licence issued by Natural England.

Reason: In the interests of conserving protected species

- 23) Prior to commencement of works (including site clearance), a reptile mitigation strategy shall be submitted, and approved by, the Local Planning Authority. This will include the results of a full reptile survey and details of associated mitigation measures. The approved strategy will be adhered to thereafter.

Reason: In the interests of conserving protected species and to ensure that these details are approved before works commence.

- 24) Within three months of works commencing on site an ecological enhancement plan must be submitted for approval in writing by the Local Planning Authority, detailing what ecological enhancements will be incorporated into the site. The works in the approved plan must be incorporated into the site as detailed in the approved plan.

Reason: In the interests of conserving protected species

- 25) No development beyond the construction of foundations shall take place 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 be based upon the Flood Risk Assessment & Drainage Strategy (Alan Baxter Partnership Ref 1158/October 2019) and shall demonstrate that the surface water generated by this development (for all rainfall durations and intensities up to and including the climate change

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adjusted 100 year storm) can be accommodated and disposed within the curtilage of the site of without increase to flood risk on or off-site.

The drainage scheme shall also demonstrate (with reference to published guidance):

- that silt and pollutants resulting from the site use can be adequately managed to ensure there is no pollution risk to receiving waters.
- appropriate operational, maintenance and access requirements for each drainage feature or SuDS component are adequately considered, including any proposed arrangements for future adoption by any public body or statutory undertaker.

The drainage scheme shall be implemented in accordance with the approved details.

Reasons: 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.

- 26) No building on any phase (or within an agreed implementation schedule) of the development hereby permitted shall be occupied until a Verification Report, pertaining to the surface water drainage system and prepared by a suitably competent person, has been submitted to and approved by the Local Planning Authority. The Report shall demonstrate the suitable modelled operation of the drainage system where the system constructed is different to that approved. The Report shall contain information and evidence (including photographs) of details and locations of inlets, outlets and control structures; landscape plans; full as built drawings; information pertinent to the installation of those items identified on the critical drainage assets drawing; and, the submission of an operation and maintenance manual for the sustainable drainage scheme as constructed.

Reason: To ensure that flood risks from development to the future users of the land and neighbouring land are minimised, together with those risks to controlled waters, property and ecological systems, and to ensure that the development as constructed is compliant with and subsequently maintained pursuant to the requirements of paragraph 165 of the National Planning Policy Framework.

- 27) 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 and ensure compliance with the National Planning Policy Framework.

- 28) No drainage systems for the infiltration of surface water to the ground are permitted other than with the written consent of the Local Planning Authority. Any proposals for such systems must be supported by an assessment of the risks to controlled waters. The development shall be carried out in accordance with the approved details.

Reason: To ensure that the development does not contribute to, is not put at unacceptable risk from, or adversely affected by, unacceptable levels of water pollution caused by

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mobilised contaminants. This is in line with paragraph 170 of the National Planning Policy Framework.

- 29) 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, 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. This is in line with paragraph 170 of the National Planning Policy Framework.

- 30) 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 by a piling risk assessment that there is no resultant unacceptable risk to groundwater. 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 caused by mobilised contaminants in line with paragraph 170 of the National Planning Policy Framework.

- 31) 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 Report by GRS dated 26<sup>th</sup> April 2018, 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 such time as may be specified in writing by the Local Planning Authority.

Reason: Pursuant to section 197 of the Town and Country Planning Act 1990 and to protect and enhance the appearance and character of the site and locality.

- 32) The installation of tree protection barriers, and the methods of working shall be undertaken in accordance with the Arboricultural Report by GRS dated 26<sup>th</sup> April 2018.

Reason: Pursuant to section 197 of the Town and Country Planning Act 1990 and to protect and enhance the appearance and character of the site and locality.

- 33) The premises shall be used for the purposes of a care home and supported living accommodation 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) (Amendment)(England) Regulations 2020

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.

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34) No floodlighting, security lighting or other external lighting shall be installed or operated at the site, other than in accordance with details that have first been submitted to and agreed in writing by the Local Planning Authority. These details shall include:

- A statement of why lighting is required and proposed the hours of illumination.
- A site plan showing the area to be lit
- The type, number, mounting height and alignment of the luminaries.

All lighting must be installed and operated in accordance with the approved details.

Reason: In the interests of visual amenity and the residential amenities of occupiers of nearby dwellings.

35) The residential development hereby approved shall be provided with 4 electric vehicle charging points in accordance with drawing number PCD235/002 (TR1) shown in Appendix C of Transport Statement by Transport Dynamics dated February 2019) and shall not be occupied until the charging point has been installed. The charging points shall be of a specification that has first been agreed in writing by the Local Planning Authority and shall be installed before any part of the development hereby approved is first occupied.

Reason: To encourage the use of electric vehicles, in the interests of climate change and reducing pollution.

**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.

Planning permission does not convey any approval for construction of the required vehicular crossing, or any other works within the highway for which a statutory licence must be obtained. Applicants should contact Kent County Council - Highways and Transportation (web: [www.kent.gov.uk/roads\\_and\\_transport.aspx](http://www.kent.gov.uk/roads_and_transport.aspx) or telephone: 03000 418181) in order to obtain the necessary Application Pack.

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 of the works prior to commencement on site.

2) Due to changes in legislation that came into force on 1st October 2011 regarding the future ownership of sewers it is possible that a sewer now deemed to be public could be crossing the above property. Therefore, should any sewer be found during the construction works,

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an investigation of the sewer will be required to ascertain its condition, the number of properties served, and potential means of access before any further works commence on site.

The applicant is advised to discuss the matter further with Southern Water, Sparrowgrove House Sparrowgrove, Otterbourne, Hampshire SO21 2SW (Tel: 0330 303 0119) or [www.southernwater.co.uk](http://www.southernwater.co.uk)

- 3) The applicant/agent is advised to contact Kent Police Designing Out Crime Team , Kent Police Headquarters, Sutton Road, Maidstone, Kent ME15 9BZ (Tel: 01622 653209) or [www.kent.police.uk](http://www.kent.police.uk) to discuss the design and site specific crime prevention in detail, as required under section 17 of the Crime and Disorder Act 1998.
- 4) This property already has a live Environmental Permit for a discharge of primary treated sewage from a septic tank to ground via an infiltration system, 10 m<sup>3</sup>/day. The Permit was updated 21st December 2012 in accordance with the Environmental Permitting (England & Wales) Regulations 2010 (amended 2016).

The applicant is advised to recalculate their discharge volume and provide this to the Environment Agency, Orchard House Endeavour Park, London Road, Addington, West Malling, Kent ME19 5SH (Tel: 03708 506 506) or [www.gov.uk/environment-agency](http://www.gov.uk/environment-agency). This will ensure that the Environmental Permit volume of 10m<sup>3</sup>/day will be sufficient to cover the extra volume intended with the proposed extension to the property. If the calculation shows an increase greater than the permitted volume, the applicant will need to vary the Permit prior to any extra volume of discharge taking place. However, if the extension does not affect the discharge volume then an application to vary will not be required.

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

In accordance with paragraph 38 of the National Planning Policy Framework (NPPF), February 2019 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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**APPENDIX 1**Planning Committee15 October 2020**PART 2**Applications for which **PERMISSION** is recommended

<b>2.1 REFERENCE NO 18/504562/FULL</b>		
<b>APPLICATION PROPOSAL</b>		
Alterations and extensions to existing residential care home to provide 12no. bedrooms and 2no. self-contained two-bedroom units with associated facilities. Erection of a single storey building to provide 4no. supported living self-contained apartments, a new workshop building and associated landscape works.		
<b>ADDRESS</b> Ellens Court Lady Margaret, Manor Road, Doddington ME9 0NT		
<b>WARD</b> East Downs	<b>PARISH/TOWN COUNCIL</b> Doddington	<b>APPLICANT</b> Inspire Care Outreach Ltd <b>AGENT</b> Adam Woodbridge Architects

The Major Projects Officer drew attention to the tabled update which provided an update from the Climate Change Officer who raised no objection; amendments to condition (9) to reflect that the development was for C2 use as opposed to C3; an additional condition in respect of finished floor levels; and the views of an objector. The update had been previously sent to Members and published on the Council's website. In response to claims from some local residents, the Major Projects Officer stated that he had checked and local residents had been consulted by post or email depending on whether or not email addresses had been provided, as was normal practice.

Parish Councillor Steve Coates, representing Doddington Parish Council, spoke against the application.

Mr Lee Davison, an objector, spoke against the application.

The Chairman moved the officer recommendation to approve the application and this was seconded by Councillor Elliott Jayes.

The Ward Member spoke against the application. He considered that the benefits of the application did not outweigh the damage that would be caused in terms of increased traffic along narrow rural lanes and to the character of the rural area.

Councillor David Simmons moved a motion for a site meeting. This was seconded by Councillor Cameron Beart. On being put to the vote the motion was agreed.

**Resolved:** That application 18/504562/FULL be deferred to allow the Planning Working Group to meet on site.