

REFERENCE NO - 16/504551/OUT		
APPLICATION PROPOSAL Outline application for a 50 bed care home with ancillary accommodation, over 3 floors (the top floor within the roof) and with a basement kitchen and staff rooms, with appearance, layout and scale to be considered at this stage and all other matters reserved for future consideration		
ADDRESS Little Oyster Residential Home Seaside Avenue Minster-On-Sea ME12 2NJ		
RECOMMENDATION Approve		
SUMMARY OF REASONS FOR RECOMMENDATION The proposal is virtually identical to that approved by Planning Committee on 29 th August 2013 under reference SW/13/0599. Since this approval, there have been no meaningful changes in the physical site surroundings or planning policy that indicates planning permission should now be refused. Notwithstanding the above, the proposal is acceptable in principle and would have an acceptable impact on residential amenity and highway safety and convenience. The proposal is of an acceptable design, scale and bulk with no harm arising to the visual amenities of the area and the character and appearance of the streetscene. The proposal is considered to constitute sustainable development.		
REASON FOR REFERRAL TO COMMITTEE Minster Parish Council objects to the proposal.		
WARD Minster Cliffs	PARISH/TOWN COUNCIL Minster-On-Sea	APPLICANT Mr Ernesto Batten AGENT Prime Folio
DECISION DUE DATE 11/10/16	PUBLICITY EXPIRY DATE 13/10/16	OFFICER SITE VISIT DATE 23/8/16
RELEVANT PLANNING HISTORY (including appeals and relevant history on adjoining sites):		
App No	Proposal	Decision
SW/13/0599	Outline application for new 50 bedroom care home with ancillary accommodation over 3 floors (the top floor within the roof) and with a basement kitchen and staff rooms.	Approved
SW/10/1363	Renewal of outline planning permission SW/07/0123 for the erection of 31 self contained flats.	However, this has not been determined due to technical issues with the section 106 agreement.
SW/07/0784	Outline application for two storey care home with 40 bedrooms, ancillary rooms and 25 car parking spaces.	Approved
SW/07/0123	Outline application for the erection of 31 self-contained sheltered flats.	Refused and allowed at appeal
SW/05/707	New vehicular access	Refused
SW/03/1221	Approval of reserved matters of SW/03/0063 for two-storey building - an extension of	Approved

	existing facilities.	
SW/03/0063	Outline application for new two storey building for disabled people being an extension of existing facilities.	Approved
SW/02/0770	Outline Application for new three storey building containing rooms and suites for disabled people.	Refused and appeal dismissed

MAIN REPORT

1.0 DESCRIPTION OF SITE

- 1.01 The application site comprises a rectangular piece of land of 0.29ha (0.7 acres), which is currently used as a car park and grassed area in connection with the Little Oyster Care Home. The land occupies a very prominent position in the sea front area. A public car park lies immediately beyond the boundary to the south west of the application site.
- 1.02 The existing Little Oyster care home is long established and is located at the corner of Seaside Avenue and The Leas. To the south sit dwellings in Southsea Avenue. These properties occupy an elevated position above the application site (decreasing to about 2m towards Seaside Avenue). The land rises by approximately 1m from north west to south east, on land lower than the existing care home, which is single storey where adjacent to the proposal, but is 2 storey further to the north west.

2.0 PROPOSAL

- 2.01 This application seeks outline planning permission for the erection of a 50 bedroom care home. The application seeks approval for appearance, layout and scale reserved matters. Access and landscaping are reserved for future consideration.
- 2.02 The application forms sets out that the proposed development would fall within use class C2 residential institutions. Each bedroom would have its own en-suite and there would be communal dining areas (four in total), lounges and “activity” areas (four in total), on the ground and first floor. The accommodation would be provided over three floors with rooms in the roofspace and small flat roof dormers facing The Leas. A basement area would provide the staff room, kitchen and laundry room. The building would be a total height of 9.15m from ground level. The site sections show this and the relationship with the houses to the rear (south). The basement would have an external area of 62 sq. m to the flank of the building (northwest) that is dug out of the ground to provide access to the kitchens etc.
- 2.03 The site layout drawing shows 40 vehicle parking spaces, one of which is for an ambulance. The disposition of these spaces and the arrangements for ambulance access are shown on the layout plan. There would be some land to the north (front) and east (side) of the building set aside as communal amenity space for the residents.
- 2.04 The applicant has submitted an amended layout plan to deal with the comments of KCC Ecology, KCC SUDS and KCC Highways and Transportation to provide an area fenced off as natural habitat, clarify intended drainage systems and show appropriate vehicle turning space.

3.0 SUMMARY INFORMATION

	Existing	Proposed	Change (+/-)
Site Area (ha)	0.29	0.29	0
Approximate Ridge Height (m)	na	9.1	+9.1
Approximate Eaves Height (m)	na	5.1	+5.1
Approximate Depth (m)	na	24 max	+24
Approximate Width (m)	na	51 max	+51
No. of Storeys	na	3 with rooms in roof	+3
Net Floor Area	na	2500m ²	+2500m ²
Parking Spaces	na	40	+40

4.0 PLANNING CONSTRAINTS

- 4.01 The site is located within the built up area boundary of the adopted local plan whereas it is outside under the emerging local plan. The site is within the coastal zone of the adopted local plan.

5.0 POLICY AND OTHER CONSIDERATIONS

- 5.01 The National Planning Policy Framework (NPPF) in relation to achieving sustainable development; 1. Building a strong, competitive economy; and 7. Requiring good design.

Swale Borough Local Plan 2008

- 5.02 Policy E1 of the Swale Borough Local Plan 2008 gives general guidance regarding design and amenity, amongst others. Policy E19 aims to achieve high quality design on all developments in the Borough.
- 5.03 Policy C1 (SBLP) encourages the retention and provision of both public and private community facilities.
- 5.04 Policy T3 (SBLP) deals with traffic, and seeks to minimise the highways impacts of any new development through the provision of adequate parking, sightlines, turning space, etc.
- 5.05 Policy E13 (SBLP) seeks to control development within the Cliff Erosion and Coastal Zone. It restricts development outside of the built-up area boundaries within such areas.

Emerging Local Plan Bearing Fruits 2031 Proposed Main Modifications Version June 2016

- 5.06 Policy CP4 requires good quality design that is appropriate to its surroundings.
- 5.07 Policy DM7 requires vehicle parking in accordance with extant KCC Standards.

- 5.08 Policy DM14 sets out general development criteria that require inter alia development to be of an appropriate scale and design for the location and to cause no harm to amenity.
- 5.09 Policy DM19 requires all non-residential development over 1000sqm to achieve BREEAM very good or equivalent, or good if below this threshold.

6.0 LOCAL REPRESENTATIONS

- 6.01 Twenty five letters of objection have been received which are summarised as follows;
- Loss of privacy/overlooked for residents of dwellings to the rear.
 - Development on this scale should not be allowed to take place due to impact on streetscene.
 - Out of keeping with the area and will be a blot on the landscape.
 - The Leas is popular throughout the year for its beach and views. The proposal will exacerbate existing parking problems and will impact this island asset which should be preserved.
 - Impact on residential amenity.
 - Lack of on site parking for staff, visitors, ambulances, deliveries who currently park on road.
 - Suitability of access for delivery and emergency vehicles.
 - Access to public transport for visitors and residents.
 - Shops and amenities.
 - Rubbish storage and collection.
 - The Island needs good standard care facilities but they do not need to all be in one place.
 - Application should not be considered until sewage system problems are sorted out.
 - Overbearing on the landscape.
 - Very poor access and service road.
 - How will large vehicles turn when spaces are filled?
 - How will occupants be evacuated during an emergency when fire engines and ambulances will need access?
 - Highways would not cope with additional traffic.
 - Ambulances often park on the highway causing obstructions.
 - Area unsuitable for disabled people due to lack of shops and recreational facilities.
 - Flood risk- no measures in place to evacuate people
 - How would disabled residents be evacuated from multiple floors during a fire if lifts are out of bounds?
 - Lack of communal facilities and amenity space for residents.
 - Vehicle access should be from Council owned car park.
 - Similar applications have been refused then allowed on appeal in the past.
 - Separate vehicle entry and exit required.
 - Constant submissions and increasing scale of applications borders on harassment.
 - Will remove sea views of surrounding residents and will devalue property.
 - Will exacerbate Lower Road traffic issues.
 - Overdevelopment of land.
 - May cause destabilisation of cliffs.
 - What safeguards will be put in place re light pollution from the new development.

- 6.02 One letter of support have been received which are summarised as follows;
- We have been looking for a care home place but cannot find one.
 - There is a shortage of care home space and cannot think of a more perfect position for a home overlooking the sea in a quiet and peaceful area of the Island.

7.0 CONSULTATIONS

- 7.01 Minster Parish Council objects to the application for the following summarised reasons;

- Over-intensive development of the site.
- Unacceptable harm to the character and appearance of the area.
- Prejudice to highway safety and convenience.
- Height and mass are questioned as they appear similar to the original application which was refused.
- Loss of green amenity space (garden area) for residents enjoyment which will be replaced by parking.
- Inadequate vehicular access from Seaside Avenue.
- Lack of adequate turning area for service vehicles.
- The siting of refuse bins with the delivery point by the kitchen.
- The impact on the residential amenities householders in neighbouring properties might reasonably be expected to enjoy.

- 7.02 The Council's Environmental Health Manager recommends a condition restricting the construction hours as recommended below.

- 7.03 KCC Highways and Transportation raises no objection to the proposal. It notes the proposal is similar to previous approvals on the site. Its required conditions are recommended below. It states;

“Currently on street, and footway, parking is taking place on Seaside Avenue and surrounding roads. The proposed development should not cause additional on street parking pressure in the area. Similarly, the on site parking for the existing care home next door, Little Oyster, should not be negatively impacted by the proposed development. According to Kent parking standards 40.5 spaces should be provided to ensure sufficient parking for the 2 care homes, based on staffing numbers detailed in the proposals. 40 spaces do appear to be shown on the proposed site layout plan. The provision and permanent retention of the vehicle parking spaces shown on the submitted plans must be in place prior to the use of the site commencing.”

- 7.04 KCC SUDS Team raises no objection with regards to the surface water drainage system proposed subject to the conditions recommended below. A related informative is attached below.

- 7.05 KCC Ecology confirm that following the clearance of the vegetation in the south east corner of the site there is no requirement for specific species surveys to be carried out. The amended site plan shows an ecological area. Details of its design and long term management should be secured by condition.

- 7.06 KCC Archaeology states *“The proposed development is located in an area that is archaeological sensitive, close to the former defences of the WW1 Thames and Medway Defences. in particular the disguised battery of Merrymans Hill lay close to this site and the defence lines extended through the site. The site has been relatively*

undisturbed from past development and given the location there is good potential for prehistoric activity as seen elsewhere in Minster.” A programme of archaeological works condition is recommended.

- 7.07 The Environment Agency has assessed the application as having low environmental risk therefore it has no comment to make.
- 7.08 Natural England raises no objection to the impact on internationally and nationally designated nature sites including the Swale Special Protection Area, Ramsar site and Site of Special Scientific Interest. It notes no permanent staff accommodation is proposed and C2 use class is proposed with elderly occupants of only limited mobility therefore the proposal is unlikely to result in increased recreational disturbance to the Swale SPA and Ramsar sites.
- 7.09 Southern Water recommends a condition requiring details of foul and surface water drainage, and an informative regarding connection to its network and water supply.
- 7.10 The LMIDB confirm the proposal is unlikely to affect its interests. Surface water run off should be appropriately managed. Soakaways should be designed in accordance with KCC’s Soakaway Design Guide July 2000.
- 7.11 Kent Police recommends either a condition or informative regards security measures to be included in the development.

8.0 BACKGROUND PAPERS AND PLANS

- 8.01 The application includes a design and access statement, ecological appraisal and a full set of elevations, floorplans, cross sections and a site layout plan.

9.0 APPRAISAL

Principle of Development

- 9.01 The site is located within the built up area boundary of the adopted local plan where the principle of development is considered acceptable. The adopted local plan forms part of the development plan. To the extent that development plan policies are material to an application for planning permission the decision must be taken in accordance with the development plan unless there are material considerations that indicate otherwise (see section 70(2) of the Town and Country Planning Act 1990 and section 38(6) of the Planning and Compulsory Purchase Act 2004. However, the site is outside the built up area boundary of the emerging local plan, but this does not form part of the development plan until it is adopted therefore permission should not be refused for this reason. Furthermore the care home facility would provide additional care to people with learning difficulties which is broadly supported by policy C1 of the Local Plan which seeks to encourage the provision of community facilities.
- 9.02 It should also be noted that Members approved an almost identical application under reference SW/13/0599 therefore to take a different view of the acceptability of the principle of development would be irrational in my view. For these reasons, the principle of development is acceptable in my opinion. It should be noted that proposals within use Class C2 residential institutions can be counted toward part of the Council’s supply of housing land which is a positive element of the proposal.

Visual Impact

- 9.03 The weight of local objection regarding the scale, design and visual impact of the proposal are noted. I consider the test to be applied here is whether the current proposal would be of an acceptable scale and design in its own right with significant consideration given to the previous permission SW/13/0599. Members should note that planning committee approved the earlier development and that the scale, design and position within the site are identical. It would therefore be counterintuitive to form a different conclusion for this application. Notwithstanding the above, there have been no meaningful changes in planning policy or the physical site surroundings that should result in a different decision being made. In my opinion, the scale, design and position of the proposal would be appropriate with no resultant harm to visual amenity including views from The Leas and from the dwellings to the south. For these reasons, I consider the visual impact acceptable.

Residential Amenity

- 9.04 The nature and number of objections from local residents on the grounds of negative impact on residential amenity are noted. Den Briel and Three Rivers on Southsea Avenue are in the region of 50m from the proposed building, and sit at a higher level. The ridgeline of the proposed building (at 9.15m high) would be approximately at the ground floor level of Three Rivers (section B-B) and below the first floor level of Den Briel (section A-A). The properties to the north west comprise bungalows, some with accommodation within the roofspace. Many Kent Planning authorities still consider the former Kent Design standard (that in order for a reasonable degree of amenity to be enjoyed, dwellings should be set a minimum of 21m apart (a measurement reflected in the Council's adopted SPG on domestic extensions)) as a reasonable rule of thumb. I also believe this to be a good pragmatic approach. It is clear that this scheme significantly exceeds this distance, and the difference in relative heights is also a significant material consideration to be taken into account to the extent that they mitigate the impacts of the proposal. I can see no reason to insist that windows facing in this direction should be obscure glazed or fixed shut. The separation distance serves to prevent harm to residential amenity by virtue of a sense of overbearing, overshadowing, loss of outlook, loss of day or sunlight. The impact on residential amenity would be acceptable in my opinion.

Highways

- 9.05 Access is not being considered as part of this application. In respect of the adequacy of the proposed parking arrangements, I note that Kent Highway Services raise no objection to the proposed development. I acknowledge that local residents are concerned about the impact on local roads and congestion/on-street parking especially during the summer months. However, the number of parking spaces and the turning area proposed would meet the standards set out by Kent Highway Services. I cannot identify any demonstrable harm to the highway or pedestrians as a consequence of this proposal. As such, I do not consider that there would be a detrimental impact on highway safety/amenity. I also note that fact that the impact on the highway was not identified as a reason for refusal for the previous schemes at this site. The impact on highway safety and convenience is acceptable in my opinion.

Other Matters

- 9.06 The objections of residents with regards to sewerage capacity are noted. Southern Water are aware that there is a capacity problem with the sewers and water supply in this area and will be seeking a formal agreement from the developer that they will address this matter to enable the development to go ahead.

9.07 KCC SUDS and Ecology are content that both issues can be dealt with by condition. On site ecology will be enhanced by the provision of a fenced of ecological area in the southern corner of the site and the impact on designated nature conservation sites is acceptable as per Natural England's comments with no requirement for financial contributions towards mitigation due to the proposal falling within use class C2 residential institutions where residents have limited ability to participate in recreational activities on the protected areas. The comments of Southern Water and the LMIDB are noted and can be dealt with by condition and informative. The surface water, foul drainage and ecological impacts of the proposal are acceptable in my opinion. Archaeological potential at the site can be dealt with by a programme of archaeological works condition below.

10.0 CONCLUSION

10.01 It is considered that the principle of development is acceptable in this location and that there would be no harm arising to visual amenity, residential amenity, highway safety and convenience, ecology and foul and surface water drainage. The proposal is virtually identical to the previous planning permission granted by the Planning Committee and given the lack of meaningful change in planning policy or the physical site surroundings, it is considered that to reach a different decision would be irrational and could not be defended at appeal. The proposal constitutes sustainable development in its own right and therefore planning permission should be granted in my opinion.

11.0 RECOMMENDATION – GRANT Subject to the following conditions:

CONDITIONS to include

1) Details relating to the access and landscaping of the site shall be submitted to and approved by the Local Planning Authority before any development is commenced.

Reason: In pursuance of Section 92 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.

2) Application for approval of reserved matters referred to in Condition (1) above must be made not later than the expiration of three years beginning with the date of the grant of outline planning permission.

Reason: In pursuance of Section 92 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.

3) The development to which this permission relates must be begun not later than the expiration of two years from the final approval of the reserved matters or, in the case of approval on different dates, the final approval of the last such matter to be approved.

Reason: In pursuance of Section 92 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.

4) Prior to the commencement of development hereby approved, details in the form of samples of external finishing materials to be used in the construction of the development hereby approved shall be submitted to and approved in writing by the Local Planning Authority and shall be implemented in accordance with the approved details.

Reason: In the interest of visual amenity.

5) The building hereby approved shall be constructed to BREEAM 'Good' Standard or an equivalent standard.

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

6) Prior to the commencement of development, details of the design and long term maintenance of the fenced off natural habitat area in the southern corner of the site as shown on plan 11-14-01 rev H shall be submitted to and approved in writing by the Local Planning Authority. The area shall be provided in accordance with the approved details prior to the first use of the development hereby permitted and shall be retained in perpetuity.

Reason: To secure ecological enhancements at the site.

7) Prior to the commencement of development details of foul water drainage shall be submitted to and approved in writing by the Local Planning Authority. The development shall proceed in accordance with the approved details.

Reason: To prevent flooding and secure appropriate foul sewerage infrastructure to service the development.

8) Prior to the commencement of development a detailed sustainable surface water drainage scheme for the site shall have 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 100yr storm) can be accommodated and disposed without increase to on site or off site flood risk.

Reason: To ensure that the principles of sustainable drainage are incorporated into this proposal and to ensure ongoing efficacy of the drainage provisions.

9) Prior to the first occupation of the development details of the implementation, maintenance and management of the sustainable drainage scheme shall have been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented and thereafter managed and maintained in accordance with the approved details. Those details shall include:

- i) a timetable for its implementation, and
- ii) a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public body or statutory undertaker, or any other arrangements to secure the operation of the sustainable drainage system throughout its lifetime.

Reason: To ensure that the principles of sustainable drainage are incorporated into this proposal and to ensure ongoing efficacy of the drainage provisions.

10) No 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 0800 - 1800 hours, Saturdays 0830 - 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.

11) No impact pile driving in connection with the construction of the development shall take place on the site on any Saturday, Sunday or Bank Holiday, nor any other day except between the following times:-

Monday to Friday 0900-1700hours unless in association with an emergency or with the written approval of the Local Planning Authority.

Reason: In the interests of residential amenity.

12) During construction of the development adequate space shall be provided on site, in a position previously agreed by the Local Planning Authority to enable all employees and contractors vehicles to park, load and off load and turn within the site.

Reason: In the interests of highway safety and convenience.

13) The area shown on the submitted plan 11-14-01 rev H as vehicle parking space, turning space and loading/unloading space shall be kept available for such use at all times and no permanent development, whether permitted by the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking or re-enacting that Order) or not, shall be carried out on the land so shown or in such a position as to preclude vehicular access thereto; such land and access thereto shall be provided prior to the first use of the development hereby permitted.

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

14) Prior to the first use of the development hereby permitted details shall have been submitted to and approved in writing by the Local Planning Authority of secure and covered cycle parking facilities. The agreed details shall be provided prior to the first use of the development and shall be retained in perpetuity.

Reason: To secure appropriate cycling facilities for staff and visitors to the development.

15) Wheel washing facilities shall be provided on the site in advance of the commencement of and for the duration of development.

Reason: To prevent mud and other debris on the highway that would be harmful to highway safety and convenience.

16) The development shall proceed in accordance with the following approved plan numbers: 11-14-01 rev H, 11-14-02 rev E, 11-14-03 rev E, 11-14-04 rev E and 11-14-05 rev B.

Reason: For the sake of clarity.

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

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

INFORMATIVES

Southern Water advises the developer to make contact to discuss a formal agreement regarding sewerage infrastructure and water supply on 0330 303 0119.

KCC SUDS Team wishes to make the applicant aware that any detailed design submitted in pursuance of the SUDS conditions should be based upon a rate of discharge that has been formally agreed in writing with Southern Water; any such agreement should form part of the submission to the LPA. It may be necessary to provide onsite attenuation to control the rate at which the site discharges to the receiving network. Where necessary, we would expect to see the calculations undertaken to determine the capacity of any proposed attenuation feature.

The Council's approach to this application:

In accordance with paragraphs 186 and 187 of the National Planning Policy Framework (NPPF), the Council takes a positive and proactive approach to development proposals focused on solutions. We work with applicants/agents in a positive and proactive manner by:

Where possible, suggesting solutions to secure a successful outcome.

As appropriate, updating applicants/agents of any issues that may arise in the processing of their application.

In this instance:

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

The 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.