

MC/15/2954

Date Received: 18 August, 2015

Location: Land Off Broadway, Gillingham, Kent ME8 6DP

Proposal: Construction of a 90 bed care home - Resubmission of MC/14/2436

Applicant: Mr Jana

Agent: Mr Borrows Ward Planning Consultants Rievaulx House 1 St Marys Court York North Yorkshire YO24 1AH

Ward Twydall

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**Recommendation of Officers to the Planning Committee, to be considered and determined by the Planning Committee at a meeting to be held on 29 June, 2016.**

**Recommendation - Approval with Conditions subject to:**

Delegated powers are granted to the Director of Regeneration, Culture, Environment and Transformation to grant planning permission subject to:

A) The prior completion of a section 106 agreement to secure:

- i) The translocation of reptiles to an alternative site;
- ii) A contribution of £17,190 towards improvements to local GP surgeries; and

B) The imposition of conditions, as set out below:

- 1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: To comply with Section 91 of the Town and Country Planning Act 1990 (as amended).

- 2 The development hereby permitted shall be carried out in accordance with the following approved plans:

Drawings AL(52)002 Rev I received 23 May 2016; AL(52)004 Rev F & AL(52)005 Rev D received 11 May 2016; AL(11)\_003 Rev G, AL(11)\_004 Rev G, AL(11)\_005 Rev H, AL(11)\_006 Rev I, AL(13)001 Rev G & AL(13)002 Rev F received on 22 March 2016; and drawing AL(52)003 Rev C received 1 September 2015 in relation to the substation only.

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

- 3 No development shall take place above slab level until details and samples of all materials to be used externally have been submitted to and approved in writing by the Local Planning Authority and the development shall be carried out 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 Policy BNE1 of the Medway Local Plan 2003.

- 4 No development shall take place until tree protection measures and methods of working designed to protect any trees to be retained on and adjacent to the site have been submitted to and approved in writing by the Local Planning Authority. The approved tree protection measures and methods of working shall comply with British Standard 5837:2012 Trees in relation to design, demolition and construction - Recommendations or any revision thereof and shall be implemented before any equipment, machinery or materials are brought on to the site for the purposes of the development, and shall be maintained until all equipment, machinery and surplus materials have been removed from the site.

Reason: Required prior to commencement of development to ensure no irreversible detrimental harm to trees which are to be retained on the site in the interests of the appearance and character of the site and locality and the amenities of neighbours in accordance with Policies BNE1, BNE2, BNE41 and BNE43 of the Medway Local Plan 2003.

- 5 In this condition "retained tree" means an existing tree which is to be retained in accordance with the details approved pursuant to this condition; and paragraphs a) and b) below shall have effect until the expiration of 5 years from the date of occupation of the building for its permitted use.

a) No retained tree shall be cut down, uprooted or destroyed, nor shall any retained tree be pruned other than in accordance with British Standard 3998:2010 Tree Work - Recommendations or any revisions thereof.

b) If any retained tree dies, or is removed, uprooted or destroyed, another tree shall be planted at the same place and that tree shall be of such size and species and shall be planted at such time as may be specified in writing by the Local Planning Authority.

Reason: To protect the trees which are to be retained on the site in the interests of the appearance and character of the site and locality and the amenities of neighbours in accordance with Policies BNE1, BNE2, BNE41 and BNE43 of the Medway Local Plan 2003.

- 6 Within two months of the commencement of the development hereby approved a scheme of landscaping (hard and soft) shall be submitted to the Local Planning Authority for its written approval. The hard landscaping shall

include details of all external surfacing (including the use of permeable paving where possible) and shall be implemented as approved prior to the first use/occupation of the building hereby approved. The soft landscaping shall include details of the species (incorporating native species suitable for foraging bats), size at time of planting, spacing/density and a timetable for implementation. All planting, seeding and turfing comprised in the approved scheme of landscaping shall be implemented in accordance with the approved timetable 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: Pursuant to condition 197 of the Town and Country Planning Act 1990, in the interests of the appearance and character of the site and its surroundings and in order to provide suitable habitat for bats, in accordance with Policies BNE1, BNE2, BNE6, BNE37, BNE38 and BNE39 of the Medway Local Plan 2003.

- 7 Prior to the first use/occupation of the development hereby approved details of boundary treatment shall be 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 building is first occupied and shall be retained as such thereafter.

Reason: To ensure that the appearance of the development is satisfactory and without prejudice to conditions of visual and residential amenity in the locality in accordance with Policies BNE1 and BNE2 of the Medway Local Plan 2003.

- 8 No development shall take place until a detailed reptile mitigation strategy has been submitted to and approved in writing by the Local Planning Authority and the strategy shall be implemented as approved.

Reason: Required prior to commencement of development to ensure no irreversible detrimental harm to protected species and to ensure adequate measures are put in place for suitable protection and translocation off the site of reptiles in accordance with Policies BNE37 and BNE39 of the Medway Local Plan 2003.

- 9 No development shall take place until details of measures to enhance the biodiversity value of the site together with a timetable for their implementation have been submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented in accordance with the approved timetable and shall be retained as agreed thereafter.

Reason: Required prior to commencement of development to ensure no irreversible detrimental harm to protected species and biodiversity interests and to enhance the remaining habitat areas for wildlife in accordance with Policies BNE37, BNE38 and BNE39 of the Medway Local Plan 2003.

- 10 No development shall take place until a scheme showing details of the

disposal of surface water, based on sustainable drainage principles, including details of the design, implementation, maintenance and management of the surface water drainage scheme have been submitted to and approved in writing by the Local Planning Authority. Those details shall include (if applicable):

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

Reason: Required prior to commencement of development to ensure no irreversible detrimental harm to the environment in terms of flood risk and in order to manage surface water.

- 11 No development shall take place until a Construction Environmental Management Plan (CEMP) has been submitted to and approved in writing by the Local Planning Authority. The CEMP shall include amongst other matters details of: hours of construction working; measures to control noise affecting nearby residents; wheel cleaning/chassis cleaning facilities; dust control measures; pollution incident control and site contact details in case of complaints. The construction works shall thereafter be carried out at all times in accordance with the approved CEMP.

Reason: These details are required prior to the commencement of development to ensure that the construction works are undertaken in a manner which acknowledges interests of amenity and safety and with regard to Policy BNE2 of the Medway Local Plan 2003.

- 12 Prior to any development above building slab level a scheme providing details of acoustically screened ventilation protection sufficient to ensure internal noise levels (LAeq,T) no greater than 30dB in bedrooms and 35dB in living rooms with windows open shall be submitted to and approved in writing by the Local Planning Authority. All works which form part of the approved scheme shall be completed before any part of the development is occupied and shall thereafter be maintained in accordance with the approved details.

Reason: In order to provide suitable living conditions for occupants of the development in accordance with Policy BNE2 of the Medway Local Plan 2003.

- 13 Prior to the installation of any external lighting on the site details of such lighting including its height, position, external appearance, any shielding, light intensity, colour, spillage (such as light contour or lux level plans) and hours of use together with a report to demonstrate how its effect nearby residential properties and on bats (including reference to the recommendations of the Bat Conservation Trust) has been minimised shall be submitted to and approved in writing by the Local Planning Authority. Only the external lighting

approved pursuant to this condition shall be used on the site and it shall only be used within the hours approved pursuant to this condition.

Reason: In order to limit the impact of the lighting on nearby residents and on wildlife and in accordance with Policies BNE1, BNE2, BNE5 and BNE39 of the Medway Local Plan 2003.

- 14 Within two months of the commencement of the development hereby approved details of the following off-site highway works shall be submitted to the Local Planning Authority for its written approval:
- (a) improvements to the surfacing and drainage of the access to the site through the garage block area to the main carriageway of Broadway;
  - (b) the provision of a 5.5m wide carriageway in this area;
  - (c) the provision of a 2 metre footway in this area;
  - (d) the removal of the existing street lighting column and the provision of new street lighting columns in this area;
  - (e) the provision of tactile paving at the crossing point over the bellmouth junction with Broadway; and
  - (f) the implementation of parking restrictions at the junction with Broadway and along the garage access road.

The works shall be fully implemented in accordance with the approved details prior to the first occupation/use of the development hereby approved.

Reason: In order to ensure that a safe and adequate means of access is provided to the site for vehicles and pedestrians in accordance with Policies T1 and T2 of the Medway Local Plan 2003.

- 15 Prior to the first use/occupation of the development hereby approved details of a secure pedestrian access point from the eastern side of the southern site boundary to help facilitate the connection of the site to the adjacent public footpath which links the site with the A2 shall be submitted to and approved in writing by the Local Planning Authority. The approved access details shall be installed and made available for use prior to first use/occupation of the development and thereafter retained as such, available for the use of all site employees and visitors.

Reason: To order to ensure the provision of a safe and convenient means of pedestrian access to the site and to connect it with public transport access points in accordance with Policy T3 of the Medway Local Plan 2003.

- 16 Prior to the first use/occupation of the development hereby approved details of covered cycle parking facilities shall be submitted to and approved in writing by the Local Planning Authority and shall be implemented in accordance with the approved details. They shall be retained as such, available for use, at all times thereafter.

Reason: In order to ensure that suitable cycle parking facilities are provided in order to encourage travel by cycle and in accordance with Policy T4 of the Medway Local Plan 2003.

- 17 Prior to the first use/occupation of the development hereby approved the internal site access road, turning and parking spaces shall be surfaced, laid out and provided in accordance with the approved plans and, notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order amending, revoking or re-enacting that Order) they shall be retained as such available for use at all times thereafter.

Reason: To ensure that adequate access, turning and parking are provided on the site in the interests of highway safety and amenity in accordance with Policies T1, T13 and BNE2 of the Medway Local Plan 2003.

- 18 Prior to the first use/occupation of the development hereby approved details of the enclosure of the recycling store and of any other external bin storage areas shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented prior to the first use/occupation of the development and shall be retained as such thereafter.

Reason: In order to ensure that suitable refuse/recycling areas are provided in the interests of visual and residential amenity in accordance with Policies BNE1 and BNE2 of the Medway Local Plan 2003.

- 19 If, during development, contamination not previously identified is found to be present at the site then no further development shall be carried out until the developer has submitted a method statement to and obtained the written approval of the Local Planning Authority. The Method Statement must detail how this unsuspected contamination shall be dealt with and shall be fully implemented in accordance with its terms.

Reason: To ensure that the development is undertaken in a manner which acknowledges interests of amenity and safety in accordance with Policy BNE23 of the Medway Local Plan 2003.

**For the reasons for this recommendation for approval please see Planning Appraisal Section and Conclusions at the end of this report.**

### **Proposal**

It is proposed to construct a 90 bed care home which is designed to provide care for elderly residents who require 24 hour nursing care. It is stated that the mix would reflect needs in the area but that it is likely to mean nursing and dementia care or a combination of both for those who have reached the point that they cannot live at home or are not getting the right type of care in a hospital. Each resident would have their own bedroom with en-suite bathroom and there would be various communal facilities including lounge/dining areas, a hair and beauty room, a library, a café area and a cinema room.

The accommodation is arranged in single level 'wings' which can operate independently of each other in respect of general nursing care and lounge/dining areas, although they would all share the main communal facilities. The building

would have a central main access from the east, with a roughly L-shaped area to either side. There would be two 'wings' of 15 bedrooms each on the ground and first floors to the north of the main entrance and three 'wings' of 20 bedrooms each on the ground, first and second floors to the south. In addition staff changing facilities, a training room, the laundry and the kitchen would be provided in the roofspace above the northern part of the building. Externally the main entrance to the building aims to create a glazed link between the two sides. The detailed design of the main areas to the north and south of the entrance incorporates various small scale projections and bay windows with a pitched roof including areas of photovoltaic panels. The proposed materials include a blue engineering brick to the ground floor with render above, copper and timber cladding features and a plain tile roof.

Vehicular access to the site is via a road which serves some garages off Broadway. It is proposed to provide 34 car parking spaces on the site and also an area for service vehicles, with the parking being located by the southeastern side of the site. A cycle store and a sub-station are also proposed. To the western and northern sides of the building would be secure garden areas for residents.

It is stated that the staffing ratio is one per five residents. Clearly 24 hour care would be provided, it being anticipated that there would be three shifts changing at 8am, 2pm and 8pm, with maximum staff levels of 20-22 in the day, providing the equivalent of 90 full time jobs.

### **Relevant Planning History**

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| MC/14/2436 | Construction of a 100 bed care home<br>Decision Withdrawn by Applicant<br>Decided 01December 2014 |
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### **Representations**

The application has been advertised on site and in the press and by individual neighbour notification letters to the owners and occupiers of neighbouring properties. EDF Energy, the Environment Agency, Kent County Council (KCC) Biodiversity, Kent Police, Medway Fire Service, Network Rail Southern Gas Networks and Southern Water Services have also been consulted.

The **Environment Agency (EA)** advise that although the proposal is in Source Protection Zone 3 they do not consider it to be high risk and will therefore not be providing detailed site-specific comments with regard to land contamination issues for the site. General advice regarding contamination assessment and risk is provided including in relation to on site waste and waste to be taken off site.

**KCC Biodiversity** advise that the reptile survey confirms the presence of slow-worms on the site. It is reported that sufficient habitat cannot be retained on the site to accommodate the slow-worms and as such translocation of the slow-worms to an off-site location is proposed. Initially specific details of a translocation site were not provided but they have now received further information regarding the proposals for reptile mitigation including confirmation of the location of the proposed receptor site for the reptiles that would require translocation from the proposed development site if

planning permission was granted. A detailed description of the proposed receptor site is also provided which, along with the accompanying photograph, confirms the suitability of the site. The submitted information demonstrates an understanding of the reasons for the currently negligible populations of reptiles on the site and provides an outline of the measures that would be implemented to ensure that the translocated reptiles can be accommodated on the site. This provides sufficient information for Medway Council to be satisfied that adequate measures can be secured to mitigate for the impacts to reptiles that are likely to occur as a result of the proposed development. A detailed mitigation strategy must be secured by condition if planning permission is granted. It would also be necessary for the applicant to demonstrate that the use of the proposed receptor site has been agreed by the land owner/manager and the intention for this to be incorporated into legal agreements is noted.

With regard to bats, the Bat Survey reports that the site is 'marginally important for foraging/commuting common pipistrelles'. No evidence of roosting bats was found on the site and the levels of bat use indicate that the potential impacts to bats can be addressed through an appropriate landscaping scheme that retains existing boundary habitats and uses native species in the planting and the use of sensitively designed lighting scheme. Both of these elements must be secured by condition if planning permission is granted.

One of the principles of the NPPF is that opportunities to incorporate biodiversity in and around development should be encouraged and the securing of ecological enhancement measures within the development should therefore be sought.

**Kent Police** have considered the application with regards to Crime Prevention Through Environmental Design matters, in accordance with the NPPF and the DCLG Planning Practice Guidance 2014 – Crime Prevention, the Kent Design Initiative. They have provided detailed comments regarding this, noting in respect of the additional/revised submissions that security has been considered and incorporated within the detailed design and that as such there is no need for a planning condition to secure such consideration from a security aspect.

The **NHS** has requested a contribution of £17,190 based on a calculation of £191 per person as set out in the Guide to Developer Contributions. This would be used for improvements to any of the following GP surgeries within 0.6 miles of the development:

- Woodlands Family Practice
- East Court Lane Surgery
- The Medical Centre, Waltham Road
- Malvern Road Surgery.

**Natural England** has no objection to the application. It is advised that the site is in close proximity to European designated sites and therefore has the potential to affect its interest features. These sites are afforded protection under the Habitats Regulations and Medway Council, as competent authority under these Regulations, should have regard for such potential impact. In this respect it is advised that the proposal is unlikely to have a significant effect on any European site and can therefore be screened out from any requirement for further assessment under the



Habitat Regulations. The proposed nursing home does not include staff accommodation so increased recreational disturbance to the Medway Estuary and Marshes SPA and Ramsar site is unlikely to occur.

In addition Natural England is satisfied that the development would not damage or destroy features for which the Medway Estuary and Marshes SSSI site has been notified, therefore the SSSI does not represent a constraint in determining the application. An assessment of the impact on protected species has not been made and attention is drawn to their Standing Advice on this.

**Network Rail** has no objection.

**Southern Water** advise that they can provide foul sewage disposal to service the development and that a formal application to them is required for this. There currently appears to be inadequate capacity in the local network to provide surface water disposal to service the development. They therefore advise that the applicant investigates alternative means for surface water disposal. Conditions requiring the agreement of foul and surface water sewerage disposal are recommended together with informatives providing contact details for Southern Water.

The **MP for Gillingham and Rainham, Rehman Chishti**, confirms that he cannot make a judgement on a planning application, it is a matter for the local planning authority to determine, and asks for it to be considered in accordance with all appropriate criteria on its merits. He notes that the applicant stresses the need for the opening of this nursing home; that there is a need in the area to meet the health needs of individuals discharged from hospital into social care; that the applicant and his wife manage three other care homes in the area which are understood to be well recognised by the Care Quality Commission and Social Services; that the Good rating of Byron Lodge Nursing Home in 2015 demonstrates their proven track record of managing nursing homes and indicates the standard of service that would be provided by the new nursing home; and confirming that they are happy to work with residents and all others concerned regarding any and all objections that may be raised.

**45 representations** including those confirming objections to revised plans have been received, in summary raising the following material planning considerations:

- Three floor monstrosity/eyesore, too big for the area, imposing;
- Overdevelopment, too big for the site, everything should fit within the grounds;
- Detrimental impact on light and outlook of local residents;
- Overlooking;
- Increased congestion and parking in local roads (including during construction and 24 hour activity thereafter, high visitor numbers at weekends and bank holidays), on-street parking levels are already high, safety hazards including for children walking to school;
- The local roads are unsuitable for extra traffic including delivery and construction vehicles;
- The staff figures appear inaccurate and very low, what would happen at change over times, and where would visitors park as well, on-site parking provision is too low;

- Staff car share and cycling to work is unlikely to occur and claims about public transport usage are too high;
- Poor/too small/unsuitable access through garage access road, frequent cars and vans loading and unloading within it and near a dangerous bend;
- How will emergency access and deliveries be secured;
- Loss of greenery and safe place to play and exercise pets, land should never be built on/historically given to local community not to be built on;
- Screening is not effective including during winter;
- Who would screen planting be maintained by (including on residents' sides);
- Adverse impact on wildlife;
- Ruin a quiet neighbourhood, constant noise and activity;
- Light pollution/emissions from the building when in use;
- Noise and air pollution during construction;
- Other preferable sites available;
- The revised plans do not overcome these concerns;
- More residents should have been notified of the application.

## **Development Plan Policies**

The Development Plan for the area comprises the Medway Local Plan 2003. The policies referred to within this document and used in the processing of this application have been assessed against the National Planning Policy Framework 2012 (the NPPF) and are considered to conform.

## **Planning Appraisal**

### *Background*

A previous application for a similar development on this site, MC/14/2436, was withdrawn to enable the undertaking of ecology survey work (which is seasonal) and for further consideration of the issues raised at this time.

### *Principle*

The site is located within an urban area as designated by the Medway Local Plan 2003. Other than the western strip nearest the A289 Ito Way the site together with a smaller eastern triangle of the land to the south is allocated for housing by Policy H1 of the Medway Local Plan 2003, with an indicative figure of 8 units being given (the Plan confirms that this is based on the Council's initial assessment of the site rather than being a target or maximum figure). In these circumstances there is no overriding objection in principle to the residential development of the land, including for its use as a care home rather than for individual houses. The provision of additional nursing bed capacity is generally welcomed as additional capacity will be required to meet current and future nursing bed needs.

The NPPF contains a presumption in favour of sustainable development at its heart (paragraph 14) and confirms that housing applications should be considered in this context (paragraph 49). It also advises that planning should proactively drive and support sustainable economic development to deliver the homes and business that

the country needs (paragraph 17).

In summary there is no objection in principle to the proposed development and its acceptability will depend on matters of detail, to be assessed below.

### *Street Scene and Design*

The site is located within a primarily residential area which is bordered by the dual carriageway of Ito Way to the west. There is a tree covered bund between the site and Ito Way such that this road cannot be seen from the site. To the north of the site are 1970s houses in Broadway and to the east are the backs of 1930s style houses in Priory Road. The site is accessed from the northeast by a section of the public highway which currently only serves a number of garages, meeting the main part of Broadway further north near a bend in the road. Due to this positioning and also to a number of trees on the site perimeter at present the site is fairly secluded, not highly visible, and overgrown.

In this context the site surroundings do not provide a firm steer for the architectural style of the development. In addition due to the purpose of the proposed building, to provide a care home, its appearance has been to some extent driven by function. There would be two roughly L-shaped wings to either side of a central glazed main entrance. Due to concerns regarding the dominance of the northern wing from the adjacent houses revised plans have reduced the size of the building and drawn it further from the site boundary, with the majority of the current screen of fruit trees remaining between the two. In addition the scheme has been designed such that the northern wing nearest to these lower houses would be two storey with staff/kitchen/laundry facilities in the roof space served by roof lights, with the southern wing being three storey, the houses in Priory Road to the east being at a higher ground level than those to the northeast of the site in Broadway.

The detailed design of the proposed building incorporates variations in the layout, features and materials which would help to give interest to what would be a large building with a modern feel. Subject to the retention of existing trees where practical and to the addition of new landscaping which could be secured by planning condition, overall it is considered that this would result in an acceptable design and appearance in the site context.

In summary there is no objection to the design or visual impact of the development including with regard to Policy BNE1 of the Medway Local Plan 2003 and the advice regarding good design in the NPPF (section 7).

### *Amenity Considerations*

Two main amenity issues are raised, the impact of the development on neighbours and the quality of the environment which would be created for residents of the proposed care home itself.

With regard to the impact on neighbours those closest to the site are the residents in Broadway to the northeast and those in Priory Road to the east. The closest residents in Broadway face and flank on to the site around a grassed amenity area which borders the site. The land falls in this direction, such that the houses to the

north are slightly lower than the site, whereas to the east the houses in Priory Road whose rear gardens back on to the site are at a higher level.

The northern L-shaped part of the proposed building closest to houses in Broadway is two storey with accommodation in the roofspace, as opposed to the proposed three storey block to the south. However concern has still been raised regarding the potential impact of the building on the neighbours in Broadway to the northeast (as well as on trees), and as a result of this revised plans have been submitted. At its closest point the corner of the proposed building would now be approx. 28.8m away from the front of 75 Broadway, the nearest house to the proposed northern tip, and approx. 19.2m away from the front corner of 57 Broadway which flanks on to the site, the majority of the building being further away due to its angled design. The ground floor level of the proposed building would be approx. 1.8m above the ground floor level of 57 Broadway and the ridge would be approx. 4.9m higher than this neighbouring house. However there is a belt of protected trees between these neighbouring houses and the proposed building of some 11m in width. This tree belt would significantly lessen the impact of the proposed development on the residents in Broadway, such that on balance the relationship is now considered acceptable with regard to potential overbearing and light impacts. In addition the revised plans have removed balconies from the elevations of the proposed building which would face the northeast site boundary, which is desirable. Although there would still be windows facing this direction due to the separation distance, intervening trees and angle of view, mainly towards the fronts of nearby houses, it is not considered that this would cause an unacceptable loss of privacy.

The southern part of the proposed building would be set away from the eastern site boundary with the proposed car park between the two. There are two protected Ash trees on the eastern boundary and also some other vegetation, although this area would need to be supplemented by new planting if the development were to go ahead. At its closest point the proposed building would be set off the eastern boundary by approx. 11.5m (at the south eastern corner) but it would angle away, such that it would mainly be much further away. Beyond the eastern site boundary are the rear gardens of houses in Priory Road, the main part of the rear of these houses being approx. 23m away from the site boundary. In addition the houses to this side are at a higher level, such that the first floor level of the proposed building would be similar to their ground floor and the ridge heights would also be similar. There are no balconies proposed to this side of the proposed building. In these circumstances it is not considered that the building would result in an unacceptable overbearing impact of loss of light or privacy to the neighbours in Priory Road.

As well as the physical impact the proposed development would also result in a major increase in activity levels of the site, including from people and vehicles as well as in respect of lighting levels. However although neighbours may have enjoyed the current undeveloped state of the site it is located within an urban area and has been allocated for residential development for many years (it is shown for this in the 2003 Local Plan). The proposed use for a residential care home is not inherently noisy, although it is recognised that at times emergency vehicles may need to visit at unsocial hours. Subject to planning conditions to secure details of boundary treatment and external lighting it is not considered that there would be unreasonable

harm to the amenities of neighbours in these respects. Whilst the building itself would also emit light from windows, again it is not considered that this would result in unreasonable harm.

Due to the proximity of neighbouring residents to the proposed development a condition requiring the agreement of a Construction Environmental Management Plan is recommended in order to address the impact of the development during the construction period.

With regard to the standard of accommodation which would be provided for potential residents of the care home the submissions confirm that the bedrooms range from approx. 14.5sqm to approx. 19sqm, each having an en-suite facility. Each of the five accommodation 'wings' would also have a larger assisted bathroom and a number of lounge/dining areas, in addition to the central facilities for all residents such as the hair and beauty room, library, café area and cinema room. The grounds would also provide various garden areas for use by residents, primarily to the west and north of the building.

A noise report has been submitted as part of the application. This concludes that noise levels within the building which would comply with BS8233:2014 could be achieved by suitable single glazing provision. As double glazing would be required under the Building Regulations, which would achieve the necessary attenuation of external noise, a planning condition to address this would not be required. However the noise report also finds a need for an alternative means of ventilation (other than opening windows) and this would need to be secured by planning condition as ventilation secured under the Building Regulations is unlikely to be acoustically screened as so would be a weak spot for the transmission of external noise into the building.

In summary the impact of the development on the amenities of neighbours is considered acceptable as is the standard of accommodation which would be provided for occupants of the site itself, including with regard to Policy BNE2 of the Medway Local Plan 2003 and the guidance given in the NPPF (including the fourth core planning principle given in paragraph 17).

### *Trees*

The area of trees adjacent to the north east boundary of the site together with two single Ash trees on the eastern boundary are protected by a Tree Preservation Order (TPO). There are also many other trees mainly around the edge of the site, including by the southern boundary and on the bund between the site and Ito Way to the west. A Development Tree Survey and Arboricultural Report including a Tree Protection Plan has been submitted as part of the application. The Report recommends that a number of trees including Cypress trees, a Hawthorne and some dead trees within a hedge are removed irrespective of the development taking place, in the interests of safety. Initially the plans would have also resulted in the reduction in the depth of the protected tree belt by the northeast site boundary. However following negotiation, due to the importance of these trees in mitigating the impact of the development from the adjacent houses, the proposed building and associated

development has been moved further away from them, such that the main bulk of this area of trees can now be retained.

On the eastern side of the site the proposed car park would curved to leave space around the two protected Ash trees. Protective measures would be needed during construction in order to avoid significant damage to them, as well as to other retained trees, and this can be secured by planning condition. Additional planting along this boundary and elsewhere on the site can also be secured by planning condition, helping to reduce the impact of the development on neighbours in Priory Road, as well as to add to the character and nature conservation value of the site.

The trees on the bund to the west of the site are already sizable with some having the capacity to grow much taller. Although they are not at direct risk from the development, minor changes to the plans have been secured in an attempt to limit the impact of the trees on residents of the building, due to their close proximity.

In summary subject to conditions the impact of the development on trees is now considered acceptable including with regard to Policies BNE41 and BNE43 of the Medway Local Plan 2003 and the advice in the NPPF ((including the seventh core planning principle given in paragraph 17).

### *Ecology*

Natural England advise that although the site is in close proximity to European designated sites the proposal is unlikely to have a significant effect on any European site and can therefore be screened out from any requirement for further assessment under the Habitat Regulations. In addition they advise that as the proposed nursing home does not include staff accommodation it is unlikely that there would be any increased recreational disturbance to the Medway Estuary and Marshes SPA and Ramsar site, therefore a 'bird disturbance contribution' is unnecessary. Further to this they advise that the development would not damage or destroy features for which the Medway Estuary and Marshes SSSI site has been notified, therefore the SSSI does not represent a constraint in determining the application.

With regard to protected species the application is accompanied by reptile and bat surveys. The reptile survey confirms that there are slow-worms on the site but that as sufficient habitat could not be retained to accommodate them on-site, translocation to an off-site location is proposed. A suitable site for translocation has been identified and sufficient information has been provided to ensure that adequate measures can be secured to mitigate for the likely impacts of the development on reptiles. A legal agreement is recommended to secure the translocation (this will have to be agreed with the off-site land owner) and a detailed mitigation strategy would need to be secured by planning condition.

With regard to bats the Bat Survey reports that the site is 'marginally important for foraging/commuting common pipistrelles'. No evidence of roosting bats was found on the site and the levels of bat use indicate that the potential impacts to bats can be addressed through an appropriate landscaping scheme that retains existing boundary habitats and uses native species in the planting and by the use of sensitively

designed lighting scheme. It is therefore recommended that these matters are secured by planning conditions. A further condition would require details of ecological enhancement measures in accordance with paragraph 118 of the NPPF.

In summary subject to a legal agreement to secure translocation of slow-worms and to conditions the impact of the development on ecology is now considered acceptable including with regard to Policies BNE35, BNE37 and BNE39 of the Medway Local Plan 2003 and to the advice in the NPPF (paragraph 118).

### *Highways*

*Trip Generation and access* - The submitted Highways Statement uses the TRICS database to estimate that the originally proposed development for 100 beds would have generated up to 16 vehicle trips during each peak period and a total of 237 trips between 0700 and 2100. Revised plans now show a 90 bed home therefore these figures can be reduced by 10%.

The existing garage access road which is a spur off the main Broadway carriageway is adopted public highway and has a total width of approximately 8.6m. Whilst this may not be considered to be ideal there is no realistic alternative vehicular access to the site. It is proposed to provide a 2m footway on the eastern side of the access road, a carriageway width of 5.5 metres which would accommodate two-way traffic, and a 1m footway on the western site. Visibility at the junction with Broadway is acceptable and commensurate with the residential nature of the street. The application includes vehicle tracking diagrams showing how the junction could accommodate large vehicle access and egress, taking into consideration kerbside parking in the vicinity. Notwithstanding this, the garage access road has only ever carried small amounts of traffic and therefore the additional vehicle trips generated by the development are likely to require its surfacing and drainage system to be evaluated and improved. Furthermore, in order to ensure satisfactory access to the development, parking restrictions are likely to be required along most of its length and around the junction radii with Broadway, limiting any waiting in these areas to loading and unloading only. The application agent has agreed to these alterations in principle, together with associated alterations to street lighting, and planning conditions are proposed to address them.

The TRICS database estimates that for 100 bed care home up to 125 pedestrian trips per day would also be generated by the development but this can be reduced by 10% for the smaller 90 bed home now proposed. Facilities for pedestrians on the existing garage access road are poor and the only street light currently in place would need to be removed in order to access the site. For this reason it is recommended that the provision of a footway, tactile paving over the crossing at the bellmouth junction with Broadway and improved street lighting be secured by planning condition, such that acceptable pedestrian access could be secured. The application proposes a pedestrian access near the eastern side of the southern boundary of the site which would connect with an existing public footpath. This is considered an important link in sustainability terms as it would provide good access to public transport provision on the A2. It is therefore recommended that details of the access and its subsequent provision and retention be secured by planning condition.

Subject to these improvements to the existing highway infrastructure it is considered that the additional trips generated by the proposed development would not compromise highway safety and capacity. The provision of a footway and improvements to street lighting would ensure a safe and convenient means of pedestrian access. On this basis no objection is raised in respect of Policies T1, T2 and T3 of the Medway Local Plan 2003.

*Parking* - The Council's Parking Standards suggest a maximum of one space per six residents (for visitors) plus one space per member of staff and separate provision for ambulances and delivery vehicles. There is no minimum parking provision for this use class and therefore the proposal for 34 spaces accords with Policy T13 of the Medway Local Plan 2003. However it is still necessary to consider whether or not the development would be likely to result in significant levels of overflow parking on local streets such that a loss of amenity to local residents would result, at times there already being high levels of on-street parking in the area.

It is stated that the staffing ratio for the care home would be one per five residents and it is anticipated that there would be three shifts per day changing at 8am, 2pm and 8pm, with maximum staff levels likely to be in the order of 20-22 in the day, with less at night. The trip generation calculation for the development details the arrivals and departures during each hour of the day, which enables a parking accumulation study to be undertaken. This indicates that the development of a 100 bed care home would have generated a maximum demand for 27 parking spaces at any one time. On this basis and taking into account the fact that the proposal has now been revised down to a 90 bed home it is considered that the proposed 34 on-site spaces proposed would be sufficient to accommodate the likely demand.

Due to local concern the applicant has provided some further information in respect of the proposed off-street car parking provision. This comprises details of existing care homes within the Gillingham area, and elsewhere in the country that have a similar or lower levels of parking. Parking surveys at three sites in Milton Keynes suggest an average car park occupancy of 42%, although the sites are located within the town and therefore benefit from good public transport. This evidence was accepted by an inspector at an appeal for a 60 bed care home in Bletchley, which was allowed with a provision of 18 spaces. It is stated that the bulk of care home staff do not tend to arrive by car and that the level of visitors to residents is sadly lower than might be expected

As stated above the trip generation assessment for the current proposal suggests that the development would have generated a maximum demand for 27 parking spaces at any one time for a 100 bed home. However, the applicant's evidence suggests that this would be a worst-case scenario; applying a similar occupancy figure to similar developments it would have generated a demand for around 14 spaces, less now that the proposal has been revised down to a 90 bed home. The site is around 300 metres from the A2, which carries high frequency bus services, and therefore alternative modes represent a viable option for employees and visitors.

Whilst the proposed layout plan shows some indicative locations for cycle parking it is proposed that details of how it would be protected from the weather be secured by planning condition.



In summary the parking impacts of the development are considered to be acceptable including with regard to Policies BNE2, T4 and T13 of the Medway Local Plan 2003 and the advice in the NPPF (including the fourth core planning principle given in paragraph 17).

#### *Flooding*

The site is within an area of low risk for flooding however a condition is recommended to secure details of surface water drainage in order to ensure that the risk of flooding is not increased on or off site for the lifetime of the development. The landscaped areas of the site would provide an opportunity to increase the permeability of the site to reduce the risk of surface water flooding under more rare, extreme events and permeable paving should be used throughout where appropriate, including within parking areas, terraces and garden areas. Southern Water have advised that they can provide foul water sewerage disposal to service the development and this will be drawn to attention by an informative on the decision notice.

#### *Section 106 contributions*

The NHS has requested a contribution of £17,190 towards improvements to local GP surgeries based on a calculation of £191 per person as set out in the adopted Guide to Developer Contributions. It is recommended that this be secured by a Section 106 agreement in accordance with Policy S6 of the Medway Local Plan 2003 and the advice in the NPPF (paragraphs 17, 70 and 204).

#### *Local Finance Considerations*

There are none considered relevant to this application.

#### *Other Matters*

It is noted that some concern has been raised regarding the loss of open space and saying that the land was historically given to the local community not to be built on. The land was part of an area acquired by Gillingham Borough Council in 1962 from the War Department, the majority being sold for housing in 1969. The remainder was then incorporated into Gillingham Golf Club as part of a lease however in 1993 there was an exchange of land between KCC and Gillingham to facilitate the building of Ito Way. This severed the site from the main part of the golf club land, the golf club surrendering their lease in favour of a new lease which excluded the current site. There is no legal restriction on the use of the current site and the land to the south which is currently used as public open space would not be altered by the proposals. The Council retains a right of way over a strip of land near the eastern side of the application site to enable access for plant and machinery for maintenance of its remaining land to the south.

### **Conclusions and Reasons for Recommendation**

In summary there is no objection in principle to the proposed care home and the impact of the development with regard to the design, street scene, amenity, trees, ecology, highways/parking and flooding is considered acceptable subject to

conditions. Approval is therefore recommended including with regard to Policies S6, BNE1, BNE2, BNE5, BNE6, BNE8, BNE35, BNE37, BNE39, BNE41, BNE43, H1, T1, T2, T3, T4 and T13 of the Medway Local Plan 2003 and the advice in the NPPF.

This application would normally be determined under delegated powers but is being referred for determination by Planning Committee due to the number of representations which have been received expressing views contrary to the Officer recommendation and at the request of Councillor Griffiths to ensure that potential overdevelopment of the site, issues of access through the garage site, sufficiency of parking spaces to accommodate the scale of development and the impact on amenity of existing neighbours and future residents are fully considered.

This application was considered by Members at the Planning Committee on the 1 June 2016, when it was determined to defer a decision to enable a Members' site visit to be held.

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### **Background Papers**

The relevant background papers relating to the individual applications comprise: the applications and all supporting documentation submitted therewith; and items identified in any Relevant History and Representations section within the report.

Any information referred to is available for inspection in the Planning Offices of Medway Council at Gun Wharf, Dock Road, Chatham ME4 4TR and here <http://publicaccess.medway.gov.uk/online-applications/>