

MC/18/0207

Date Received: 19 January 2018

Location: Tara 419 Walderslade Road Walderslade Chatham ME5 9LL

Proposal: Construction of new 32 bed nursing care home with associated landscaping and parking

Applicant Mr Killick

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Ward: Walderslade Ward

Case Officer: Tom Stubbs

Contact Number: 01634 331700

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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 29th August 2018.**

**Recommendation - Approval subject to:**

A. The completion of a legal agreement under Section 106 of the Town and Country Planning Act 1990 to secure:

- i. £14974.40 towards improvements to Reach Walderslade.

B. And the following conditions:

- 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:

Drawing numbers 17.1126.MB.PL002 Rev B, 17.1126.MB.PL100 Rev B, 17.1126.MB.PL101 Rev B, 17.1126.MB.PL102 Rev B and 17.1126.MB.PL103 Rev C, 17.1126.MB.PL104 Rev C, 17.1126.MB.PL105 Rev C and 17.1126.MB.PL106 Rev B, received on 4 July 2018.

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

- 3 No development shall take place until details of the proposed means of foul water sewerage disposal have been submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved details before any part of the development is occupied and shall thereafter be retained.

Reason: Required before the commencement of the development, to ensure the design of the foul water disposal is incorporated into the below ground works in accordance with Paragraphs 163 and 165 of the NPPF.

- 4 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:

- i. a timetable for its implementation, and

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

The development shall be implemented in accordance with the approved details and shall thereafter be retained.

Reason: Required before commencement of the development in order to manage surface water during and post construction and for the lifetime of the development in accordance with Paragraph 163 and 165 of the NPPF.

- 5 No development, including demolition of the existing buildings, shall commence until a Construction Environmental Management Plan that describes measures to control the noise affecting nearby residents, dust, hours of working, deliveries, operatives parking, wheel/chassis cleaning, pollution incident control and contact details in case of complaints, during the demolition and construction phases of the development has been submitted to and approved in writing by the Local Planning Authority and all construction works shall be undertaken in accordance with this approved plan.

Reason: Required before commencement of development to avoid any irreversible detrimental impact on surrounding residential amenities and in accordance with Policy BNE2 of the Medway Local Plan 2003.

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

## **Recommendation**

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

## **Proposal**

This application seeks planning permission for the construction of new 32 bed nursing care home with associated landscaping and car parking.

The care home would be four storeys in height with the uppermost floor providing rooms in the roofspace. The building has a mix of hipped roofs and a table top roof. There would be dormer windows within the rear building. The building would be a maximum of approx. 14.5m in width, approx. 47m in depth. Due to the excavation involved at the site, the building would appear to be three storeys to the front and one storey to the rear with a maximum height of 11m from the existing land levels.

The facility would provide 32 care bedroom with ensuites, dayrooms on each floor, a hairdressers and administration and staff areas. The property would be served by 14 car parking spaces and the site would be landscaped.

## **Representations**

The application has been advertised on site, in the press and by individual neighbour notification to the owners and occupiers of neighbouring properties. The Environment Agency, Rochester Airport, Rochester Airport Committee, EDF Energy, Southern Water, Southern Gas Networks and NHS have also been consulted.

**Five** letters of objection have been received raising the following concerns:-

- The need for the care home.
- Levels of excavation.
- Loss of vegetation.

- Lack of parking and concern of use impact on parking in Walderslade Village, safety concerns over the access.
- Four story building being dominant in the street scene.
- Loss of privacy and noise impacts on neighbours.
- Concerns of suitability of local health care services.
- Concerns over the entrance for people with disabilities.

The other issues raised, not listed above, are not planning considerations such as the possible subsidence concerns.

One letter was also received from **Cllr Brake** who has written indicating the site appears to be large enough for a care home however raises concerns regarding the parking and medical provision of the proposal. He considers that 14 parking spaces are insufficient and the applicant would be reliant on parking facilities in and around Walderslade Village to its detriment. He suggests that the number of rooms should be reduced or additional spaces provided. He also raised concerns about the health care provision of the future users.

**Southern Gas Networks** have advised of a lower/medium/intermediate pressure gas main near the site and state there should be no mechanical excavations taking place above or within 0.5m of mains or within 3m of an intermediate pressure system. Details of the supplied plans and advice booklet to be made aware to senior person on site. Also safe digging practices in accordance with HSE publication HSG4. These issues will be advised of as an informative.

**Southern Water Southern Water** have written raising concerns regarding their ability to accommodate the needs of this application without providing additional local infrastructure. They request conditions and informative' s relating, a drainage strategy, connection to public sewage system, to discharge of foul and surface water drainage. There is also a communication pipe within the site.

Re-consultation took place following receipt of amended plans and a letter from an original objector was received to indicate they still object to the proposal.

**Cllr Brake** also responded to the amended plans that although they improved the appearance of the building and gardens it did not change the level of parking and his objection still stands.

The Agent has sent an email, including the planning documents submitted and an additional cover letter to all Councillors on the Planning Committee. The letter indicates the site history, negotiation which has taken place in the like of the application and to draw their attention to the letter from the structural engineer.

## **Development Plan**

The Development Plan for the area comprises the Medway Local Plan 2003 (the Local Plan). 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 and are considered to conform.

## **Planning Appraisal**

### *Principle*

Paragraph 7 of the NPPF supports strong, vibrant and healthy communities, by encouraging the supply of housing required to meet the needs of present and future generations; and by creating a high quality built environment, with accessible local services that reflect the community's needs and support its health, social and cultural well-being. Paragraph 17 of the NPPF encourages local strategies to improve health, social and cultural wellbeing for all to meet local needs. Policy CF2 of the Local Plan also supports the introduction of new community facilities subject to amenity, access and size considerations.

The application site is located within the urban area opposite to Walderslade Village and on a bus route. Although the previous dwelling onsite was only a small bungalow the site benefits from a large plot and therefore no objection would be raised regarding its demolition and replacement with a care home. The introduction of a new care facility is considered to be beneficial to the housing mix in the area and consequently the proposal is considered acceptable subject to the consideration of more detailed matters.

### *Design*

Paragraph 56 of the NPPF emphasises the importance of good design and Policy BNE1 of the Local Plan states that development should be satisfactory in terms of scale and mass and should respect the visual amenity of the surrounding area.

By virtue of its siting, the proposed care home would be visible from Walderslade Road and neighbouring properties. The surrounding properties are in a mix of commercial and residential use. The vegetation and bungalow previously on site has already been removed. The proposed care home is much larger than the existing properties extending further back into the site, however it is considered to be appropriate for the size and scale for this large plot and the proposed excavation prevents the four storey nature of the development from dominating the neighbouring properties. The design of the front of the building reflects the design of the neighbouring dentist, 417 Walderslade Road, making it in keeping with the appearance of the street scene.

The site layout is also considered acceptable and appropriate for the use. The submitted layout plans show areas of soft landscaping to the front, side and rear of the property which would improve the current stark nature of the site; however no final details of

landscaping have been submitted at this stage. If the application were considered to be acceptable, a condition for hard and soft landscaping and boundary treatments would be required.

The proposed scheme is therefore considered to be in accordance with Policy BNE1 of the Local Plan and Paragraph 56 of the NPPF subject to the aforementioned conditions.

### *Amenity*

There are two main amenity considerations, firstly the impact of the proposed development on neighbours and secondly the living conditions for the future residents of the development itself. Policy BNE2 of the Local Plan and bullet point 4 of paragraph 17 of the NPPF relates to the protection of these amenities.

#### Neighbouring Residential Amenity

By virtue of the size and scale of the proposed building; level of excavation and topography of the site; the distance from neighbouring properties and the relationship of their habitable windows to the proposed development; and the orientation of the site and the path of the sun; it is considered that there would not be any detrimental loss of neighbouring amenity with regards to outlook, daylight or overshadowing of the adjoining properties. Concerns have been raised regarding the loss of privacy within consultation responses. However, due to the excavation and topography of the site and the arrangement of windows within the proposed development, there would be no detrimental impact in terms of overlooking into properties to the rear in Rush Close. There would be overlooking of the neighbouring dental surgery (417 Walderslade Road) but as a non residential property there would be no objection raised.

The scheme has been amended so the fourth floor rooms 31 and 32 are served oriel dormer windows which would prevent overlooking of the immediate rear garden area to neighbouring residential property 421 Walderslade Road. The rooms below these on the third floor would be the equivalent of ground floor windows from the existing ground level. Due to the excavation and topography of the land and the existing boundary treatment, there would be no detrimental overlooking from these windows. Further concerns of noise have been raised within consultation responses. The end use would not result in excessive noise within this mixed residential and commercial area. However there is a potential for noise and disruption during the construction phase of the proposal and therefore a construction management plan would be required by condition if recommended for approval. Subject to this condition no objection would be raised.

#### Amenity of Future Occupiers

With regard to the standard of accommodation which would be provided for future residents of the care home, the submissions confirm that the bedrooms range from approx. 12sqm to approx. 26sqm, each having an ensuite (not included within the area calculation for the room). Each of the four floors would have a large day room space, in

addition to the central facilities for all residents such as the hairdressers. There will be access within the property by stairs and lifts. The grounds would provide a level garden space including allotment and a garden area/seating area to the rear. Concerns have been raised about the suitability of the main entrance from steps; however there is a separate lift access from the ground floor car park.

Subject to the recommended conditions, the proposal is considered to be acceptable in amenity terms and no objection is raised under the provisions of Policies BNE2 and CF2 of the Local Plan and paragraph 17 of the NPPF.

### *Highways*

Concerns have been raised within consultation responses regarding, highway safety, the lack of car parking and the impact on car parking at Walderslade Village.

The Councils maximum parking standards for a care home are one space per six residents for visitors and one per member of staff. The 14 car parking spaces would be the maximum permitted under the standards and therefore suitable for the proposed 32 residents and eight members of staff especially in this location close to local amenities. The layout of the parking area is adequate and the access is considered to have suitable vision splays and would not be considered to result in an issue of highway safety. Consequently the application considered to be in accordance with Policies T1, T2 and T13 of the Local Plan.

### *Flood and Drainage*

There is no record to indicate the site is at risk from surface water flooding. No drainage information has been provided with the application. It is considered that the site may be suitable for soakaways subject to further infiltration and geothermic testing. Rainwater harvesting, grey water recycling and water butts could be used were possible to provide additional means of surface water attenuation as well as reduced demand on potable water supplies. If the application were considered for approval, conditions to secure details of the disposal of surface water would be required to ensure the proposed development and its maintenance is in accordance with paragraph 103 of the NPPF.

### *Bird Mitigation*

The site is over 6km away from the North Kent Marshes SPA/Ramsar Sites and therefore no bird disturbance contributions are required.

### *S106 Matters*

The Community Infrastructure Levy Regulations 2010 provide that in relation to any decision on whether or not to grant planning permission to be made after 6 April 2010, a planning obligation (a s106 agreement) may only be taken in to account if the obligation is (a) necessary to make the development acceptable in planning terms;(b) directly related

to the development; and (c) fairly and reasonably related in scale and kind to the development. The obligations proposed comply with these tests because they are necessary to make the development acceptable in planning terms, they are directly related to the development and are fair and reasonable in scale and kind. The following contributions are sought:

### NHS

A contribution of £14,974.40 based on an occupancy ratio of 2.45 and a contribution of £191 per room towards improvements to Reach Walderslade Clinic.

The applicants have agreed to pay this contribution and are in the process of drafting a s106 agreement. No objection is therefore raised under paragraph 109 of the NPPF and Policy S6 of the Local Plan.

### *Other matters*

Although not a planning consideration the applicant has responded to the consultation concerns of subsidence by the form of a letter from a structural and civil engineering company, which concludes that following standard construction methods no ground instability would be encountered.

### *Local Finance Considerations*

There are no local finance considerations.

## **Conclusions and Reasons for Approval**

In summary there is no objection in principle to the proposed care home and the impact of the development with regard to the design, amenity, highways/parking and flooding is considered acceptable subject to conditions. Approval is therefore recommended including with regard to Policies S6, BNE1, BNE2, T1, T2 and T13 of the Local Plan and the paragraphs 7, 17, 56, 103 and 109 of the NPPF.

The application would normally be determined under delegated powers but is being reported for Committee determination due to the number of representations received contrary to the recommendation.

This planning application was granted approval subject to the completion of a section 106 at the 9 May 2018 Planning Committee.

Since the Committee resolved to grant planning permission subject to a s106 it was discovered during the s106 negotiations that an area of land to the rear of the site measuring approx. 6.5m in depth was not within the applicant's ownership and had been mistakenly included within the outline of the application site. Subsequently the red line of the planning application has been corrected. As a result of the decrease in site area, the



previously approved scheme has had to be reduced to adequately fit on the site. The building depth has changed from approx. 37.5m to approx. 35.5m in depth and the rear amenity area is now proposed to be levelled.

Since the previous committee report the NPPF has also been updated. The new relevant paragraphs have now been included.

The alterations to the boundary and the reduction of the building would not result in any detrimental harm in terms of size and scale in relation to the plot. The amended internal alterations would also have no negative impacts on future or neighbouring amenities with room sizes similar to those previously approved. The levelling of the rear amenity space would provide greater accessibility for the future occupiers and the changes would have no detrimental impact on the highways and with regard to flooding. The proposal is therefore considered acceptable and in accordance with Policies S6, BNE1, BNE2, T1, T2 and T13 of the Local Plan and the paragraphs 56, 124, 127, 163, 165, 175 and 179 of the NPPF subjected to amended conditions. Condition 2 has been amended to reflect the new approved plans while 3 and 4 have been amended to reflect the new NPPF paragraphs.

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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://publicaccess1.medway.gov.uk/online-applications/>