

<b>2.6 REFERENCE NO: 23/501017/FULL</b>		
<b>PROPOSAL</b> Erection of a three storey 66no. bed care home for older people (Use Class C2) with associated access, parking and landscaping and ancillary facilities.		
<b>SITE LOCATION</b> Land West of Barton Hill Drive, Minster-on-sea, Kent, ME12 3LZ		
<b>RECOMMENDATION</b> Delegate to the Head of Planning to grant planning permission subject to appropriate safeguarding conditions and the completion of a Section 106 agreement as set out in the report, with further delegation to the Head of Planning to negotiate the precise wording of conditions, including adding or amending such conditions and precise Heads of Terms as may be consequently necessary and appropriate.		
<b>APPLICATION TYPE</b> – Major Full Application		
<b>REASON FOR REFERRAL TO COMMITTEE</b> Objection from Minster-on-Sea Parish Council		
<b>Case Officer</b> William Allwood		
<b>WARD</b> Queenborough & Halfway	<b>PARISH/TOWN COUNCIL</b> Minster-On-Sea	<b>APPLICANT</b> LNT Care Developments <b>AGENT</b> LNT Construction
<b>DATE REGISTERED</b> 07.03.2023	<b>TARGET DATE</b> 06.06.2023	<b>CASE OFFICER</b> William Allwood
<b>BACKGROUND PAPERS AND INFORMATION:</b> <a href="https://pa.midkent.gov.uk/online-applications/simpleSearchResults.do?action=firstPage">https://pa.midkent.gov.uk/online-applications/simpleSearchResults.do?action=firstPage</a>		

## 1. SITE LOCATION AND DESCRIPTION

- 1.1. The Site is located within the urban confines of Minster. It is within a larger strategic development allocation for a minimum of 620 dwellings (Policy A12 – Land West of Barton Hill Drive) and which benefits from outline planning permission (granted on appeal) for up to 700 dwellings (18/503135/OUT). The site is located between the Barton Hill Drive and Lower Road (A2500) roundabout, which is to the south. To the east of the site consists predominantly residential development mainly in the form of two-storey semi-detached and detached homes. To the west of the site is open agricultural land and yet to be developed as part of the wider approval for 18/503135/OUT. To the south of the site beyond the highway (Lower Road A2500) is characterised by open agricultural land. Further west along the A2500 is Sheppey Rugby Football Club.
- 1.2. The Site is approximately. 1.1 acres (4,452 sq. m.) and is currently open agricultural arable land. The site is predominately clear of vegetation with a hedgerow protruding into the north of the Site boundary (identified for removal to accommodate development).
- 1.3. The site is accessible via the Barton Hill Drive and Lower Road roundabout. It is also well-served by level pedestrian/cycle routes, with two bus stops within 100m.

- 1.4. The Site is allocated in the Local Plan for a minimum of 620 dwellings ‘Land West of Barton Hill Drive’ (Policy Ref A12). This allocation confirms the principle of development for residential uses, and therefore the site is suitable for future development.
- 1.5. The site is located within Flood Zone 1, which is an area with the low probability of flooding and it also within 1 – 2 km of the Medway Estuary and Marshes RAMSAR site and Site of Special Scientific Interest (SSSI), and the Medway National Nature Reserve (NNR).
- 1.6. As noted in the Committee Report dated 28 February 2019 as part of the wider development of a larger site (18/503135/OUT)

*“The site... presents an undulating topography, gradually rising from the lowest points at Lower Road, Barton Hill Drive and another located centrally within the site. The land eventually steepens towards a crest at the north-western boundary. The site is visually exposed due to its sloping landform, with long reaching views due south-west across the site from the highest point adjacent to the northern boundary. These views are broken by native species of hedges that form part-field boundaries, although these are sporadically interrupted by trees.”*

## 2. PLANNING HISTORY

- 2.1. 18/503135/OUT: refused and granted on appeal ref: APP/V2255/W/19/3238171, March 2020 for *outline planning permission for the development of up to 700 dwellings and all necessary supporting infrastructure including land for the provision of a convenience store / community facility, internal access roads, footpaths, cycleways and parking, open space, play areas and landscaping, drainage, utilities and service infrastructure works.*
- 2.2. 21/504759/SUB: Approved, 23.09.2022 for *Submission of Details to Part Discharge (Phase 1a) Condition 7 - Design Code and Discharge Condition 8 - Landform parameter plan subject to 18/503135/OUT (APP/V2255/W/19/3238171).*
- 2.3. 23/500161/REM: Pending Consideration, submitted 24.01.2023, *Application for the approval of Reserved Matters for Phase 1A (Appearance, Landscape, Layout and Scale.) Pursuant to conditions 1,12, 26,27,33,34,37,39,40,41,42,43 and 46 of Outline Planning Permission 18/503135/OUT for a development for residential dwellings including landscaping, drainage and earthworks.*

## 3. PROPOSED DEVELOPMENT

- 3.1. Planning permission is sought for the erection of a three storey 66no. bed care home for older people (Use Class C2) with associated access, parking and landscaping and ancillary facilities.
- 3.2. The application is for a care home that will be accommodated within a purpose-built three-storey 66-bed residential care facility for older people. It will be situated within a wider site allocated for and delivering new development (LPA ref: 18/503135/OUT), and so it will be surrounded by various uses such as residential dwellings, play areas, open space and landscaping, a convenience store (as part of the wider housing development) and community facilities.

#### 4. REPRESENTATIONS

- 4.1. One round of publicity was carried out on 07.03.2023, in which letters were sent to neighbouring occupiers; a notice was displayed at the application site and the application was advertised in the local newspaper. Full details of representations are available online.
- 4.2. 2 letters of representation were received in response. Concerns / objections were raised in relation to the following matters: -
- Who will be funding this, who will be staffing this? Care homes are being closed on Sheppey due to lack of funds and staffing problems. It is for the sake of the government inspector from Bristol, he will look at this as an important opportunity to solve accommodation for the elderly, he certainly won't look into care homes already closing in the area.
  - The application seems a good idea until you look at the details. We already have nursing homes on Sheppey, which are contemplating closing due to lack of funds and difficulty in recruiting staff.
  - The proposed site is in completely the wrong place. The application shows a pleasing building with grounds and garden furniture for the residents to enjoy outside cups of coffee etc., due to the situation of the building the residents will be unable to sit outside or indeed open their windows due to the pollution and noise being discharged from the congested traffic on the totally inadequate and inappropriate A2500 which runs alongside the proposed site.
  - Presumably the applicant - LNT Care Developments will purchase the land from Persimmon if their application is passed. This will presumably mean that Persimmon will continue with their proposed housing on the remainder of the land and continue to build the original allocation of houses on the remaining site, thereby ensuring that the houses will be crammed in closer together with lack of privacy and open green spaces.
  - The current residents of the Isle of Sheppey do not need Nursing Homes or more houses, they just need the land to be used for a wildlife country park.
- 4.3. Minster-on-Sea Parish Council object to the application on the following grounds: -
- The proposal presents as over-intensive development of the site.
  - The care home is situated in the worst possible location.
  - Parking provision is also inadequate.
  - The design, sheer scale and structure of the three-storey building is not in keeping with the street scene. It will also have a detrimental impact on visual amenity.
  - Furthermore, what presents as a very substantial building is positioned between two oversubscribed roads - Barton Hill Drive leading to Minster, Halfway and Sheerness which is seriously congested and the A2500 Lower Road to Minster, Eastchurch and Leysdown which suffers from the same fate.

- Consequently, the resultant tailbacks and noise and traffic pollution created by the care home's location will be detrimental to the quality of life and health and wellbeing the future occupants might reasonably be expected to enjoy.
- Put simply, the picture painted within the documentation of an environment that is pleasing with benches outside etc is contrary to the reality that those residents will experience.
- The noise assessment to assess the impact of the existing noise environment on the proposed new care home which referenced an existing noise assessment previously carried out for the wider site is also flawed.
- The Sustainability Statement does not reflect the actual situation either.
- For all these reasons and more, Minster-on-Sea Parish Council urges Swale Borough Council's Elected members to reject the application.

#### 4.4. CONSULTATIONS

##### Environmental Protection Team MIDKENT Environmental Health: -

- 4.5. Note the contents of the Air Quality Statement and Noise Assessment that accompanies the application.
- 4.6. Raise no objection subject to conditions relating to a construction management plan to protect the air quality during the construction phase and noise condition to protect the amenity of the proposed care home.

##### KCC Contributions: -

- 4.7. The County Council has modelled the impact of this proposal on the provision of its existing services and the outcomes of this process are set out below and in the attached appendices.

	Per Dwelling (66)	Total	Project
<b>Library Service</b>	£55.45	£3,659.70	Contributions requested towards additional services, resources, and stock at Libraries serving the development, including Minster Library.
<b>Waste</b>	£183.67	£12,122.22	Towards additional capacity at HWRCs and WTS' within the Borough
<i>Highways</i>	<i>Kent Highway Services will respond separately</i>		

- 4.8. I am satisfied that the contributions requested for library and HWRC Services are not required for this application. The total amount being sought from KCC Strategic Planning will therefore

amount to £3,553.00 for the purposes of providing additional capacity at the Sittingbourne WTS to deal with the additional waste generated from the development.

KCC Drainage:

- 4.9. Kent County Council as Lead Local Flood Authority have reviewed the application and have no objection to the proposals, subject to conditions.

Lower Medway Internal Drainage Board: -

- 4.10. The whole site is within the Lower Medway Internal Drainage Board's district and as such, we are particularly interested in the proposed discharge of surface water. The Council may wish to consider using a suitable planning condition to encompass both these recommendations and include for the drainage system's verification on site by a competent engineer.
- 4.11. The Applicant is advised to contact the Board with details of the maximum discharge rate for surface water in litres per second (l/s) from their site and the increase in impermeable area of their site to progress the consenting process. Alternatively, the Applicant should clarify if the surface water scheme is wholly being dealt with under the umbrella of the wider site.

National Highways: -

- 4.12. No objections. Having assessed application 23/501017/FULL we are content that the proposals, if permitted, would not have an unacceptable impact on the safety, reliability, and operational efficiency of the Strategic Road Network in the vicinity of the site.

KCC Highways: -

- 4.13. It is noted that this application is supported by a Transport Statement (TS) and Travel Plan whereby section 4.2 mentions traffic generation however a Traffic Impact Assessment will need to be submitted to consider the effect that the additional traffic will have on the highway network. The TS states that the change in transport movements on the site has been considered and accepted through the outline planning permission however application 18/503135/OUT was for up to 700 dwellings and included land for provision of a convenience store / community facility and does not appear to include provision for a care home. It is not clear if this facility will be in addition to that granted in the outline application 18/503135 however its impact on the highway network will need to be considered on its own merit. This assessment is to include TRICS to determine the trip rates for the proposed care home.
- 4.14. 25 parking spaces have been allocated and in general the layout appears to be satisfactory. The sizes of the bays meet the minimum required standards and additional room has been provided for the disabled spaces however in order to assess the number of spaces provided for staff, further information will need to be submitted regarding the number of resident staff. SBC parking standards recommend that parking is calculated as 1 space per resident staff and 1 space per 2 other staff. The applicant has given a breakdown of indicative staff and shift patterns which is useful however the exact number of staff per residents is required.
- 4.15. The plans show an area for bin storage however there are no turning areas within the carpark for refuse vehicles. Swept path drawings will need to be provided showing a freighter entering the site and turning to egress in a forward gear. There shall be no vehicle overrun of kerbs or parking bays and this will need to be shown for an 11.34m refuse vehicle.

- 4.16. In response to Highway comments made on 23rd March, the applicant has provided further details set out in a Supporting Statement which outlines how concerns raised will be mitigated.
- 4.17. Details regarding staff shift patterns has been provided which states the total number of staff on site at any one time. I can confirm staff numbers combined with residents and visitors and a total of 25 spaces is adequate and conforms with the Borough Council's parking standards.
- 4.18. In addition, the applicant has provided further details regarding the traffic impact associated with the proposed care home. It is appreciated that visitors to the facility are unlikely to visit in the network peak hours and therefore can confirm the additional movements for staff is likely to result in an additional 7 movements in the AM peak and 3 in the PM peak. The proposed development therefore would not result in a severe impact on the road network.
- 4.19. Raise no objection subject to conditions relating to parking provision, cycle parking, EV charging and provision of a Construction Management Plan.

KCC Minerals and Waste: -

- 4.20. The County Council has no minerals or waste management capacity safeguarding objections or comments to make regarding this proposal.

Environment Agency: -

- 4.21. No comments to make on this planning application as it falls outside our remit as a statutory planning consultee.

Natural England: -

- 4.22. No objections subject to securing appropriate mitigation for recreation pressure impacts on habitat sites (European Sites)
- 4.23. Natural England notes that the Habitats Regulations Assessment (HRA) has not been provided with the application. As competent authority, and before deciding to give permission for the project which is likely to have a significant effect on a European Protected Site, you must carry out a HRA and adhere to its conclusions.
- 4.24. The applicant is challenging the need for a SAMMS contribution in respect of the development of a Care Home. The LPA have also written to Natural England with a HRA/AA, and agree with the applicant that such a payment is not required in these particular circumstances. Any further correspondence from Natural England will be reported to Committee.

- 4.25. Second consultation: no comment to make on its details.

Southern Water: -

- 4.26. Southern Water has undertaken a desktop study of the impact that the additional foul sewerage flows from the proposed development will have on the existing public sewer network.

- 4.27. This initial study indicates that these additional flows may lead to an increased risk of foul flooding from the sewer network. Any network reinforcement that is deemed necessary to mitigate this will be provided by Southern Water.
- 4.28. Southern Water and the Developer will need to work together in order to review if the delivery of our network reinforcement aligns with the proposed occupation of the development, as it will take time to design and deliver any such reinforcement.

Kent Police: -

- 4.29. We have reviewed this application in regard to Crime Prevention Through Environmental Design (CPTED) and in accordance with the National Planning Policy Framework (NPPF).
- 4.30. Applicants/agents should consult us as Designing out Crime Officers (DOCO's) to address CPTED and incorporate Secured by Design (SBD) as appropriate. We use details of the site, relevant crime levels/type and intelligence information to help design out the opportunity for Crime, Fear of Crime, Anti-Social Behaviour (ASB), Nuisance and Conflict.

KCC Ecology

- 4.31. We are satisfied that sufficient ecological information has been provided to determine the planning application, subject to conditions.
- 4.32. KCC Archaeology: - no comments received.
- 4.33. KCC Commissioning: - no comments received.
- 4.34. SBC Ward Councillors – No comments received.
- 4.35. Asset Engineer (Pipelines): - No comments received.
- 4.36. NHS (SWALE): - No comments received. Officers have contacted the NHS for comment, and any response will be reported to Members.
- 4.37. UK Power Networks: - No comments received.

**5. DEVELOPMENT PLAN POLICIES**

**5.1 Bearing Fruits 2031: The Swale Borough Council Local Plan 2017.**

- ST1 Delivering Sustainable Development in Swale
- ST2 Development Targets for Jobs and Homes 2014-2031
- ST3 The Swale Settlement Strategy
- ST6 The Isle of Sheppey area strategy
- CP2 Promoting Sustainable Transport

- CP3 Delivering a Wide Choice of High-Quality Homes
- CP4 Requiring Good Design
- CP7 Conserving and Enhancing the Natural Environment – Providing for Green Infrastructure
- A12 Land west of Barton Hill Drive, Minster
- DM6 Managing Transport Demand and Impact
- DM7 Vehicle Parking
- DM8 Affordable Housing
- DM14 General Development Criteria
- DM17 Open Space, Sports, and Recreation Provision
- DM19 Sustainable Design and Construction
- DM21 Water, Flooding and Drainage
- DM24 Conserving and Enhancing Valued Landscapes
- DM28 Biodiversity and Geological Conservation
- DM29 Woodlands, Trees, and Hedges
- DM34 Scheduled Monuments and Archaeological Sites

#### **Supplementary Planning Guidance/Documents**

- Developer Contributions (2009)
- Parking Standards (2020)
- Swale's Landscape Character and Biodiversity Appraisal (2011)
- Swale Landscape Assessment (2019)

## **6. ASSESSMENT**

6.1. This application is reported to the Committee because Minster-on-Sea Parish Council Parish Council has objected to the proposal. Considering these comments, the main considerations involved in the assessment of the application are:

- The Principle of Development
- Size and Type of Housing
- Affordable Housing
- Landscape and Visual
- Heritage
- Archaeology
- Design of the proposed development
- Ecology
- Transport and Highways
- Air Quality
- Community Infrastructure
- Open Space
- Flood Risk, Drainage and Surface Water



- Contamination
- Living Conditions
- Sustainability / Energy

## 6.2. Principle

- 6.2.1. Section 38 (6) of the Planning and Compulsory Purchase Act 2004 sets out that the starting point for decision making is the development plan unless material considerations indicate otherwise.
- 6.2.2. The National Planning Policy Framework provides the national policy context for the proposed development and is a material consideration of considerable weight in the determination of the application. The NPPF states that any proposed development that accords with an up-to-date local plan should be approved without delay. At the heart of the NPPF is a presumption in favour of sustainable development and for decision-taking this means approving development that accords with the development plan.
- 6.2.3. The site is within a larger strategic development allocation for a minimum of 620 dwellings (Policy A12 – Land West of Barton Hill Drive). This general area is identified for substantial development growth. The site covers 0.44ha. (1.1 acres) and it has most recently been used for agricultural purposes but is allocated and committed for residential development. Planning permission has been granted for large scale residential development on the wider land. The care home proposed would provide a form of residential accommodation and the principle of such development on an allocated site is acceptable. The development of this part of the site for a Care Home would clearly impact upon the delivery of dwellings on the wider allocated site coming forward as part of subsequent reserved matters applications, but it is considered that the provision of a Care Home is appropriate in the wider context of the development of the site, and would not materially affect the delivery of housing across the remainder of the allocation.

## 6.3. Size and Type of Housing

- 6.3.1. The Local Plan requires the mix of tenures and sizes of homes provided in any development to reflect local needs. The Local Plan requires developments to achieve a mix of housing types, which reflects that of the Strategic Housing Market Assessment.
- 6.3.2. The proposed care home (C2) is a purpose-built three-storey 66-bedroom residential care facility for older people with associated access, parking, and landscaping. The proposal seeks to accommodate need to cater for a growing elderly population, part of which will need to be met by care homes. The development is also designed to enable the operational care home to provide two types of care, general and dementia care.

## 6.4. Landscape and Visual Impact

- 6.4.1. The NPPF requires decisions to ensure that development is '*sympathetic to... landscape setting*'. Policy DM 24 of the Local Plan deals with designated landscapes (Part A), non-designated landscapes (Part B), and for all landscapes (Part C); the Policy seeks to conserve and enhance valued landscapes. This application site is however not within a valued landscape and therefore Part B and C of Policy DM24 are applicable.

6.4.2. Part B of this Policy states that:

Non-designated landscapes will be protected and enhanced and planning permission will be granted subject to:

1. the minimisation and mitigation of adverse landscape impacts; and
2. when significant adverse impacts remain, that the social and or economic benefits of the proposal significantly and demonstrably outweigh the harm to the landscape character and value of the area.

6.4.3 Part C of this Policy states that:

The scale, layout, build and landscape design of development will be informed by landscape and visual impact assessment having regard to the Council's Urban Extension Landscape Capacity Study and Landscape Character and Biodiversity Appraisal SPD, including, as appropriate, their guidelines, and the key characteristics, sensitivity, condition and capacity of character area(s)/landscapes, taking opportunities to enhance the landscape where possible, including the removal of visually intrusive features.

6.4.4 The application site is contained within Local Plan allocation site A12 (Land West of Barton Hill Drive, Minster), within the built-up framework of Minster-on-Sea. The site is however close to the Minster Marshes landscape designation as defined in the Swale Landscape Character and Biodiversity Appraisal 2011. The appraisal advises that the key characteristics of the Minster Marshes are:

- Low lying alluvial marshland
- Generally flat but gently rises to the south east
- Long uninterrupted views
- Limited tree cover includes scattered mature standard poplars and willows as well as scattered blocks of scrub
- Small-scale irregular field pattern enclosed by sinuous drainage ditches
- Remnant marsh containing historic elements such as ditches, counter walls and medieval salt mounds
- Abbey Rise is an important feature in the local landscape
- Important function of visually and physically separating Minster, Halfway and Sheerness

6.4.5 The appraisal continues by stating that the overall landscape condition is poor, and that it has a moderate sensitivity to change.

6.4.6 The site forms part of a much larger allocation for development. The existing planning permission includes substantial landscaping on the southern boundary designed to help mitigate the impact of development on the surrounding landscape. The care home would be set back from this southern boundary and it is noted that the existing housing on Barton Hill Drive extends further to the south towards the more open landscape to the south of the A2500. It is therefore considered that this proposal for a Care Home, located within a Local Plan allocation, would not have a significant impact upon the landscape character of the adjoining Minster Marshes landscape, consistent with the provisions of Policy DM24 of the Local Plan.

## **6.5. Heritage**

- 6.5.1. The National Planning Policy Framework states that local planning authorities should identify and assess the particular significance of any heritage asset and consider the impact of a proposal on a heritage asset, to avoid or minimise conflict between the heritage asset's conservation and any aspect of the proposal. Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits that may arise and this is endorsed by the Local Plan.
- 6.5.2. There are no heritage assets in close proximity to the application site. The proposed design and form of the proposal is considered to be of high quality, which will make a positive contribution to the character of the street scene.

## **6.6. Archaeology**

- 6.6.1. The NPPF sets out that where development has the potential to affect heritage assets with archaeological interest, LPAs should require developers to submit an appropriate desk-based assessment, and where necessary, a field evaluation.
- 6.6.2. Policy DM 34 of the Local Plan sets out that planning applications on sites where there is or is the potential for an archaeological heritage asset, there is a preference to preserve important archaeological features in situ, however, where this is not justified suitable mitigation must be achieved.
- 6.6.3. No comments have been received to date from Kent County Council Archaeology. However a planning condition to safeguard any archaeology that may be at the site, in line with similar conditions applied under the outline permission.
- 6.6.4. On this basis, the proposal is considered consistent with the provisions of Policy DM 34 of the Local Plan, and the NPPF.

## **6.7. Character and appearance**

- 6.7.1. The National Planning Policy Framework attaches great importance to the design of the built environment and that design should contribute positively to making places better for people. The Local Plan reinforces this requirement; under policies CP4 and Policy DM14.
- 6.7.2. The proposed Care Home is designed as a “half-butterfly” form, which creates an attractive layout in the context of the site. The proposed three-storey care home is considered appropriate within its context and the generous plot size will allow for substantive landscaping, creating an attractive frontage. The proposed landscaping will soften the appearance of the building and will provide an appropriate backdrop within the wider site.
- 6.7.3. It is the intention of the applicant to create a landmark building at the approach to the wider development as part of the site allocation. The building's form and orientation will integrate well with the surrounding residential development, to enhance the local area's distinctiveness. Whilst the existing scale of dwellings at Barton Hill Drive is typically at 2-storey, as will the development as part of the wider Reserved Matters on the wider site, a building of 3-storey in scale would not appear unduly incongruous in its context.

- 6.7.4. It is therefore considered that the proposal is consistent with the provisions of Local Plan policies and the NPPF.

## **6.8. Ecology**

- 6.8.1. The Conservation of Habitats and Species Regulations 2017 ('the Habitats Regulations') affords protection to certain species or species groups, commonly known as European Protected Species (EPS), which are also protected by the Wildlife and Countryside Act 1981. This is endorsed by policies CP 7 and DM 28 of the Local Plan, which relates to the protection of sites of international conservation importance including Special Areas of Conservation (SAC), Special Protection Areas (SPA) or Ramsar Sites.
- 6.8.2. Under the Natural Environment and Rural Communities Act (2006), the authority must, in exercising its functions, have regard, so far as is consistent with the proper exercise of those functions for the purpose of conserving biodiversity. Furthermore, the National Planning Policy Framework states that 'the planning system should contribute to and enhance the natural environment by minimising impacts on biodiversity and delivering net gains in biodiversity where possible'. The National Planning Policy Framework states that 'if significant harm resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or as a last resort, compensated for then planning permission should be refused.'
- 6.8.3. National planning policy aims to conserve and enhance biodiversity and encourages opportunities to incorporate biodiversity in and around developments. Under the Natural Environment and Rural Communities Act (2006), "every public authority must, in exercising its functions, have regard, so far as is consistent with the proper exercise of these function, to the purpose of conserving biodiversity".
- 6.8.4. In terms of the Local Plan policy DM 28 sets out that development proposals will conserve, enhance, and extend biodiversity, provide for net gains where possible, minimise any adverse impacts and compensate where impacts cannot be mitigated.
- 6.8.5. KCC Ecology advises that sufficient ecological information has been provided to determine the planning application, subject to conditions as set out.
- 6.8.6. The development includes proposals for a care home within the zone of influence (6km) of the Swale Special Protection Area, and Wetland(s) of International Importance under the Ramsar Convention (Ramsar Site). Swale Borough Council will need to ensure that, if the care home has active residents, the proposals fully adhere to the agreed approach within the North Kent Strategic Access Management and Monitoring Strategy (SAMMS). This is to mitigate for additional recreational impacts on the designated sites and to ensure that adequate means are in place to secure the mitigation before first occupation.
- 6.8.7. A decision from the Court of Justice of the European Union has detailed that mitigation measures cannot be considered when carrying out a screening assessment to decide whether a full Appropriate Assessment is needed under the Habitats Directive. Therefore, we advise that due to the need for the application to contribute to the North Kent SAMMS, there is still a need for an appropriate assessment to be carried out as part of this application. As previously advised, the LPA and the applicant are challenging the need for a SAMMS contribution in the context of a Care Home and are corresponding with Natural England on this basis; any further advice will be provided to Members in updates.

## 6.9. Transport and Highways

- 6.9.1. The NPPF promotes sustainable patterns of development and expects land use and transport planning to work in parallel to deliver such. A core principle of the NPPF is that development should:

*“Actively manage patterns of growth to make the fullest use of public transport, walking and cycling and to focus development on locations which are sustainable.”*

- 6.9.2. The NPPF also states that:

*“Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.”*

- 6.9.3. Local Plan policy promotes sustainable transport through utilising good design principles. It sets out that where highway capacity is exceeded and/ or safety standards are compromised proposals will need to mitigate harm. The Local Highway Authority have considered the application and advised the following:

*In response to Highway comments made on 23rd March, the applicant has provided further details set out in a Supporting Statement which outlines how concerns raised will be mitigated.*

*Details regarding staff shift patterns has been provided which states the total number of staff on site at any one time. I can confirm staff numbers combined with residents and visitors and a total of 25 spaces is adequate and conforms with the Borough Council's parking standards.*

*In addition, the applicant has provided further details regarding the traffic impact associated with the proposed care home. It is appreciated that visitors to the facility are unlikely to visit in the network peak hours and therefore can confirm the additional movements for staff is likely to result in an additional 7 movements in the AM peak and 3 in the PM peak. The proposed development therefore would not result in a severe impact on the road network.*

*I refer to the above planning application and confirm that provided the following requirements are secured by condition, then I would raise no objection on behalf of the local highway authority.*

- 6.9.4. On that basis, the proposal is not considered to give rise to any unacceptable highways conditions and would provide sufficient car parking, consistent with the provisions of the Local Plan and the NPPF

## 6.10. Air Quality

- 6.10.1. The importance of improving air quality in areas of the borough has become increasingly apparent over recent years. Legislation has been introduced at a European level and a national level in the past decade with the aim of protecting human health and the environment by avoiding, reducing, or preventing harmful concentrations of air pollution.

- 6.10.2. The NPPF states that the planning system should contribute to and enhance the natural and local environment by preventing new/existing development from contributing to or being put at unacceptable risk from, or being adversely affected by, inter alia, unacceptable levels of air pollution. It also requires the effects of air pollution and the potential sensitivity of the area to its effects to be taken into account in planning decisions.

6.10.3. The Planning Practice Guidance on Air Quality states that

*“Whether or not air quality is relevant to a planning decision will depend on the proposed development and its location. Concerns could arise if the development is likely to generate air quality impact in an area where air quality is known to be poor. They could also arise where the development is likely to adversely impact upon the implementation of air quality strategies and action plans and/or, in particular, lead to a breach of EU legislation.....”*

6.10.4. The Local Plan at policy DM 6 sets out that development proposals will integrate air quality management and environmental quality into the location and design of, and access to development and in so doing, demonstrate that proposals do not worsen air quality to an unacceptable degree. The application site is not within an Air Quality Management Area

6.10.5. The applicant has undertaken an Air Quality Statement in support of this proposal, this has been reviewed by the Council and sets out measures including Electric Vehicle Charging Points, as well as secure cycle spaces. The submitted Travel Plan also seeks to capitalise on this and the benefits of travel planning by setting targets to reduce single occupancy car journeys and encourage the uptake of sustainable modes of transport with staff and visitors. The proposed measures and initiatives reflect those set out in Planning Practice Guidance and are therefore appropriate to achieve local air quality objectives.

6.10.6. The Local Planning Authority acknowledge that the Minster on Sea Parish Council have raised concerns over air quality matters. The application has however been assessed by Mid Kent Environmental Protection and have advised that they have no objections to the proposal, subject to the imposition of conditions as set out.

### **6.11. Open Space**

6.11.1. Policy DM17 of the Local Plan sets out that new development shall make provision for appropriate outdoor recreation and play space, including urban parks, children’s play areas, open space for sport, allotments or community gardens proportionate to the likely number of people who will live there. This space should be fully accessible all year round and therefore is generally not appropriate for Sustainable Urban Drainage Systems such as stormwater ditches.

6.11.2. The design and density of the development ensures the building sits comfortably within its surroundings. Within the site, the surrounding amenity/green space will be used as secure outdoor amenity space. This approach reflects the community nature of the proposals and maximises opportunities to create an attractive and distinctive setting, with good outlook and daylight for future residents.

6.11.3. The proposal is therefore considered consistent with the provisions of Policy DM17 of the Local Plan.

### **6.12. Flood Risk, Drainage and Surface Water**

6.12.1. The NPPF states that local planning authorities should ensure that flood risk is not increased elsewhere and that any residual risk can be safely managed. This is reflected in policy DM 21 of the Local Plan.

6.12.2. The site is within Flood Zone 1, which has ‘Low Probability’ of flooding from river or sea flooding. This area is most suitable for the proposals. The application is supported by a Flood Risk and Drainage Statement, which has been assessed by Kent County Council as Lead

Local Flood Authority (LLFA). The LLFA have considered the applicants additional information, and do not object to the application, subject to the imposition of conditions as set out.

6.12.3. These proposals are therefore consistent with Policy DM21 of the Local Plan and the NPPF.

### **6.13. Contamination**

6.13.1 The NPPF states that local planning authorities should ensure that the site is suitable for its new use taking account of various matters, including pollution arising from previous uses.

6.13.2 The land subject to this application is currently used as an agricultural field.

6.13.3 The application has been considered by Mid Kent Environmental Protection, who do not object to the application on the basis of site contamination, given the low risk considering the previous land use.

### **6.14. Living Conditions**

#### *Existing residents*

6.14.1. The Local Plan requires that new development has sufficient regard for the living conditions of neighbouring occupiers.

6.14.2. Existing dwellings in the immediate area include bungalows and two-storeys of predominately semi-detached form. Many existing dwellings face on / look over Barton Hill Drive. Given the physical separation of the application site to the west of the existing housing to the east and across Barton Hill Drive, there is no prospect of overlooking or overbearing impacts upon existing residents locally.

#### *Future residents*

6.14.3. New development is expected to offer future occupiers a sufficient standard of accommodation and to have regard to the Government's minimum internal space standards for new dwellings.

6.14.4. The Health and Social Care Act 2008 is the current legislation relating to Care Homes, and whilst it does not set out the specific design parameters, it refers to CQC requirements. These involve providing single-room accommodation with en-suite facilities and a generous ratio of communal/recreational space to residents.

6.14.5. The amenities of future residents are therefore considered adequate. Although concerns have been raised in respect of noise in close proximity to the proposed Care Home and gardens, the application has been assessed by Mid Kent Environmental Protection on the basis of noise and air quality impacts and no objection is raised to the development, subject to conditions.

### **6.15. Sustainability / Energy**

6.15.1. Policy DM 19 of the Local Plan requires development proposals to include measures to address climate change.

6.15.2. The application is supported by a Sustainability Statement, which provides a summary of the site's sustainable design, construction, and operational benefits. Policy DM19 states that for major developments BREEAM (very good) should be met.

- 6.15.3. The site is well-served by existing public transport connections, and by foot and bike. The proposals intend to make best use of this to minimise the use of private motor vehicles through the implementation of the submitted Travel Plan. The proposed layout, design, materials and landscaping have been designed to be resilient, minimise energy demand and maximise the benefits of natural heating, cooling and ventilation. Local materials will be sourced where possible and existing planting will be retained and improved with new planting to enhance biodiversity in the immediate area.
- 6.15.4. Appropriate forms of renewable energy (including solar PV panels and Ground Source Heat Pumps) will be used to continually manage the care homes operational viability and resource efficiency. Waste will also be regularly monitored and appropriately managed through construction and operation stages.
- 6.15.5. On this basis, it is suggested that the proposals incorporate sufficient measures to meet the requirements of Policy DM19 of the Local Plan and the NPPF.

#### **6.16. S106 Agreement**

- 6.16.1 Kent County Council have advised that the total amount being sought from KCC Strategic Planning will therefore amount to £3,553.00 for the purposes of providing additional capacity at the Sittingbourne WTS to deal with the additional waste generated from the development.
- 6.16.2 Natural England have also requested a SAMMS contribution in respect of the recreational impacts of the development upon nearby European habitat areas. The applicant has produced a Habitat Screening Report i.e. an Appropriate Assessment, and advises that this development is not residential and falls within Class C2 development. It is considered that the care home development will not result in recreational impacts on the designated sites due to the nature of the care home and the residents within. As such no further impacts are predicted because of the development.
- 6.16.3 The Assessment has been forward to Natural England for review, and any further comments will be reported to Committee.

#### **6.17. Conclusion**

- 6.17.1. The application site is located within a large scale development site allocated under Policy A12, and which benefits from outline planning permission for 700 dwellings. The use of the site for a well-designed Care Home is considered appropriate in this context and in accordance with the Local Plan..
- 6.17.2. Whilst acknowledging the comments and observations of Minster-on-Sea Parish Council, none of the statutory consultee's object to the application, subject to the imposition of appropriate planning conditions and the satisfactory conclusion of the S106 negotiations.
- 6.17.3. The application is therefore recommended for APPROVAL on this basis, subject to completion of a S106 Agreement and confirmation from Natural England that a SAMMS payment is not required for mitigation in this instance.

#### **CONDITIONS:**

1. The development to which this permission relates must be begun not later than the expiration of three years beginning with the date on which the permission is granted.



Reason: In pursuance of Section 91 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.

2. The development hereby approved shall be carried out in accordance with the following approved drawings:

Site Plan as Proposed ME12 3LY - A-03  
Site Location Plan as Proposed ME12 3LY - A-01  
Floor Plans as Proposed ME12 3LY - A-04  
Elevations as Proposed ME12 3LY - A-05

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 samples/details of the materials proposed to be used on the external surfaces of the development have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out using the approved materials unless otherwise agreed in writing by the Local Planning Authority

Reason: To ensure a satisfactory appearance to the development in the interests of visual amenity.

4. Prior to the commencement of development hereby permitted, a Construction Management Plan shall be submitted to the Local Planning Authority, to include the following:
  - (a) Routing of construction and delivery vehicles to / from 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

The development shall be carried out in accordance with the approved details.

Reason: To protect highway safety and residential amenity locally

5. Prior to first use / occupation of the development, 2no. Electric Vehicle charging points shall be provided to Mode 3 standard (providing a 7kw output). Approved models are shown on the Office for Low Emission Vehicles Homecharge Scheme approved ChargePoint model list: <https://www.gov.uk/government/publications/electric-vehicle-homecharge-scheme-approved-chargepoint-model-list>. The charging points shall be maintained in perpetuity.

Reason: For the avoidance of doubt, and to enable the Local Planning Authority to retain control of the development.

6. Prior to the first occupation of the development, the vehicle parking spaces shown on the submitted plans (ME12 3LY - A-03) shall be completed and made available for use, and shall be retained for such purposes only thereafter.

Reason: To enable the Local Planning Authority to retain control of the development in the interests of highway safety.

7. Prior to the first occupation of the development, the cycle parking facilities shall be provided as shown on the submitted plans (ME12 3LY - A-03) and thereafter retained for such use.

Reason: For the avoidance of doubt, and to enable the Local Planning Authority to retain control of the development in the interests of highway safety.

8. Development shall not begin until a detailed sustainable surface water drainage scheme for the site has been submitted to (and approved in writing by) the local planning authority. The detailed drainage scheme shall be based upon the Flood Risk and Drainage Statement prepared by LNT Care Developments (February 2023), together with Care Home General Arrangement ref. 8663-100-001 Rev. D dated 19<sup>th</sup> May 2023, and shall demonstrate that the surface water generated by this development (for all rainfall durations and intensities up to and including the climate change adjusted critical 100-year storm) can be accommodated and disposed of 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.

Reason: To ensure the development is served by satisfactory arrangements for the disposal of surface water and to ensure that the development does not exacerbate the risk of on/off site flooding. These details and accompanying calculations are required prior to the commencement of the development as they form an intrinsic part of the proposal, the approval of which cannot be disaggregated from the carrying out of the rest of the development.

9. No building within 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 that the drainage system constructed is consistent with that which was 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 169 of the National Planning Policy Framework.

10. Prior to the commencement of the development hereby approved, a scheme to demonstrate that the internal noise levels within the residential units and the external noise levels in gardens and other relevant amenity areas will conform to the standard identified by the current version of BS 8233 2014, Sound Insulation and Noise Reduction for Buildings - shall be submitted to and approved in writing by the Local Planning

Authority. The assessment should have regard to ProPG: Planning & Noise (2017) and the Acoustics Ventilation and Heating Guide (2020) to ensure that there is a good balance between acoustics, ventilation, and thermal comfort for future occupants. It is expected that higher levels of noise that require windows to be closed to meet BS8233 internal level specifications will need greater ventilation than the minimum standard in the Building Regulations in trying to achieve open window equivalence which will involve user control of ventilation rates to key rooms such as living rooms and bedrooms. The work specified in the approved scheme shall then be carried out in accordance with the approved details prior to occupation of the premises and be retained thereafter.

Reason: To protect the amenity of the proposed care home.

11. Prior to the commencement of the development a Construction Method Statement shall be submitted to and approved in writing by the Local Planning Authority. The document shall be produced in accordance with the Code of Construction Practice and BS5228 Noise Vibration and Control on Construction and Open Sites, the Control of Dust from Construction Sites (BRE DTi Feb 2003) and the Institute of Air Quality Management (IAQM) 'Guidance on the Assessment of Dust from Demolition and Construction'. The construction of the development shall then be carried out in accordance with the approved methodology.

Reason: To protect the air quality during the construction phase.

12. No development shall take place until a programme of archaeological work in accordance with a written scheme of investigation has been submitted by the applicant and approved in writing by the Local Planning Authority. The development shall only be implemented in accordance with the approved scheme.

Reason: To record or safeguard any archaeological evidence that may be present at the site and to comply with the National Planning Policy Framework.

13. Prior to any works commencing, an ecological mitigation strategy must be submitted to the LPA for written approval. The ecological mitigation strategy must be implemented as approved in accordance with a timetable to be included within the strategy.

Reason: In the interests of ecology in accordance with the NPPF.

14. Within 3 months of works commencing an ecological enhancement plan must be submitted to the LPA for written approval. It must provide details of ecological enhancement features to be incorporated into the building and the wider site. The plan must be implemented as approved.

Reason: In the interests of ecology in accordance with the NPPF.

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

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

16. 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.

17. 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.

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

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

19. Prior to the commencement of development, details of the finished floor levels of the proposed development shall be submitted and approved in writing by the Local Planning Authority and shall include full details of finished floor levels for the proposed building and finished site levels (for all hard surfaced and landscaped areas) in relation to existing ground levels. The development shall thereafter be carried out in accordance with the approved level details.

Reason: For the avoidance of doubt and to ensure a satisfactory form of development.

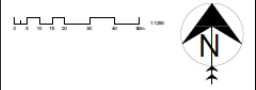
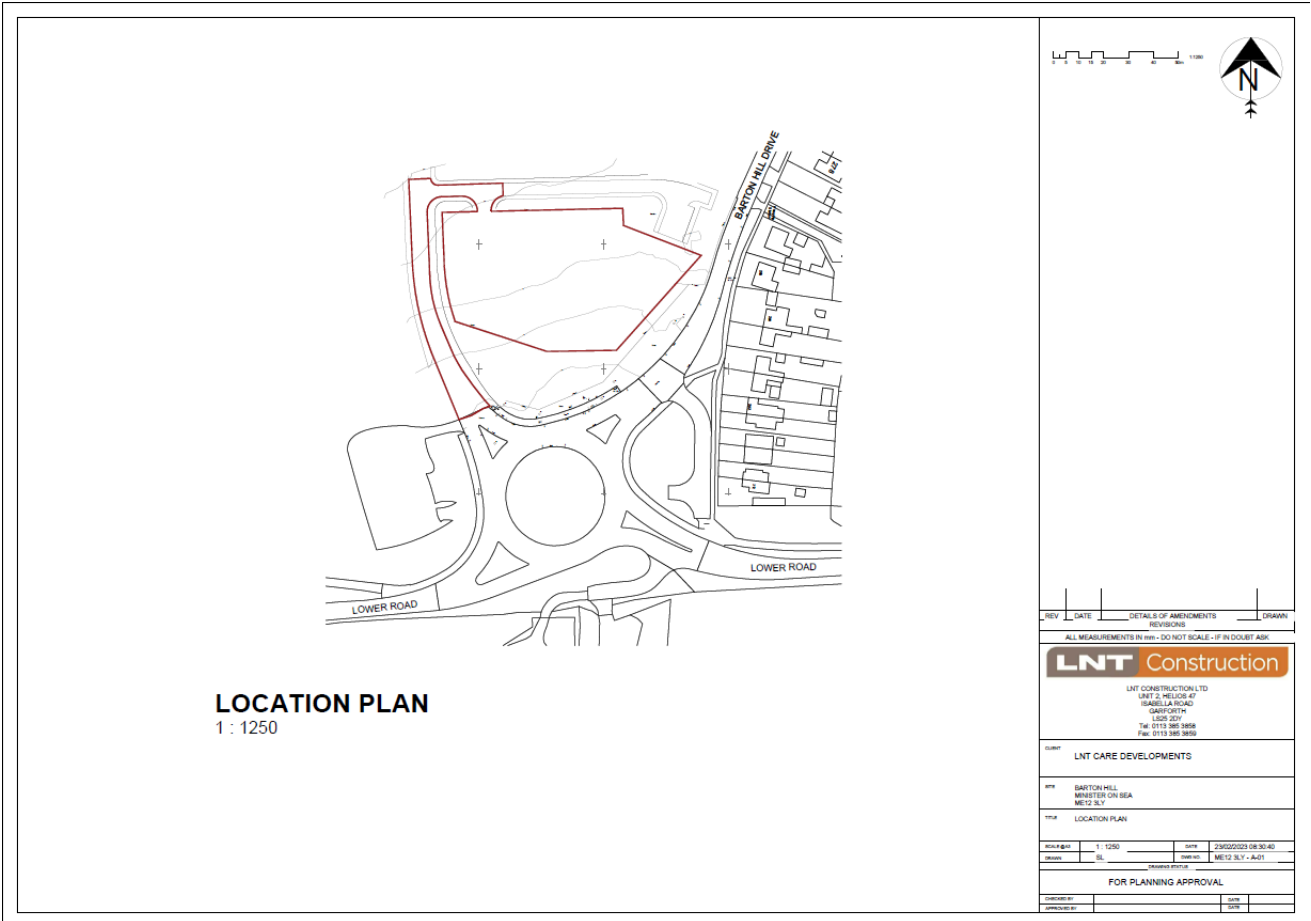
### **The Council's approach to the application**

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

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

NB For full details of all papers submitted with this application please refer to the relevant Public Access pages on the council's website.

The conditions set out in the report may be subject to such reasonable change as is necessary to ensure accuracy and enforceability.



REV	DATE	DETAILS OF AMENDMENTS	DRAWN

ALL MEASUREMENTS IN mm - DO NOT SCALE - IF IN DOUBT ASK

**LNT Construction**  
 LNT CONSTRUCTION LTD  
 UNIT 2, HELOS 47  
 SANDILLA ROAD  
 GAINSFORTH  
 LEOS 2577  
 TEL: 0113 385 3858  
 FAX: 0113 385 3859

CLIENT: LNT CARE DEVELOPMENTS

SITE: BARTON HILL  
 MENSTER ON SEA  
 WEST YORKS

TITLE: LOCATION PLAN

SCALE	1 : 1250	DATE	23/09/2023 09:30:40
PROJECT	EL	PROJECT NO	ME12 3.1.1 - A-01

FOR PLANNING APPROVAL

DESIGNED BY	DATE
APPROVED BY	SIGN