

2.3 REFERENCE NO 24/502717/OUT		
PROPOSAL Outline Application (with all matters reserved) for erection of a care home (Class C2), with associated parking, landscaping and substation.		
SITE LOCATION Land West of Borden Lane, Sittingbourne, Kent, ME9 8HR		
RECOMMENDATION Delegate to the Head of Planning to grant planning permission subject to appropriate safeguarding conditions as set out in the report, with further delegation to the Head of Planning / Head of Legal Services (as appropriate) to negotiate the precise wording of conditions, including adding or amending such conditions and precise Heads of Terms as may be necessary and appropriate.		
APPLICATION TYPE Major, Outline		
REASON FOR REFERRAL TO COMMITTEE Borden Parish Council object to the proposal and have requested the application be determined by Planning Committee and called in by Ward Councillor Ann Cavanagh.		
Case Officer Carly Stoddart		
WARD Borden and Grove Park	PARISH/TOWN COUNCIL Borden	APPLICANT Aspire LPP AGENT Mr L.Wilkin, Aspire LLP
DATE REGISTERED 06/08/24		TARGET DATE 23/01/25
BACKGROUND PAPERS AND INFORMATION: Documents referenced in report are as follows: - All drawings submitted. All representations received. Care Home Need Assessment, dated August 2024 (uploaded on 5 September 2024) Archaeological Desk-Based Assessment, reference PN4338/DBA/1, dated August 2024 (uploaded on 5 September 2024) Arboricultural Implications Assessment, dated August 2024 (uploaded on 19 September 2024) Transport Statement, reference 23/7357/TS01, dated August 2024 (uploaded on 5 September 2024) Drainage Strategy Report, reference 8134-RGP-ZZ-00-RP-C-0501, P3 dated November 2024 (uploaded on 4 April 2025) Phase 1 Desk Study and Risk Assessment Report, reference J15790, Issue 1, dated 13 August 2024 (uploaded on 5 September 2024)		

Phase 2 Ecological Survey Report, reference 5839E/24/02, dated 17 June 2025 (Confidential due to protected species information – KCC Ecological Advice Service and Borden Wildlife Group consulted)

The full suite of documents submitted pursuant to the above application are available via the link below: -

[24/502717/OUT | Outline Application \(with all matters reserved\) for erection of a care home \(Class C2\), with associated parking, landscaping and substation. | Land West Of Borden Lane Sittingbourne Kent ME9 8HR](#)

1. SITE LOCATION AND DESCRIPTION

- 1.1. The site lies on the northwestern side of Borden Lane, adjacent to the residential property at 124 Borden Lane which is to the southwest. To the northeast and northwest is the Borden Nature Reserve. The southeast boundary adjoins Borden Lane and there are dwellings and paddocks on the opposite side of the road.
- 1.2. The site is accessible on foot from Borden and Sittingbourne. There is a footpath to both sides of Borden Lane to the front of the site, although the path to the side of the application site is narrow with some large trees occupying the width between the site and Auckland Drive. The footpath on the opposite side ends at the first house as you travel south in the direction of Borden. There is no bus route through Borden Lane. The nearest stop is within Adelaide Drive.
- 1.3. The site is outside of a defined settlement area, is within an Important Local Countryside Gap (ILCG) and comprises Priority Habitat in the form of traditional orchard.
- 1.4. The site is roughly rectangular in shape, extending northwest from its Borden Lane frontage. Towards the southwestern corner of the site is a single storey brick workshop building. Most of the site is grassed however there are areas having been used as storage.
- 1.5. The frontage of the site to Borden Lane comprises trees and boundary hedging, which largely screen views into the site. The northeastern and northwestern boundaries are also largely screened by boundary landscaping. There are no trees within the site protected by a preservation order.
- 1.6. The land level of the site is higher than Borden Lane and continues to rise gently towards the rear. Levels drop off steeply beyond both the northeast and northwest boundaries of the site.
- 1.7. Vehicular and pedestrian access is a shared arrangement located to the northeastern corner of the site via Borden Lane.

- 1.8. The site is not within a Conservation Area. There are two listed buildings on the opposite side of Borden Lane at Riddles House and Posiers which are both Grade II listed.

2. PLANNING HISTORY

- 2.1. SW/07/0072 - Provision of a pavement crossing and access to the orchard.

Approved Decision Date: 13.03.2007

3. PROPOSED DEVELOPMENT

- 3.1. Outline planning permission is sought for the construction of a care home (Class C2) with associated parking, landscaping and substation. All matters are reserved (layout, scale, access, appearance and landscaping).
- 3.2. For clarity, the proposal does not include any dwellinghouses (Class C3).
- 3.3. Although the application is submitted with all matters reserved, indicative drawings have been provided to demonstrate how the proposed development for up to 70 bedrooms could be achieved on site. As currently shown by the indicative drawings, the building would comprise an 'H'-shaped footprint measuring a maximum width of approx. 58.8m wide by a maximum depth of approx. 58.5m.
- 3.4. The building would be set back from the front boundary by approx. 34m. The car parking area and turning space would be to the rear of the building. 29 parking spaces would be provided, two of which are currently shown for disabled users. An ambulance bay is also proposed.
- 3.5. Access would be provided from Borden Lane, from the northeastern end of the site frontage and would run adjacent to the northeastern boundary of the site to the rear. The separation between the access road within the site as currently shown and the northeastern boundary with the nature reserve is approx. 2.8m.
- 3.6. The sub-station is currently shown to the northernmost corner of the site and measures approx. 4.8m wide by approx. 4.7m in depth.

4. CONSULTATION

- 4.1. Two rounds of consultation have been undertaken, during which letters were sent to neighbouring occupiers. A notice was displayed at the application site and the application was advertised in the local newspaper in the initial consultation stage. Full details of representations are available online.

First Round

- 4.2. Sixty-one letters of representation objecting to the proposal were received in relation to the consultation including a letter written on behalf of another care provider. Concerns/ comments were raised in relation to the following matters: -

Comment	Report reference
Mass, scale and density – overdevelopment, impact upon living conditions – overshadowing, loss of light.	7.6.2 - 7.6.3, 7.14.2
Impact on the character of the area – two storeys will be higher than the trees.	7.6.3 - 7.6.4, 7.6.6
Overlooking – loss of privacy.	7.14.2
Light pollution.	7.14.4
Noise.	7.14.3
Smells.	7.14.3
Increased vehicle movements and traffic.	7.9.4
Increased parking pressures on surrounding roads due to inadequate parking provision.	7.9.7 - 7.9.8
Highways safety – dangerous access so close to dangerous bend in the road.	7.9.5
Impact on local wildlife, loss of habitat including traditional orchard, impact from substation – noise and vibration, lighting.	7.8.7 – 7.8.11, 7.8.12 – 7.8.17
Impact on nature reserve, a priority habitat as per KCC's 'Making Space for Nature' – light, air and noise pollution.	7.8.18 – 7.8.21
Offsetting loss of biodiversity in another location is inadequate.	7.8.16 - 7.8.17
Loss of countryside.	7.2.3 – 7.2.12
Encroachment into Important Local Countryside Gap, a green buffer that provides visual amenity.	7.2.3 – 7.2.12, 7.3.4 – 7.3.5
Coalescence between Borden and Sittingbourne.	7.2.3 – 7.2.12
Proximity for former landfill site – release of gas and other toxic substances – health risk.	7.13.1 – 7.13.2
Increased pressure on existing infrastructure – doctors, hospitals, dentists, schools, waste management, water supply, sewerage, waste.	7.11.1 – 7.11.4
Already sufficient care homes provision within the area – question the need.	7.2.18 – 7.2.25
Respite is required from continual building within the locality.	7.16.1 – 7.16.2, 7.17.10

Loss of agricultural land.	7.2.13 – 7.2.16
No public transport.	1.2, 7.9.3
Noise and disturbance including dust from construction activity.	7.14.3
Air quality.	7.10.1 – 7.10.6
Ambiguity as to whether 5 houses are proposed.	3.2
Surface water run off.	7.12.3 -7.12.4
Path only on one side.	1.2
Insufficient information.	4.4
Pressure on care worker supply.	Not a material consideration.
Not in sustainable location.	1.2, 7.9.8
Loss of trees.	7.7.1 – 7.7.5

4.3. Borden Parish Council objects to the application on the following grounds:

Comment	Report reference/ clarification
Impact on wildlife including from the development including from noise and vibration from the substation.	7.8.7 – 7.8.11, 7.8.12 – 7.8.17
Ambiguity as to the proposal – does it include 5 houses?	3.2
Impact of light to the nature reserve.	7.8.18 – 7.8.21
Increased pressure on existing infrastructure – doctors.	7.11.1 – 7.11.4
Buffer zone will be diminished.	7.2.3 – 7.2.12
Lack of bus service and public transport in general area.	1.2, 7.9.3
Insufficient car parking provision will lead to indiscriminate parking on Borden Lane and highway safety issues.	7.9.7 - 7.9.8
Cumulative impact of overdevelopment within Borden is adversely affecting the health of residents and surrounding wildlife.	7.16.1 – 7.16.2, 7.17.10

Second Round

4.4. Following receipt of further information, fourteen letters of representation objecting to the proposal were received in relation to the second consultation. The following additional concerns were raised:

Comment	Report reference
Overdevelopment.	7.6.2 – 7.6.3
Biodiversity off-setting elsewhere is nonsense.	7.8.11, 7.8.16 – 7.8.17
Insufficient detail due to application being outline.	4.9

Contrary to the opinion given in a letter regarding development of the site from a Planning Officer in 2003.	4.9
Commentary regarding the duty of Councillors and Planners and the role within the planning application process, lack of transparency, unfairness, no opportunity for public debate, inadequacy of consultation, potential bias towards the applicant and failure to uphold due process.	4.8 - 4.11

4.5. Borden Parish Council objected to the application on the following additional grounds:

Comment	Report reference
Lack of ecology and habitat surveys.	7.8.7 – 7.8.26
The 10% increase in biodiversity should be on site.	7.8.16 – 7.8.17
Report of gas emissions from nature reserve.	7.13.2 -7.13.3
Report on groundwater vulnerability.	7.12.1 – 7.12.4
Submission says no waterbody within 250m, there is a pond in the nature reserve approx. 60m away.	7.8.10

4.6. Borden Wildlife Group have objected to the application on the following grounds:

Comment	Report reference
Proposal for Biodiversity Net Gain is unclear. It should be on site or close to the site to benefit the wildlife affected by the proposal.	7.8.16 – 7.8.17
If the mitigation area in Throwley is still proposed it is unacceptable being too far away, too close to a main road and the site includes electricity pylons.	7.8.16 – 7.8.17
The loss of habitat on site should not be considered in isolation, the impact on traditional orchard on the site and within the vicinity now means its protection is vital. Traditional orchards are irreplaceable habitats, and its loss means the application should be refused in accordance with Local Plan policy.	7.8.12 - 7.8.17
Bird species such as tawny owl have been displaced and others are likely to be displaced.	7.8.6
Reducing nature to units and biometrics – appalling ignorance.	7.8.23

Inadequate reports and surveys – failure to identify the protected species and the habitats in and around the immediate area of the site.	7.8.6
Works already undertaken without a licence.	It is understood that the Police were notified of this matter.

Third Round

- 4.7. Borden Parish Council objected to the application on the following additional grounds:

Comment	Report reference
Conflict between statement regarding mitigation measures to be taken against the effect of gas on the site and the statement there is no gas on the site.	7.13.1 – 7.13.2
Would like time to review KCC Ecology report.	Received 25 June 2025
Concern regarding future of identified bat roost and foraging areas – no evident mitigation.	7.8.7 – 7.8.8
Detrimental to the nature reserve habitat and species including slow worms.	7.8.18 – 7.8.21

- 4.8. Borden Wildlife Group have objected to the application on the following additional grounds:

Comment	Report reference
More accurate badger survey – incorrect with what is active and not active. Loss of badger setts and persecution of badgers remains an issue	7.8.9
Loss of bat roosting potential	7.8.7 -7.8.8
Translocation of slow worms	7.8.11
Impact on the Nature Reserve	7.8.18 – 7.8.21

- 4.9. In accordance with Article 15 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended), consultation and publicity has carried out and account has been taken of the content of representations received.

- 4.10. The application is submitted in outline form which is a legitimate way of submitting a planning application and follows pre-application engagement with the Local Planning Authority where advice was sought. Pre-application advice is encouraged by national policy and is given on a without prejudice basis. Assessment of the impacts of the proposal against relevant planning policy and material considerations are set out in the assessment section of the report below applying the planning balance accordingly.

- 4.11. The application will be determined by Planning Committee in accordance with the Council's scheme of delegation. The Planning Committee process allows for public speaking and for the debate to viewed in person and online.
- 4.12. The Council has followed due process and does not consider it has acted unfairly or with bias towards any interested party.

5. REPRESENTATIONS

- 5.1. Set out below is a summary of matters raised in representations, with the comments reflecting the final position of the consultee. There have been two rounds of consultation for most consultees. For those individual consultees that have been consulted more than twice, it is stated under their heading below.

- 5.2. **Ward Cllr Cavanagh** requested that the application be determined by Members of the Planning Committee due to the community interest in the application. Has also commented that the application needs to contain up-to-date information with regard to contamination, bus stops/routes and the impact on a local badger sett and other local wildlife.

- 5.3. **KCC Highways** - Three rounds of consultation have been carried out.

The initial response requested further information which was subsequently submitted.

The predicted traffic movements, the general access arrangements and parking arrangements are acceptable. The internal layout required alteration to allow for larger vehicles to turn within the site.

The internal layout has been adjusted to allow for larger vehicles, therefore no objection and conditions recommended.

- 5.4. **KCC Flood and Water Management** - Five rounds of consultation have been carried out.

The initial response requested further information which was subsequently submitted.

The proposal to discharge surface water from the site is in line with the Drainage and Planning Policy and it is noted that surface level SuDS in the form of attenuation basins are proposed as the major feature on site, supported by permeable paving and geocellular tanks. Advisory comments are provided for the applicant and conditions recommended.

- 5.5. **KCC Development and Investment**

Initial request for contributions towards libraries, registrations and archives service and waste disposal and recycling, subject to application confirming if a commercial waste contract is in place for the care home.

Following confirmation from the applicant that library facilities will be provided to residents with the development and subject to a condition requiring details of the waste contract, it was agreed the contributions are no longer necessary given the nature of the development.

5.6. KCC Minerals and Waste

The site is coincident with a safeguarded mineral deposit in the area. Following the submission of further information, there are no land-won minerals or waste management capacity safeguarding objections.

5.7. KCC Ecological Advice Service (KCC EAS) Three rounds of consultation have been carried out.

The initial response requested further surveys be carried out and further information was required, which was subsequently submitted, particularly with regard to the impact of the proposal in terms of bats, badgers, and Great Crested Newt (GCN), lighting and the loss of traditional orchard adjacent to Borden Nature Reserve.

Whilst it is stated there is likely to be a negative impact on the nature reserve, no objection is raised. Conditions are recommended.

5.8. SBC Heritage and Design

The proposed development would preserve and enhance the setting of designated heritage assets, and no objections are raised.

5.9. SBC Tree Officer

No objection. Recommend conditions.

5.10. Mid-Kent Environmental Protection

The initial response requested further information in relation to air quality which was subsequently submitted. It was agreed that an air quality assessment was not required. No objection is raised, and conditions are recommended with regard to air quality, contamination, noise, lighting and extraction.

5.11. Environment Agency

Initially objected to the application as not enough information submitted to demonstrate no harmful risk to groundwater resources.

Following submission of further information, the objection was removed subject to conditions being attached to planning permission if granted.

5.12. Natural England

Advises of the potential to have a harmful impact on terrestrial Sites of Special Scientific Interest (SSSIs) and those Special Areas of Conservation (SACs), Special Protection Areas (SPAs) or Ramsar sites that they underpin.

There are measures in place to manage these potential impacts. It is recommended that an appropriate assessment is undertaken.

5.13. Lower Medway Internal Drainage Board

The site is outside the drainage district of the Lower Medway Internal Drainage Board and a river catchment that would drain into the Board's district.

5.14. Southern Water

The proposed development is likely to result in a minor increased risk of impact on the sewer network. Any further network reinforcement deemed necessary to mitigate this will be provided by Southern Water with no further input from the developer, therefore a connection may be made to the network.

Southern Water can provide a water supply to the site.

5.15. Kent Police

Recommend the site follow secured by design guidance.

5.16. UK Power Networks

Advise of underground power cables within close proximity to the site and provide information regarding obtaining guidance.

5.17. KCC Archaeology

Agrees the submitted assessment provides a reasonable description but potential for archaeological remains from periods other than Roman could be greater than low. Satisfied any potential impact can be addressed by further assessment which could be secured by condition.

5.18. NHS

Advise that the impact from care home developments is a workforce impact and not infrastructure as the residents do not attend a primary/community healthcare facility. As such, the NHS do not generally request infrastructure contributions.

6. DEVELOPMENT PLAN POLICIES

Bearing Fruits 2031: The Swale Borough Council Local Plan 2017 (the Local Plan)

- ST1 Delivering sustainable development in swale
- ST3 The Swale settlement strategy
- 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 needs
- CP7 Conserving and enhancing the natural environment – providing for green infrastructure
- CP8 Conserving and enhancing the historic environment
- DM6 Managing transport demand and impact
- DM7 Vehicle parking
- DM14 General development criteria
- DM19 Sustainable design and construction
- DM21 Water, flooding and drainage
- DM25 The separation of settlements – Important Local Countryside Gaps
- DM28 Biodiversity and geological conservation
- DM29 Woodland, trees and hedges
- DM31 Agricultural land
- DM32 Development involving listed buildings
- DM34 Scheduled Monuments and archaeological sites

Supplementary Planning Guidance/Documents –

Landscape Character Assessment and Biodiversity Appraisal (LCA&BA), 2011.

Kent Mineral and Waste Local Plan 2024-39 (KM&WLP), 2025.

Parking Standard Supplementary Planning Document, 2020.

National Policy

National Planning Policy Framework, 2024

7. ASSESSMENT

7.1. This application has been reported to the planning committee due to the comments received from Borden Parish Council who have objected to the application and requested it be determined by the planning committee. Ward Councillor Ann Cavanagh has also requested that application be determined by Members of the planning committee. The main considerations involved in the assessment of the application are:

- Principle
- Landscape and Visual
- Heritage
- Archaeology
- Character and appearance
- Trees
- Ecology
- Transport and Highways
- Air Quality
- Community Infrastructure
- Flood Risk, Drainage and Surface Water
- Contamination
- Living Conditions
- Sustainability / Energy

7.2. **Principle**

7.2.1. 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.

7.2.2. The NPPF 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. Local Plan Policy ST1 continues the theme of a presumption in favour of sustainable development.

Countryside Location and Important Local Countryside Gap (ILCG)

7.2.3. The site is located outside of the defined settlement boundaries and not allocated within the development plan. The site is therefore considered to be a countryside

location. Policy ST3 of the Local Plan seeks to focus new development at Sittingbourne. Policy ST3(5) of the Local Plan states that in such locations [open countryside], development will not be permitted unless supported by national policy and where it would contribute to protecting the intrinsic value, setting, tranquillity and beauty of the countryside, its buildings and the vitality of rural communities.

- 7.2.4. Although some development exists on site, the proposal will result in a larger extent of built form which will have an urbanising impact for most of the site. With the site being outside of a settlement boundary, the proposal is in conflict with Policy ST3 of the Local Plan.
- 7.2.5. Although the Local Plan does not identify sites to meet specialist accommodation needs for the elderly, Policy CP3 sets out that development proposals will meet the housing requirements of specific groups, including older persons. The supporting text to the policy at paragraph 5.3.17 states that the Council will seek to support proposals which improve the levels of extra care accommodation in the Borough. The policy does also state that development proposals will be steered to locations in accordance with Policy ST3 as referred to above.
- 7.2.6. The site also sits on land that was previously in agricultural use and within the ILCG where the purpose of the designation is to prevent coalescence and along with Policy ST3(5) of the Local Plan, prevent the erosion of the intrinsic character of settlements close by.
- 7.2.7. The ILCG is a local spatial tool addressing settlement identity, not a landscape designation. The purposes of the ILCGs are set out at paragraph 7.7.34 of the Local Plan. Policy DM25 of the Local Plan emphasises that ILCGs have been defined on the Policies Map to retain the individual character and setting of settlements and says that planning permission will not be granted for development that would undermine one or more of their purposes.
- 7.2.8. The location of the site within the ILCG is in conflict with Policy DM25 of the Local Plan. However, due to the housing land supply, Policy DM25 is out of date. The objective of the policy is generally consistent with the NPPF in terms of optimising the use of land, particularly within urban areas, and, by avoiding coalescence of settlements, maintaining a strong sense of place. As such the policy should be given significant weight.
- 7.2.9. Although designated as open countryside, as per the boundaries within the Local Plan, the site is located between an existing dwelling (No. 124) to the southwest (within the settlement boundary of Borden) and Borden Nature Reserve to the northeast. Beyond both these two adjacent sites, development continues along Borden Lane, southwest towards the village of Borden and northeast towards Sittingbourne. The settlement boundary of Sittingbourne lies approximately 150m to the northeast of the site. The new eastern link road which connects the main spine road of the Wises Lane development to Borden Lane is soon to be constructed to the northeast of and adjacent to the nature reserve, within the built-up boundary of Sittingbourne.

- 7.2.10. Given the siting of the application site in this context, although the development would narrow the ILCG, the presence of the Nature Reserve ensures a landscape gap and separation is maintained. There would be no merging or actual coalescence between Sittingbourne and Borden.
- 7.2.11. The frontage of the site would comprise a soft landscaped edge with native planting and the retention of part of the traditional orchard. This is considered to minimise the impact of the proposal and adhere, in part, to the landscape guidelines of conserving the structure of hedgerows and remnant orchards. For these reasons the harm and degree of conflict with the second and third purposes of the ILCG would be modest.
- 7.2.12. The proposal would also pre-empt any decision on this ILCG through strategic plan-making (the fourth purpose). But given a new Local Plan remains some way off and the spatial strategy of the Local Plan is not delivering against the scale of housing (in general) needed, the conflict with this purpose is considered significantly diminished in accordance with recent appeal decisions. Therefore, the cumulative extent of the conflict with Policies ST3(5) and DM25 of the Local Plan would be limited.

Agricultural Land

- 7.2.13. The site was formerly in agricultural use and comprises Grade 2 agricultural land. Policy DM31 of the Local Plan restricts development on best and most versatile (BMV) agricultural land (i.e. grades 1, 2 and 3a) stating it will only be permitted where there is an overriding need that cannot be met within the built-up area boundaries. The need for the development is set out below. The policy also states that development on BMV agricultural land will not be permitted unless three specific criteria are met.
- 7.2.14. Paragraph 187(b) of the NPPF requires planning decisions to recognise the economic and other benefits of BMV agricultural land.
- 7.2.15. The application site is a discrete, isolated and relatively small piece of land that is no longer in productive agricultural use. It is considered that the development of the site would not directly lead to any further agricultural land being lost nor would it result in a larger agricultural holding becoming unviable. It is worthy of note that in the appeal decision APP/V2255/W/23/3333811 for the nearby Ufton Court Farm proposal for 290 dwellings, the loss of agricultural land for that development was considered not to be significant.
- 7.2.16. Nevertheless, this proposal does constitute a loss of BMV land and as such, there is a degree of harm and the proposal is therefore in conflict with Policy DM31 of the Local Plan. In accordance with other appeal decisions (such as APP/V2255/W/23/3333811 – Ufton Court Farm) limited weight is attached due to the small area of loss.

Minerals and Waste Safeguarding

- 7.2.17. Brickearth Deposits are listed as present within the application site. Policies CSM5 and DM7 of the KM&WLP seek to safeguard mineral resources. The KCC Minerals and Waste Officer has reviewed the application and advises there are no land-won minerals or waste management capacity safeguarding objections to the proposal. This is neutral in the planning balance.

Need

- 7.2.18. The Local Plan does not identify specific sites to meet specialist accommodation needs for the elderly. The NPPF at paragraph 61 states that the needs of groups with specific housing requirements are to be addressed. The NPPG states when assessing planning applications for specialist housing for older people (residential care homes and nursing homes meets this definition), that where there is an identified unmet need for specialist housing, local authorities should take a positive approach to schemes that propose to address this need.
- 7.2.19. In the preamble to Policy CP6 of the Local Plan, Statement 6 provides some definitions of infrastructure, identifying supported accommodation as social infrastructure. Policy CP6 of the Local Plan supports the provision of such infrastructure where there are deficiencies.
- 7.2.20. Paragraph 5.3.18 (in the supporting text to policy CP3) of the Local Plan identifies a need for 481 additional care home places across the Local Plan period and states support for appropriate proposals for nursing and residential care home spaces.
- 7.2.21. More recently, Swale's Housing Market Assessment, June 2020 (HMA) indicates Swale's population is predicted to increase by 20% across the plan period. Within this, the number of people 75 or over is expected to rise from 14,437 in 2022 to 20,742 in 2038, an increase of 43.7%.
- 7.2.22. The HMA indicates there will be a requirement of 1004 people needing Registered Care in Swale in 2038. The calculations in the HMA states a requirement for an additional 305 Registered Care spaces in the Borough emphasising the need for specialist accommodation.
- 7.2.23. A Care Home Needs Assessment has been submitted with the application. This document sets out a district-wide need, at the time of the assessment, of 411 spaces of appropriate accommodation. This is broken down to a need of 90 in the locality (3-mile radius from the site). In both cases, this is set to increase with an aging population. It is noteworthy that the population forecast for the over 85s is set to increase by 60% by 2035 which is above the national average and increasing.
- 7.2.24. Whilst there have been planning applications granted for new care homes and extensions to existing care homes within the Borough, there is still insufficient capacity

to address the existing and rising need in this housing category. It should also be noted that a proportion of the existing care homes within the Borough are not purpose-built accommodation.

- 7.2.25. It is important to recognise that care home accommodation such as that proposed also contributes towards housing land supply. The Housing Delivery Test Measurement Rule Book, updated 12 December 2024 sets out that the provision of 1.9 care beds (previously 1.8) is equivalent to a single dwelling. This means that the proposed development could provide the equivalent of up to 37 dwellings towards the Council's housing shortfall. As Members will be aware, the Council is currently unable to demonstrate a five-year housing land supply, such that paragraph 11.d of the NPPF is engaged. This sets out that where the policies which are most important for determining the application are deemed out of date, permission should be granted unless (i) the application of policies in the Framework that protect areas or assets of particular importance provides a strong reason for refusing the development proposed, or (ii) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole. The overall planning balance is assessed in the conclusion section at the end of this report.

Summary of Principle

- 7.2.26. In summary of this section, there are significant social factors weighing in favour of the principle of the development at this site. There are conflicts with Policy ST3 of the Local Plan in terms of the scheme not complying with the Council's spatial strategy for the location of development and the introduction of built form into the countryside. Harm has also been identified through the loss of BMV agricultural land (Policy DM31) and the reduction of the ILCG (Policy DM25). However, the proposal is subject to further assessment of policies and any other relevant material considerations as set out below. The planning balance in accordance with paragraph 11(d) of the NPPF is set out below.

7.3. Landscape and Visual

- 7.3.1. The NPPF requires decisions to ensure that development is '*sympathetic to... landscape setting*'. The site is located in a non-designated landscape. Local Plan Policies ST1, ST3(5), DM14 and DM24 seek to protect, conserve and enhance non-designated landscapes. In non-designated landscapes Policy DM24 of the Local Plan states planning permission will be granted subject to the minimisation of adverse landscape impact; and 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.
- 7.3.2. As defined by the LCA&BA the application site is located within the Tunstall Farmlands Landscape Character area where the landscape is described as a diverse rural landscape, which includes small patchworks of enclosed orchards and open large-scale fields where hedgerows have been lost. The LCA&BA states that many mature

hedgerows are still maintained in good order with some fragmentation and loss along lanes. Orchards tend to be mature or remnant with some grazed by sheep.

- 7.3.3. The application site is a largely undeveloped plot that is currently overgrown with vegetated boundaries. Given the vegetated frontage, the trees on the site, some of which form a traditional orchard, and its pleasant green feel, the site has an attractive landscape character and appearance. Guidelines set out in the LCA&BA aim to conserve and restore the features as described above.
- 7.3.4. The proposed development would result in the loss of some traditional orchard. It is acknowledged that all matters are reserved matters for future consideration, however the submitted details indicate the provision of soft landscaping along the majority of the site frontage, along the boundary with Borden Lane, with the retention of part of the traditional orchard behind this front boundary, and to the front of the building (in its indicative location within the site).
- 7.3.5. Some harm will result in that the proposal would not entirely conserve or enhance the existing traditional orchard on site, and the building will be more visible within the winter months, however whilst the building will be visible, it would be largely screened by the vegetation to the front which coupled with the building being set back from the main frontage is considered sufficient mitigation to result in an acceptable impact upon the landscape in accordance with Policies ST1, ST3(5), DM14 and DM24 of the Local Plan and the NPPF.

7.4. **Heritage**

- 7.4.1. Any planning application for development which will affect a listed building, or its setting must be assessed in accordance with the requirements of section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990. This requires a local planning authority to have special regard to the desirability of preserving the building or its setting or any feature of special architectural or historic interest which it possesses.
- 7.4.2. The NPPF 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.
- 7.4.3. The application site itself does not include any heritage assets. There are two listed buildings within the vicinity of the site on the opposite side of Borden Lane. Posiers is a Grade II listed 15th century Wealden Hall house located to the south of the proposed development and Riddles House to the north-east is a 17th century former farmhouse.

- 7.4.4. SBC Heritage have reviewed the application and are of the view that the development as proposed would not have a material impact on the significance or setting of the listed building, Posiers. They also state that Riddles House & Cottage is located over 100m to the proposed development with no intervisibility to the application site due to intervening development and significant planting on the north and south sides of Borden Lane. Therefore, the proposed development would not meaningfully affect the setting or significance of this building.
- 7.4.5. SBC Heritage conclude that overall, the proposed development would preserve and enhance the setting of designated heritage assets, and no objections are raised. Having regard to the Council's obligations pursuant to the Planning (Listed Building and Conservation Areas Act) 1990 the proposal is considered to be in accordance with Policies CP8 and DM32 of the Local Plan and the NPPF.
- 7.5. **Archaeology**
- 7.5.1. 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.
- 7.5.2. Policy DM34 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.
- 7.5.3. The application is supported by the submission of an Archaeological Desk Based Assessment. This has been reviewed by KCC Archaeology alongside their own records and other documentation available to them. Whilst the submitted Assessment is considered to provide a reasonable description of the archaeological baseline for the immediate vicinity of the site, it does not recognise the extensive cropmark complexes that can be seen on aerial photographs of land around Harmans Corner showing multi-period archaeological landscapes.
- 7.5.4. There is some reference to the Roman villa to the west of Borden Lane in Blue House Field. KCC Archaeology state that it should be noted that there is another at Wrens Road further south. These have been confirmed by aerial photographic evidence or sample investigation and it is considered were likely connected along a communication route that would extend to the burial site noted on London Road. This is likely to run in a corridor between Cryalls Land and Borden Lane. Very recent evaluation which has involved trenching across this strip as part of the Wises Lane development has identified Roman features on a ridge that may be associated with this potential route. Trenching in the field north of the present site and west of Borden Lane has had limited results though has not been extensive.
- 7.5.5. The cropmark sites around Harmans Corner seem to be focused on elevated land either side of a dry valley marked by Wrens Road. Topographically the present site lies on the lower slope of the western side of the valley. Generally, KCC Archaeology

would agree that there is moderate potential for roman archaeology, possibly associated with the Blue House Field villa site and would argue that there is greater than low potential for prehistoric remains. Recent work at Cryalls Lane has also identified a localised medieval settlement site and the potential for remains of that date in this landscape are greater than low.

- 7.5.6. As indicatively shown, the proposal involves mostly built development on the rear two thirds of the site with retention of orchard on the Borden Lane frontage. It is likely that development works would affect archaeological remains if present as they are likely to be shallow buried. Given the content of the Assessment and the extent of potential KCC Archaeology advise they are satisfied that the impacts on any archaeology present can be appropriately addressed through further assessment, evaluation and mitigation which can be secured by condition, with evaluation works being undertaken in a timely manner so that it informs the detailed proposals and therefore the subsequent reserved matters submission.
- 7.5.7. With the inclusion of the suggested condition, the proposal is considered to be in accordance with Policy DM34 of the Local Plan and the NPPF.

7.6. Character and appearance

- 7.6.1. The NPPF 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 through Policies CP4 and DM14.
- 7.6.2. The built form in Borden Lane close to the site has a consistent spatial character of detached dwellings along a similar building line with long rear gardens. The character shows the properties set back from the main frontage allowing for generous areas to the front. Whilst there is parking visible to the front of some properties, and in some cases most of the frontage is hard landscaped, it is not a dominant feature. This is primarily due to the integration of soft landscaping and that there are a limited number of vehicles parked to the frontage due to these properties predominantly being in single household occupation.
- 7.6.3. Layout, appearance, scale and landscaping are all reserved matters subject to future applications should outline planning permission be granted. However, indicative drawings have been submitted to demonstrate how the development could be achieved on the site and how it might appear. The car park to serve the care home is shown to be located to the rear of the building and the building is shown to be set back behind a landscaped front boundary and a traditional orchard that is to be retained. Although shown to be retained, the extent of landscaping along the frontage will be likely be reduced following the creation of vision splays at the access.
- 7.6.4. It is acknowledged that the landscaped boundary is likely to largely screen the care home building from the street scene of Borden Lane, however the development will be visible through the landscaping at times, particularly in winter.

- 7.6.5. The layout with the parking to the rear means this will be screened by the building and is unlikely to be visible from the street scene, ensuring the building with soft landscaping and the traditional orchard will provide a more attractive sense of arrival upon entering the site for the residents and those visiting.
- 7.6.6. Architecturally, a traditional approach is shown on the indicative elevational drawings which is encouraged in this location. It is acknowledged that there is a need for a certain type of footprint (H or T shaped) to achieve the optimal running and viability of such accommodation. The indicative elevations show how the inevitable wide frontage can be broken up architecturally with the use of recessed elements and varying roof forms to introduce vertical rhythms and give the impression of three large residential properties when viewed from the front. This technique also serves to provide an appropriate impression to the scale of the building that is akin to its surroundings. It is recommended that should outline planning permission be granted, this approach to the architectural design be followed through in the submission of reserved matters for appearance and scale.
- 7.6.7. In terms of future details, it is recommended that the materials reflect the character of the area. Guidance for materials for development within the Tunstall Farmlands character area as is provided in the LCA&BA.
- 7.6.8. Whilst reserved for future consideration, the indicative drawings are considered to be an acceptable approach towards the proposed development and is considered to accord with Policies CP4 and DM14 of the Local Plan and the NPPF.

7.7. **Trees**

- 7.7.1. The NPPF recognises the contribution of trees to the intrinsic character and beauty of the countryside. The Local Plan requirement is recognised through Policy DM29 of the Local Plan.
- 7.7.2. The application is supported by an Arboricultural Impact Assessment which has been reviewed by the Councils Tree Officer who raises no objection. Based on the indicative layout, 6 trees are required to be felled to facilitate the development, of which 2 trees are assessed as category 'U' trees which will require removal within ten years irrespective of the proposal, due to their defective or decayed condition. 3 trees are category 'C' trees of low quality and value which should not be considered a constraint to development. 1 tree is category 'B' of moderate quality and value. 1 category C hedge is to be trimmed to facilitate the access. The AIA concludes that the tree removals will not have a significant impact on the site's appearance from external viewpoints or on the overall character of the area.
- 7.7.3. An Arboricultural Method Statement is also provided within the report which sets out measures for tree protection during construction and removal of those trees identified above.

- 7.7.4. The loss of trees as part of a traditional orchard is considered in the Ecology section below.
- 7.7.5. Landscaping is a reserved matter, but there is ample space within the site to include additional tree planting as well as a mix of other soft landscaping. Conditions are recommended to ensure the implementation of the tree protection measures and for a scheme of landscaping what will seek to improve the biodiversity of the site. On this basis (and in not assessing the traditional orchard as part of this section) the scheme complies with Policy DM29 of the Local Plan.

7.8. **Ecology**

- 7.8.1. 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 CP7 and DM28 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.

Appropriate Assessment

- 7.8.2. Although the site is within 6km of the Medway Estuary and Marshes SPA and the Swale SPA and Ramsar Sites, proposals for residential care homes will be assessed on a case-by-case basis in terms of their potential implications for recreational disturbance. The proposal is for a care home in C2 use which will provide 24-hour care for elderly and infirm residents with limited mobility, also suffering from conditions such as dementia. As a result, those living in the care home will not be able to leave the care home independently and will not be predisposed to undertake activities such as jogging, cycling or walking, which are the activities identified as having a potential impact on the integrity of the nature conservation status of the SPA sites. In this context, the residents will not be physically fit or able to leave the site to visit or walk on the SPA. In addition, the proposed care home does not include staff accommodation and consequently the proposals would avoid a likely significant adverse effect resulting from increased recreational disturbance to the Medway Estuary and Marshes SPA and Swale SPA and Ramsar site, therefore mitigation is not required and a 'bird disturbance contribution' (or SAMMS payment as it is otherwise known) is not required in this instance.
- 7.8.3. Section 40 of the Natural Environment and Rural Communities Act (2006) states "*For the purposes of this section "the general biodiversity objective" is the conservation and enhancement of biodiversity in England through the exercise of functions in relation to England*" and "*A public authority which has any functions exercisable in relation to England must from time to time consider what action the authority can properly take, consistently with the proper exercise of its functions, to further the general biodiversity objective.*" Furthermore, the NPPF states that 'the planning system should contribute to and enhance the natural environment by minimising

impacts on and providing net gains for biodiversity.’ The NPPF states that ‘if significant harm to biodiversity 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.’

- 7.8.4. In terms of the Local Plan, Policy DM28 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.
- 7.8.5. The site contains Priority Habitat in the form of traditional orchard and is adjacent to the Borden Nature Reserve. Reports and surveys have been undertaken in relation to protected species in and around the application site. Following requests by KCC Ecology for further information, the most recently submitted information has been reviewed and is considered by KCC Ecology to provide a good understanding of the ecological interest of the site.

Bats

- 7.8.6. The ecological report shows there to be at least 5 species of foraging bats and suitable habitats for roosting bats through the site.
- 7.8.7. The preliminary ecological appraisal indicates tree assessments / emergence surveys were only carried out on trees T6, T11 and T12. No evidence was recorded during the emergence survey of T11 and the endoscope survey of T6, T11 and T12. It was explained that further surveys were not carried out on other trees as they will be retained. This is accepted by KCC Ecology.

Badgers

- 7.8.8. As a result of information provided by residents it was understood that since the badger survey was carried out an active badger sett has established on site. An updated walkover survey was carried out on the 3rd June 2025 covering a 150m buffer from the site. No description of the current conditions of the on-site badger setts have been provided. The information has only stated the on-site sites were considered disused. However, as the ecologist did confirm that active setts were present within the wider area it is accepted this information is sufficient.

Great Crested Newts (GCN)

- 7.8.9. On the request of KCC Ecology, a Habitat Suitability Assessment (HAS) was carried out on the pond within the adjacent Nature Reserve. The HAS considered that it was unlikely to support GCN.

Reptiles

- 7.8.10. Surveys to identify a reptile receptor site are underway and there are 3 potential sites within the Swale District which could be used as the receptor site. At this time, less than half of the survey visits have been completed but current results are indicating that the sites do not support or support low populations of reptiles. As such KCC Ecology are confident that a suitable receptor site can be identified and are satisfied that this can be addressed via a condition. However, the current results of the surveys suggest that the potential sites may require enhancements to increase the carrying capacity prior to any translocation commencing. Depending on the level of enhancements required it may take at least 2-3 months before the translocation can commence.

Priority Habitat – Traditional Orchard

- 7.8.11. The site contains traditional orchard which is a Priority Habitat and listed within the preamble to Policy DM28, at Statement 10 in the Local Plan, as a UK Biodiversity Action Plan Habitat. The Phase 2 Assessment states that the site was considered to have been neglected as a traditional orchard and left unmanaged for some time. All cherry trees within the orchard were considered to be either dead or dying, and either no longer producing fruits or only producing an unviable harvest. Furthermore, the land use of the site had been changed from orchard to storage of materials and the south-western section was used to keep a small herd of goats.
- 7.8.12. For clarity, whilst traditional orchards are considered irreplaceable habitat within Part B(1c) of Local Plan Policy DM28, traditional orchards do not fall within the definition of irreplaceable habitat within The Biodiversity Gain Requirements (Irreplaceable Habitat) Regulations 2024).
- 7.8.13. Part of the priority habitat will be lost to facilitate the proposal except for an area to the southeast of the site which is to be retained. The traditional orchard is directly adjacent to Borden Nature Reserve and the loss of part of the orchard as a biodiversity rich source is likely to have a negative impact on the Nature Reserve. As a result, there is some conflict with Policies CP7, DM28 and DM29 of the Local Plan.
- 7.8.14. The Local Plan Policies CP7, DM28 and DM29, only allow for planning permission to be granted where the benefits of the proposal significantly and demonstrably outweigh the harm. In such cases, Policy DM28 of the Local Plan requires compensation measures. The harm will be weighed against benefits in the planning balance below.
- 7.8.15. In accordance with Policy DM28 of the Local Plan, and following the BNG hierarchy, the submitted information contains details of mitigation and compensation. To mitigate the impact, the majority of traditional orchard will be retained. This is shown on a plan. It is recommended this plan be conditioned as one of the parameter plans to secure the retention. To compensate for the loss of part of the traditional orchard, it is proposed to create a traditional orchard and manage it as such within an agricultural

field on Dayton Road to the south of Faversham. Whilst it is acknowledged this will take some time to establish, there is no objection from KCC Ecology with regard to the proposed approach to compensation. As this forms part of the proposals for BNG, it will be secured by the BNG condition, which will require off-site provision to be secured by s106 agreement or conservation covenant. As by its nature, BNG is a post decision process, any legal agreement required should be in place prior to the discharge of the Biodiversity Gain Plan condition. As it is not a requirement to have a legal agreement in place before that, it would not be appropriate to withhold the decision notice for the planning application.

- 7.8.16. The adverse impact of the development in terms of the loss of Priority Habitat can be adequately addressed through the mitigation and compensation measures proposed, such that limited weight is attached to it in the planning balance.

Borden Nature Reserve

- 7.8.17. As part of the ecological mitigation the ecological report recommends a 5m minimum 'no construction' buffer zone between the development footprint (currently shown as the access road and sub-station) and the Nature Reserve. A plan showing the construction buffer has been provided showing a minimum width of 5m. It is recommended that this drawing be secured as part of a construction environmental management plan condition.
- 7.8.18. Mitigation is also proposed in the form of tree and shrub planting. The Phase 2 Ecological Survey Report has stated the following: *Prior to the development becoming operational, the buffer zone should be enhanced through tree and shrub planting. This will provide a natural screening barrier to mitigate the anticipated increased noise and visual disturbance from the proposed development on the Nature Reserve.* This approach is supported subject to this planting reflecting the area covered by the construction buffer plan. A condition is recommended to secure this.
- 7.8.19. Given the location of the site at the edge of a ribbon of built form adjacent to the Borden Nature Reserve it is recommended that a Lighting Strategy be submitted. The Lighting Strategy will need to demonstrate it is fit for purpose in terms of providing security and a safe, comfortable environment for the amenities of the staff and residents of the care home, but also take account and show how the lighting will be such that it minimises any harm to any ecological interest within the area that may adversely affected. A condition is recommended.
- 7.8.20. The abovementioned measures will reduce the impact on the adjacent Nature Reserve, but the impact will not be completely addressed so there will still be a degree of harm in conflict with Policy DM28 of the Local Plan. Given some harm will remain despite the mitigation proposed, moderate weight is attached to the harm.

Ecological Enhancements

- 7.8.21. Ecological enhancement features must also be incorporated within the site. If planning permission is granted a condition is recommended to ensure an ecological enhancement plan is provided. Enhancements should include bat and bird boxes within the site and the buildings, insect hotels or log piles within the site and the inclusion of planting to benefit pollinators with the ground level planters.

BNG

- 7.8.22. This application was submitted after the commencement of Mandatory Biodiversity Net Gain and is therefore required to deliver at least a 10% biodiversity net gain under the Environment Act 2021.
- 7.8.23. The proposal will result in the loss of an area of traditional orchard. The metric also details that an area of traditional orchard will be retained. This is confirmed by a plan demonstrating the area of orchard to be retained. However, as this an outline application, the plan must be included in the list of parameter plans within the relevant condition to ensure that relevant reserved matters application(s), if granted, will retain the orchard area.
- 7.8.24. A BNG assessment has been submitted and it has detailed that due to the proposal to create traditional orchard in an agricultural field to the south of Faversham a BNG of over 10% can be achieved. KCC Ecology are satisfied that sufficient information has been provided to meet the requirements of mandatory BNG.
- 7.8.25. In light of the above, it is concluded that, the proposed development would result in some harm to habitats or protected species. However, with the proposed mitigation and compensation measures secured by condition, the extent of harm can be reduced and in accordance with Policies CP7, DM28 and DM29 and the NPPF the impact on ecology will be weighed in the planning balance below.

7.9. Transport and Highways

- 7.9.1. The NPPF promotes sustainable patterns of development and expects land use and transport planning to work in parallel in order to deliver such. 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, following mitigation, would be severe, taking into account all reasonable future scenarios.”

- 7.9.2. Local Plan Policies CP2 and DM6 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. Policy DM7

of the Local Plan requires parking provision to be in accordance with the Council's Parking SPD.

- 7.9.3. Whilst access and the internal layout of the site is reserved for future consideration, a Transport Statement (TS) has been submitted with the application to allow for the impact of the proposal on the highway network to be assessed. KCC Highways have reviewed the TS. It is also noted that there is currently no bus route through Borden Lane. A bus stop is located in nearby Adelaide Drive, providing the closest opportunity for connection to the local bus network.
- 7.9.4. The predicted traffic movements as evidenced in the TS are not of a scale that would be considered problematic with regard to its impact on the wider highway network especially as traffic movements associated with the Care Home are commonly outside of the peak traffic hours.
- 7.9.5. Although access is a reserved matter, an access arrangement plan has been provided which shows adequate visibility splays can be delivered from the site access. These have been drawn 2.4m x 59m in both directions to the nearside carriageway and are in accordance with recorded vehicle speeds following Automatic Traffic Counts (ATCs) carried out in January 2024 and therefore acceptable.
- 7.9.6. It is noted that the existing access (field entrance) will be upgraded to a 5.5m bell mouth to allow 2-way vehicle movements and will include a pedestrian footpath into the site. Initially vehicle tracking did not provide sufficient detail. The indicative layout showed that larger vehicles would need to use the ambulance bay to turn on site to egress in a forward gear back onto Borden Lane, which would not have been appropriate if there was an ambulance occupying the bay. Further details were submitted and the swept path drawings now show sufficient turning space within the development including turning into the site access from Borden Lane which is acceptable.
- 7.9.7. Para. 6.1.1 of the TS details that 29 parking spaces are proposed for the Care Home including 2 disabled bays which is in line with the parking standards at a ratio of:
- Staff – 1 space per resident staff (staff with direct responsibility for looking after residents) + 1 space per 2 other staff (staff who don't have direct responsibility for looking after residents); and
 - Visitors – 1 space per 6 beds or residents.
- 7.9.8. In addition to this, the applicant has provided a further assessment of the specific requirements of the care home. Peak periods of parking accumulation have been assessed which established during a typical weekday at approx. 13:00 hours a maximum of 11 vehicles will be expected to park on the site and weekend peaks could see 19 vehicles. The SPD states the development would be required to provide a total of 22 spaces, the additional 7 spaces will help to cater for the busier periods. Details regarding secure cycle parking have been provided that is acceptable.

- 7.9.9. Conditions are recommended in relation to both the construction and operational periods to maintain highway safety. With the inclusion of the recommended conditions, the proposal is considered to be in accordance with Policies CP2, DM6 and DM7 of the Local Plan and the NPPF.

7.10. **Air Quality**

- 7.10.1. 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.

- 7.10.2. 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.

- 7.10.3. 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.....”.

- 7.10.4. The Local Plan at Policy DM6 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.

- 7.10.5. The submitted Transport Statement has been reviewed. It is acknowledged by the Council's Environmental Protection Team that as the expected Annual Average Daily Traffic (AADT) is 125 vehicles, which is well below the trigger for an air quality assessment, an assessment is not needed. However, there may be a temporary impact locally through fugitive dust during construction and so a condition is recommended.

- 7.10.6. With the inclusion of the suggested condition, the proposal is considered to be in accordance with Policy DM6 of the Local Plan and the NPPF.

7.11. **Community Infrastructure**

- 7.11.1. The NPPG: Planning obligations explains that planning obligations assist in mitigating the impact of unacceptable development to make it acceptable in planning terms.
- 7.11.2. As with any planning application, the request for financial contributions needs to be scrutinised in accordance with Regulation 122 of the Community Infrastructure Regulations 2010 (which were amended in 2014). These stipulate that an obligation can only be a reason for granting planning permission if it is:
- Necessary
 - Related to the development
 - Reasonably related in scale and kind
- 7.11.3. Initially KCC Development and Investment team requested contributions towards libraries, registrations and archives service and waste disposal and recycling, subject to the applicant confirming if a commercial waste contract is in place for the care home.
- 7.11.4. Following confirmation from the applicant that library facilities will be provided to residents within the development and subject to a condition requiring details of the waste contract, it was agreed by the KCC Development and Investment team that the contributions are no longer necessary given the nature of the development.

7.12. **Flood Risk, Drainage and Surface Water**

- 7.12.1. 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 DM21 of the Local Plan.
- 7.12.2. The site is located within a high vulnerability groundwater area and source protection zone 1, where development proposals are carefully monitored by the Environment Agency (EA) to ensure safeguarding of potable water supplies. As such, the application submission included a Phase 1 Desk Study and Risk Assessment Report and a Drainage Strategy Report. The EA has reviewed these documents and consider planning permission could be granted subject to conditions which includes an instructive investigation on the site in accordance with the recommendations set out in the Phase 1 Desk Study.
- 7.12.3. The Drainage Strategy has also been reviewed by KCC Flood and Water Management who have noted the proposal to discharge surface water from the site in accordance with KCC's Drainage and Planning Policy. Surface level SuDS in the form of attenuation basins are proposed as the major feature on site, supported by permeable paving and geocellular tanks.
- 7.12.4. No objection is raised with regard to drainage and a suite of conditions are recommended to control infiltration, ensure the detailed proposals are developed in accordance with the strategy and that the drainage measures are implemented on

site. With the inclusion of the recommended conditions, the proposal is considered to be in accordance with Policy DM21 of the Local Plan and the NPPF.

7.13. Contamination

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.

- 7.13.1. The land adjacent to the application site to the north-west is known to be a historic landfill site and there is a workshop/storage unit currently on the site. Storage of materials (scaffolding for example) is also mentioned.
- 7.13.2. A 'Phase 1 Desk Study and Risk Assessment Report' by STC dated 13 August 2024 (report Ref: J15790) has been submitted. This has been reviewed by the Council's Environmental Protection Officers. The report advises that as a landfill site existed close to the site to the north/northwest, further investigation is required which should include intrusive sampling and gas monitoring. The conclusion of the report is agreed, and it is considered that this can be dealt with by condition.
- 7.13.3. With the inclusion of the suggested conditions, the proposal is considered to be in accordance with the NPPF.

7.14. Living Conditions

Existing residents

- 7.14.1. The Local Plan at Policy DM14 requires that new development has sufficient regard for the living conditions of neighbouring occupiers.
- 7.14.2. The care home would be sited to the northeast of 124 Borden Lane and the indicative details show that it would be set away from the boundary with this property. It appears a sufficient separation distance can be achieved to ensure privacy is maintained but this will be fully assessed when floor plans are submitted as part of future reserved matters applications. The submitted details appear to show that outlook would not be adversely affected and given the location to the northeast, the proposal would not result in any detrimental impact in terms of overshadowing and loss of daylight. However, again, this would be assessed when these matters of detail are submitted.
- 7.14.3. It is expected that there will be plant and equipment associated with the use. For example, a kitchen extract system and condensers, chiller units will be needed, and air conditioning may be fitted. In addition, it is noted that a substation is also referred to in the description, and the indicative site layout drawing shows this to be located in the north of the site. This is a good location as it is distanced from the nearby dwellings as electricity substations can result in low frequency noise. Conditions are

recommended to ensure there will be no detrimental impact on the living conditions of surrounding neighbours as a result of both construction and operational noise.

- 7.14.4. Given the location of the site close to an existing residential area, and with the building being set back, any external lighting will need to be designed carefully so that the lighting does not impact on the living conditions of the occupiers of these dwellings. A condition is recommended to ensure the level of any lighting within the site is satisfactory and does not give rise to unacceptable harm to the living conditions of surrounding residents.

Future residents

- 7.14.5. New development is expected to offer future occupiers a sufficient standard of accommodation.
- 7.14.6. The Care Quality Commission (CQC) is the regulator of health and adult services. The CQC sets out requirements involving the provision of single-room accommodation with en-suite facilities and a generous ratio of communal/recreational space to residents. It is recommended that compliance with design parameters covered by other relevant legislation and/or guidance should be detailed within a Planning Statement / Design and Access Statement accompanying reserved matters applications.
- 7.14.7. With the inclusion of the suggested conditions, the proposal would not result in any harm to the living conditions of the existing residents of nearby properties nor the future occupiers of the development and the proposal is considered to be in accordance with Policy DM14 of the Local Plan and the NPPF.

7.15. **Sustainability / Energy Efficiency**

- 7.15.1. Policy DM19 of the Local Plan requires development proposals to include measures to address climate change. Given the proposal is made in outline form, no detailed information is available at the stage. It is expected that when the proposals are progressed to detailed reserved matters submissions measures to address climate change are to be incorporated. A condition is recommended to secure this. With the inclusion of the condition, the proposal is considered to be in accordance with Policy DM19 of the Local Plan and the NPPF.

7.16. **Planning Balance – Benefits and Harm**

- 7.16.1. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires applications for planning permission be determined in accordance with the development plan unless material considerations indicate otherwise. In this case

conflict with policies in the development plan have been identified as set out above. However, the NPPF is a material consideration and as the Council are unable to demonstrate a 5 year supply of housing land, paragraph 11.d of the NPPF is engaged. This states the following:

“where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:

i. the application of policies in this Framework that protect areas or assets of particular importance provides a strong reason for refusing the development proposed; or

ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole, having particular regard to key policies for directing development to sustainable locations, making effective use of land, securing well-designed places and providing affordable homes, individually or in combination.”

- 7.16.2. In this case, as per part (i) the application of policies that protected areas or assets of particular importance do not provide a reason for refusing the development. Therefore, as per part (ii) it is necessary to consider if any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole. This assessment is carried out below.

Benefits

- 7.16.3. The social benefits are that the proposed development would contribute to providing much needed care accommodation in the Borough. This public benefit is given **substantial weight** in accordance with appeal decisions such as APP/J2210/W/24/3351458 (Land adjacent to Old Thanet Way, Whitstable). Moreover, the Housing Delivery Test Measurement Rule Book, updated 12 December 2024 sets out that the provision of 1.9 care beds (previously 1.8) is equivalent to a single dwelling. This means that the proposed development could provide the equivalent of up to 37 dwellings towards the Council's housing shortfall. This public benefit is also given **substantial weight**. Additionally, there would also be other benefits, including employment during construction and following completion of the development which attract public benefits of **significant weight** as set out in paragraph 85 of the NPPF.

Harm

- 7.16.4. The Swale settlement strategy at Policy ST3 of the Local Plan seeks to focus new development at Sittingbourne. The site is not allocated within the Local Plan and is outside of the built-up area boundary. As such the proposal to introduce built form and the urbanisation of a countryside site is in conflict with Policy ST3 of the Local Plan.

The weight given to this conflict is **limited** due to the age of the Local Plan, the built-up boundaries not delivering the required level of development and therefore the Council's lack of 5-year land supply of housing. The built-up boundaries are currently considered out-of-date.

- 7.16.5. Reflecting recent appeal decisions, the loss of a small area of BMV agricultural land and the reduction of the ILCG is given **limited weight**.
- 7.16.6. The harm to the Nature Reserve has been minimised through mitigation, but not completely addressed. **Moderate** weight is given to the harm.
- 7.16.7. There would be a loss of Priority habitat through the loss of two thirds of traditional orchard on the site but given the condition of the orchard and that compensation is to be provided, the weight attached to this harm is **limited**.

7.17. **Conclusion**

7.17.1. Planning balance

- 7.17.2. In considering the application, account has been taken of the information included with the application submission, the National Planning Policy Framework and the Development Plan, and all other material considerations including representations made including the views of statutory and non-statutory consultees and members of the public.
- 7.17.3. In addition to the benefits and harm set out above, the proposal would not result in harm to the local highway; it would not result in harm in terms of any potential impact on listed buildings; and the proposal would not result in increased flooding.
- 7.17.4. Both national and development plan policy recognise that a need for proposals such as this, may result in the application of the planning balance. This is a matter of planning judgement.
- 7.17.5. Applying this judgement, it is considered that the impacts of the proposed development can be made acceptable through a combination of existing and proposed screening and landscape and ecological mitigation. The lessened adverse effect on the Nature Reserve would be limited and localised.
- 7.17.6. In these circumstances the substantial weight attached to the demonstrated need for the care home both locally and within the wider Borough outweigh the adverse impacts identified. The other benefits identified add to the balance of positive matters in this case.
- 7.17.7. As the existing and proposed planting matures and is managed appropriately, any adverse effects, would continue to be progressively mitigated.

- 7.17.8. In conclusion, and in considering paragraph 11.d(ii) of the NPPF, there would be conflict with Policy ST3 of the Local Plan with the development being outside of the built-up area boundary and the urbanisation of a countryside site. There would be some localised harm through the loss of a small area of BMV agricultural land, and the narrowing of the ILCG in conflict with Policies DM31 and DM25. The proposal would also result in the loss of an area of traditional orchard which in turn impacts on the biodiversity and ecological interest of the adjacent Nature Reserve, in conflict with Policies CP7, DM28 and DM29 of the Local Plan.
- 7.17.9. However, the mitigation and compensation proposals and the imperative to address the need for care home provision as recognised within planning policy, and the HMA, are very significant benefits which alongside the employment benefits of the scheme outweigh the harm that has been identified.
- 7.17.10. Taking the NPPF as whole, this indicates that planning permission should be granted as the Council cannot demonstrate a 5 year housing land supply and the adverse impacts of granting planning permission would not significantly and demonstrably outweigh the benefits. From this basis, and noting that the NPPF can be afforded considerable weight, it is considered that the harm arising from the conflict with the development plan is outweighed by other considerations and, as such, it is recommended that planning permission is granted.

Conditions

Reserved Matters

1. Approval of the details of the layout, scale and appearance of the buildings, the means of access thereto and the landscaping (hereinafter called “the reserved matters”) shall be obtained from the Local Planning Authority in writing before any development is commenced.

Reason: To accord with the terms of the submitted application and to ensure that these details are satisfactory.

Time Limit: Reserved Matters

2. Plans and particulars of the reserved matters referred to in Condition 1 above shall be submitted in writing to the Local Planning Authority for approval. Such application for approval shall be made to the Authority before the expiration of three years from the date of this permission and the reserved matters shall be carried out in accordance with the approved details.

Reason: To comply with Section 92 of the Town and Country Planning Act 1990.

Time Limit: Reserved Matters

3. The development to which this permission relates must be begun no later than the expiration of 2 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: To comply with Section 92 of the Town and Country Planning Act 1990.

Approved Drawings

4. The development hereby permitted shall be carried out in accordance with the following approved plans:
- PL001 - Location Plan
 - PL103 - Construction Buffer Plan
 - PL105 - Parameter Plan Retained Orchard

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

Within Reserved Matters: Landscaping

5. Any reserved matters application for landscaping shall include full details of both hard and soft landscape works and a timetable for implementation. These details shall include existing and proposed finished ground levels; all paving and external hard surfacing; decking; minor artefacts and structures (seating, refuse receptacles, planters, tree grilles, any other decorative feature(s)). Soft landscape works shall include details of planting plans, written specifications (including cultivation and other operations associated with grass and plant establishment, aftercare and maintenance); schedules of plants, noting species, plant sizes and proposed numbers/densities where appropriate. The soft landscaping should be designed to increase biodiversity value. The development shall be implemented in accordance with the approved details and any trees or plants which within 5 years of planting are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species.

Reason: To ensure a satisfactory external appearance and provision for landscaping in accordance with the NPPF.

Within Reserved Matters: Buffer Zone Landscaping

6. Any reserved matters application for landscaping shall include details of how the construction buffer zone will be enhanced through tree and shrub planting to provide a natural screening barrier to mitigate the anticipated increased noise and visual disturbance from the proposed development to Borden Nature Reserve. The landscaping within the construction buffer zone shall be implemented prior to the building becoming operational.

Reason: To prevent harm to ecological interest in accordance with the NPPF.

Within Reserved Matters: Building Height

7. Any reserved matters application for scale and layout shall show no more than a total of 70 bedrooms and the building shall be no more than 2 storeys in height.

Reason: To ensure the scale is appropriate to the locality and without prejudice to conditions of amenity in accordance with the NPPF.

Within Reserved Matters: Lighting

8. Any reserved matters application for layout and/or landscaping shall include a detailed scheme of lighting to minimise impacts on residential amenity and biodiversity. This scheme shall take note of and refer to the Institute of ILP Guidance Note 01/21 The Reduction Of Obtrusive Light (and any subsequent revisions) and shall include a layout plan with beam orientation and a schedule of light equipment proposed (luminaire type; mounting height; aiming angles and luminaire profiles) and an ISO lux plan showing light spill. The plan shall demonstrate that areas to be lit shall not adversely impact biodiversity. All external lighting shall be installed in accordance with the specifications and locations set out in the approved scheme and shall be maintained thereafter.

Reason: To ensure conditions of amenity and to prevent harm to ecological interest in accordance with the NPPF.

Within Reserved Matters: Parking

9. Any reserved matters application for layout shall include details of the provision of vehicle parking spaces in accordance with the Council's adopted parking standards. No building shall be occupied until this area has been provided, surfaced and drained in accordance with the approved details. Thereafter no permanent development, whether or not permitted by the Town and Country Planning (General Permitted Development) Order 2015 (or any order amending, revoking and re-enacting that Order) shall be carried out on the land so shown or in such a position as to preclude vehicular access to the reserved vehicle parking area.

Reason: Development without provision of adequate parking of vehicles is likely to lead to hazardous on-street parking and in accordance with the NPPF.

Within Reserved Matters: Materials

10. Any reserved matters application for appearance shall include details of all materials to be used externally and in the design of the building. The development shall be implemented in accordance with the approved details.

Reason: To ensure that the appearance of the development is satisfactory and without prejudice to conditions of visual amenity in the locality in accordance with the NPPF.

Within Reserved Matters: Secured by Design

11. Any reserved matters application shall include a statement setting out how the development incorporates security and safety measures in compliance with Secured By Design principles. The development shall be implemented in accordance with the approved details which shall thereafter be retained.

Reason: In pursuance of the Council's duty under section 17 of the Crime and Disorder Act 1998 to consider crime and disorder implications in excising its planning functions; to promote the well-being of the area in pursuance of the Council's powers under section 2 of the Local Government Act 2000 and the Construction (Design and Management) Regulations 2007.

Prior to Approval of Reserved Matters: Archaeology

12. To assess and mitigate the impacts of development on significant archaeological remains:
- A) Prior to the submission of any Reserved Matters Application, the applicant (or their agents or successors in title) shall secure and have reported a programme of archaeological field evaluation works, in accordance with a specification and written timetable which has been submitted to and approved by the local planning authority.
 - B) Following completion of archaeological evaluation works, no development shall take place until the applicant or their agents or successors in title, has secured the implementation of any safeguarding measures to ensure preservation in situ of important archaeological remains and/or further archaeological investigation and recording in accordance with a specification and timetable which has been submitted to and approved by the Local Planning Authority.
 - C) The archaeological safeguarding measures, investigation and recording shall be carried out in accordance with the agreed specification and timetable.
 - D) Within 6 months of the completion of archaeological works a Post-Excavation Assessment Report shall be submitted to and approved in writing by the local planning authority. The Post-Excavation Assessment Report shall be in accordance with Kent County Council's requirements and include:
 - a. a description and assessment of the results of all archaeological investigations that have been undertaken in that part (or parts) of the development;
 - b. an Updated Project Design outlining measures to analyse and publish the findings of the archaeological investigations, together with an implementation strategy and timetable for the same;

c. a scheme detailing the arrangements for providing and maintaining an archaeological site archive and its deposition following completion.

E) The measures outlined in the Post-Excavation Assessment Report shall be implemented in full and in accordance with the agreed timings.

Reason: Required prior to commencement of development to avoid any irreversible detrimental impact on any archaeological interest in accordance with the NPPF.

Pre-commencement: Construction Management Plan

13. No development shall take place until a Construction Management Plan (CMP) has been 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 Management Plan shall include the following detail:

- Parking facilities for site personnel and visitors.
- construction vehicle loading/unloading and turning facilities.
- Timing of deliveries.
- Provision of wheel washing facilities. Details should also be provided of contingency working protocol for action taken should the wheel washing be ineffective and spoil is dragged onto the highway.

The construction of the development shall be implemented in accordance with the CMP throughout the entire construction phase.

Reason: Required prior to commencement of development to protect the amenity of nearby occupiers and prevent pollution in accordance with the NPPF.

Pre-commencement: Construction Environmental Management Plan

14. No development approved by this permission shall be take place until a Construction Environmental Management Plan (CEMP), incorporating the construction buffer zone plan and details of pollution prevention measures along with a timetable for implementation, has been submitted to and approved in writing by the Local Planning Authority. The development shall subsequently be implemented in accordance with the approved CEMP and approved timetable.

Reason: Required prior to commencement of development to prevent pollution of the water environment and harm to ecological interest in accordance with the NPPF.

Pre-commencement: Road Layouts and furniture

15. No development shall take place until details proposed roads, footways, footpaths, verges, junctions, street lighting, sewers, drains, retaining walls, service routes, surface water outfall, vehicle overhang margins, embankments, visibility splays, accesses, carriageway gradients, driveway gradients, car parking and street furniture to be laid out and a timetable for implementation have been submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved details and shall be retained thereafter.

Reason: Required prior to commencement of development to ensure that the development permitted does not prejudice conditions of highway safety or efficiency in accordance with the NPPF.

Pre-commencement: Tree Protection Measures

16. No development, ground excavation or ground clearance works shall take place until the tree protection measures as identified in the Arboricultural Method Statement (AMS) and Appendix 2 – Drawing number TPP01, Tree Protection Plan contained within the Arboricultural Implications Assessment, dated August 2024 has been implemented on site. The tree protection measures shall thereafter remain in place throughout the construction phase.

Reason: Required prior to commencement of development to protect trees to be retained and enhance the appearance and character of the site and locality in accordance with the NPPF.

Pre-commencement: Ecology

17. No site clearance or development shall take place within the site until an Ecological Mitigation Strategy has been submitted to and approved in writing by the Local Planning Authority. It must include the following:
- Preliminary ecological appraisal (if existing survey data is over 18 months old)
 - Recommended species surveys
 - Habitat/species plans of the site
 - Details of locations of off-site mitigation sites
 - Overview of the mitigation required
 - Detailed methodology to implement the mitigation
 - Details of habitat enhancement/creation works required for the species mitigation
 - Details of management required for the mitigation areas.
 - Timings of the works
 - Details of who will implement the mitigation

The plan must be implemented as detailed.

Reason: Required prior to commencement of development to prevent harm to ecological interest in accordance with the NPPF.

Reptile Mitigation

18. Prior to the implementation of the reptile mitigation as detailed within the Ecological Mitigation Strategy a letter must be submitted to and approved in writing by the Local Planning Authority. The letter must demonstrate that the reptile receptor site is suitable to support the translocated reptile population.

Reason: Required prior to commencement of development to prevent harm to ecological interest in accordance with the NPPF.

Pre-commencement: Habitat Management and Monitoring Plan (HMMP)

19. No development shall take place (except for demolition works) until a Habitat Management and Monitoring Plan (the HMMP), that has been prepared in accordance with the approved Biodiversity Gain Plan, has been submitted to and approved in writing by the Local Planning Authority. The HMMP shall include:

- (a) a non-technical summary;
- (b) the roles and responsibilities of the people or organisation(s) delivering the HMMP;
- (c) the planned habitat creation and enhancement works to create or improve habitat to achieve the biodiversity net gain in accordance with the approved Biodiversity Gain Plan;
- (d) the management measures to maintain habitat in accordance with the approved Biodiversity Gain Plan for a period of 30 years from the completion of development; and
- (e) the monitoring methodology and frequency in respect of the created or enhanced habitat.

The habitat creation and enhancement works set out in the approved HMMP shall be completed in the first available planting season following the commencement of development.

Reason: To ensure the development delivers a biodiversity net gain on site in accordance with the NPPF.

Pre-commencement: Industrial/Commercial Noise Rating Level

20. No development shall take place until an acoustic assessment and subsequent report has been submitted to and approved in writing by the Local Planning Authority. The acoustic assessment and report shall be completed by a suitably qualified and competent person to demonstrate that the rating level of noise emitted from any plant and equipment to be installed on the site (determined using the guidance of the current version of BS 4142 for rating and assessing industrial and commercial sound) is 5dB below the existing measured background noise level LA90, T. Where the background sound level is below 30dB(A) or where assessment penalties total above 5dB the applicant's consultant shall contact the Environmental Protection Team to agree a site-specific target level. The equipment shall be maintained in a condition so that it complies with the levels and mitigation measures specified in the approved acoustic

report, whenever it is operating. After installation of the approved plant no new plant shall be used without the prior written permission of the Local Planning Authority.

Reason: Required prior to the commencement of development to safeguard conditions of amenity in accordance with the NPPF.

Pre-commencement: Internal/External Sound Levels – Residential

21. No development shall take place until 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 – has been 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: Required prior to the commencement of development to safeguard conditions of amenity in accordance with the NPPF.

Pre-commencement: Contamination Investigation and Remediation

22. No development approved by this planning permission shall commence until a strategy to deal with the potential risks associated with any contamination of the site has been submitted to, and approved in writing by, the Local Planning Authority. This strategy will include the following components:
1. A preliminary risk assessment as set out in Phase 1 Desk Study and Risk Assessment Report (Ref: J15790, dated 13th August 2024) which has identified:
 - all previous uses;
 - potential contaminants associated with those uses;
 - a conceptual model of the site indicating sources, pathways and receptors; and
 - potentially unacceptable risks arising from contamination at the site.
 2. A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.
 3. The results of the site investigation and the detailed risk assessment referred to in (2) and, based on these, an options appraisal and remediation

strategy giving full details of the remediation measures required and how they are to be undertaken.

4. A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action. Any changes to these components require the written consent of the local planning authority. The scheme shall be implemented as approved.

Reason: To ensure that the development does not contribute to, or is not put at unacceptable risk from, or adversely affected by, unacceptable levels of water pollution in line with paragraph 187 of the National Planning Policy Framework.

Pre-commencement: Surface Water Drainage

23. No development 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 Drainage Strategy Report by RGP (Sep 2024) 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: Required prior to the commencement as the details form an intrinsic part of the proposal 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 in accordance with the NPPF.

Pre-commencement: Foul Drainage

24. No development shall take place until a foul drainage strategy, detailing how the developer intends to ensure that appropriate foul drainage is implemented with a connection to foul sewer, has been submitted to and approved by, the local planning authority in consultation with the water undertaker and EA. The development shall be constructed in line with the agreed detailed design and recommendations of the strategy.

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 in line with paragraph 180 of the NPPF.

No Development Above Slab Level: Ecological Enhancement

25. No development shall take place above slab level until an Ecological Enhancement Plan has been submitted to and approved in writing by the Local Planning Authority. The plan must demonstrate how the site will enhance biodiversity through ecological enhancement features within the buildings and site and include a timetable for implementation. The ecological enhancement features must be implemented in accordance with the approved Ecological Enhancement Plan.

Reason: To ensure enhancement to ecological interest in accordance with the NPPF.

No Development Above Slab Level: Energy and Efficiency

26. No development shall take place above slab level until details of the materials and measures to be used to increase water efficiency, energy efficiency and reduce carbon emissions 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 and shall be retained thereafter.

Reason: To ensure the development delivers energy efficiency measures to address climate change in accordance with the NPPF.

Pre-Occupation/Use: Vision Splays

27. No building shall be occupied until visibility splays have been provided in accordance with details approved by a reserved matters application for access. No obstruction of sight, including any boundary treatment, over 1.05m above carriageway level shall be permitted within the splays thereafter.

Reason: To ensure that the development permitted does not prejudice conditions of highway safety or efficiency in accordance with the NPPF.

Pre-Occupation/Use: Cycle Parking

28. No building shall be occupied until details of secure covered cycle parking has been submitted to and approved in writing by the Local Planning Authority. The cycle parking shall be implemented in accordance with the approved details before the building is occupied and shall thereafter be retained.

Reason: To ensure the provision and permanent retention of bicycle spaces in accordance with the NPPF.

Pre-Occupation: EV Charging

29. No building shall be occupied until all electric vehicle chargers have been provided to Mode 3 standard (providing a minimum of 7kw) and SMART (enabling Wifi connection) (or to a subsequent equivalent amending standard). 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-listing>. All electric chargers shall thereafter be retained.

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

Pre-Occupation/Use: Low Frequency Noise

30. Prior to the first use of the electricity substation an acoustic report assessing the impact shall be submitted to and approved in writing by the Local Planning Authority. The report shall address the issue of noise (including low frequency noise) and vibration from the station to ensure that there is no loss of amenity to residential or commercial properties. For residential accommodation, the scheme shall ensure that the low frequency noise emitted from the substation is controlled so that it does not exceed the Low Frequency Criterion Curve for the 10 to 160Hz third octave bands inside residential accommodation as described in The DEFRA Procedure for the assessment of low frequency noise complaints 2011 (NANR45). The assessment can be a measurement or a calculation to demonstrate internal levels. The equipment shall be maintained in a condition so that it complies with the levels and mitigation measures specified in the approved acoustic report, whenever it is operating. After installation of the approved plant no new plant shall be used without the written consent of the local planning authority.

Reason: To safeguard conditions of amenity in accordance with the NPPF.

Pre-Occupation/Use: Extraction/Treatment of Fumes/Odours

31. Prior to the first occupation of the premises, a scheme and maintenance schedule for the extraction and treatment of fumes and odours generated from cooking or any other activity undertaken on the premises, shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall be designed in accordance with the EMAQ Publication Control of Odour and Noise from Commercial Kitchen Exhaust Systems 2022. Any equipment, plant or process provided or undertaken in pursuance of this condition shall be installed prior to the first operation of the premises and these shall thereafter be operated and retained in compliance with the approved scheme.

Reason: To safeguard conditions of amenity in accordance with the NPPF.

Pre-Occupation/Use: Contamination – Verification Report

32. Prior to any part of the permitted development being occupied a verification report demonstrating the completion of works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to, and approved in writing,

by the Local Planning Authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met.

Reason: To ensure that the site does not pose any further risk to human health or the water environment by demonstrating that the requirements of the approved verification plan have been met and that remediation of the site is complete. This is in line with paragraph 187 of the NPPF.

Pre-Occupation/Use: Private Waste Strategy

33. No building shall be occupied until details of a Commercial Waste Disposal Strategy which includes details of private commercial waste disposal contract(s) is submitted to and approved in writing by the Local Planning Authority. The waste collection and disposal shall be implemented in accordance with the approved details upon first occupation and a private commercial waste disposal contract shall thereafter be in place.

Reason: To ensure adequate waste disposal in the interest of amenity in accordance with the NPPF.

Pre-Occupation/Use: Boundary Treatment

34. No building shall be occupied until a plan indicating the positions, design, materials and type of boundary treatment to be erected has been submitted to and approved in writing by the Local Planning Authority. The boundary treatment shall be completed in accordance with the approved details before the dwelling is occupied and shall thereafter be retained.

Reason: To ensure that the appearance of the development is satisfactory and without prejudice to conditions of visual amenity in the locality in accordance with the NPPF.

Compliance: Hours of Construction

35. No construction work in connection with the development shall take place on any Sunday or Public Holiday, nor on any other day except between the following times: Monday to Friday 0730 - 1800 hours, Saturdays 0800 - 1300 hours unless in association with an emergency or with the prior written approval of the Local Planning Authority

Reason: To protect the amenity of nearby occupiers in accordance with the NPPF.

Compliance: Unexpected Contamination

36. 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.

Upon completion of the building works, this condition shall not be discharged until a closure report has been submitted to and approved in writing by the Local Planning Authority. The closure report shall include details of;

- a) Details of any sampling and remediation works conducted and quality assurance certificates to show that the works have been carried out in full in accordance with the approved methodology.
- b) Details of any post-remedial sampling and analysis to show the site has reached the required clean-up criteria shall be included in the closure report together with the necessary documentation detailing what waste materials have been removed from the site.
- c) If no contamination has been discovered during the build, then evidence (e.g. photos or letters from site manager) to show that no contamination was discovered should be included.

Reason: To ensure that the development does not contribute to, or is not put at unacceptable risk from, or adversely affected by, unacceptable levels of water pollution from previously unidentified contamination sources at the development site in line with paragraph 187 of the NPPF.

Compliance: No Piling

37. 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 187 of the NPPF.

Compliance: Surface Water

38. No drainage systems for the infiltration of surface water drainage into the ground is permitted other than with the express written consent of the Local Planning Authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to controlled waters. 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 accordance with paragraph 187 of the NPPF.

Compliance: Surface Water Verification Report

39. 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 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 182 of the NPPF.

Compliance: Habitat Management and Monitoring Plan Frequency

40. Monitoring reports shall be submitted to the Local Planning Authority in writing in accordance with the methodology and frequency specified in the approved HMMP.

Reason: To ensure the development delivers a biodiversity net gain on site in accordance with the NPPF.

Compliance: BNG

41. The Biodiversity Gain Plan shall be prepared in accordance with the Biodiversity Net Gain Feasibility Report Reference, 5620E/24/01, dated 5th April 2024).

Reason: To ensure the development delivers a biodiversity net gain on site in accordance with the NPPF.

Compliance: Landscaping Retention

42. Upon completion of the soft landscaping works, any trees or shrubs that are removed, dying, being severely damaged or becoming seriously diseased within 5 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 the next planting season unless an alternative timetable for planting is otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure the retention and maintenance of landscaping in the interests of visual amenity and in accordance with the NPPF.

Compliance: Use

43. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order amending, revoking and reenacting that Order with or without modification) and the Town and Country Planning (Use Classes) Order 1987 (as amended) the development herein approved shall remain in use as a C2

care home and no change of use shall be carried out unless planning permission has been granted on an application relating thereto.

Reason: To enable the Local Planning Authority to control such development in the interests of amenity and the impacts on the highway in accordance with the NPPF.

