

4. 1 -SE/11/01878/FUL Date expired 5 November 2012

PROPOSAL: Erection of a new Care home

LOCATION: Land North Of, Bouchier Close, Sevenoaks

WARD(S): Sevenoaks Town & St Johns

ITEM FOR DECISION

This application has been referred to Development Control Committee by Councillors Fleming and Dawson on the grounds of loss of important green space, bulk and scale of the proposed building, traffic generation, loss of amenities to neighbours, and drainage issues within a water catchment area.

RECOMMENDATION: That planning permission be GRANTED subject to the following conditions:-

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

In pursuance of section 91 of the Town and Country Planning Act 1990.

2) No development shall be carried out on the land until samples of the materials to be used in the construction of the external surfaces of the development hereby permitted have been submitted to and approved in writing by the Council. The development shall be carried out using the approved materials.

To ensure that the appearance of the development is in harmony with the existing character of the area, as supported by Policy EN1 of the Sevenoaks District Local Plan and Policy SP1 of the Sevenoaks Core Strategy.

3) No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by, the local planning authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for: the parking of vehicles of site operatives and visitors loading and unloading of plant and materials storage of plant and materials used in constructing the development the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate wheel washing facilities measures to control the emission of dust and dirt during construction a scheme for recycling/disposing of waste resulting from demolition and construction works

To protect the amenities of the area during development, in accordance with Policy EN1 of the Sevenoaks District Local Plan and SP1 of the Sevenoaks Core Strategy

4) The development hereby permitted shall achieve a BREEAM "Very Good" rating, and shall include at least a 10% reduction in total carbon emissions through the on-site installation and implementation of decentralised, renewable or low-carbon energy sources. Evidence shall be provided to the Local Authority

-i) Prior to the commencement of development, of how it is intended the development will achieve a BREEAM "Very Good" rating and a 10% reduction in total carbon emissions or

alternative as agreed in writing by the Local Planning Authority; and

ii) Prior to the occupation of the development, that the development has achieved a BREEAM "Very Good" rating and a 10% reduction in total carbon emissions or alternative as agreed in writing by the Local Planning Authority.

In the interests of environmental sustainability and reducing the risk of climate change, as supported by Policy SP2 of the Sevenoaks Core Strategy

5) Before development commences, details of tree protection measures for all trees to be retained on site shall be submitted to and approved in writing by the local planning authority. The details shall be submitted in accordance with advice contained within BS5837:2012 - "Trees in relation to design, demolition and construction - Recommendations" Before any equipment, machinery or materials are brought on to the land for the purposes of the development, the approved tree protection measures shall be carried out in full and be maintained on site until all equipment, machinery and surplus materials have been removed from the land. Within a retained tree protected area -Levels shall not be raised or lowered in relation to the existing ground; No roots shall be cut, trenches cut, or soil removed; No buildings, roads, or other engineering operations shall be constructed or carried out; No fires shall be lit; No vehicles shall be driven or parked over the area;-No materials or equipment shall be stored unless agreed otherwise in writing by the Local Planning Authority

To safeguard the visual appearance of the area as supported by Policy EN1 of the Sevenoaks District Local Plan and Policy SP1 of the Sevenoaks Core Strategy.

6) Before development commences, full details of hard landscaping works shall be submitted to and approved in writing by the local planning authority. The details shall include; full details and surface finishes of all hard surfaces proposed within the development, including access roads and car parking areas- full details of any retaining walls or structures required as part of the development- full details of any boundary enclosures The development shall be carried out in accordance with the approved details

To safeguard the visual appearance of the area as supported by Policy EN1 of the Sevenoaks District Local Plan and Policy SP1 of the Sevenoaks Core Strategy.

7) No development shall commence until full details of soft landscaping works have been submitted to and approved in writing by the local planning authority. The details shall include -Soft planting plans, identifying existing planting, plants to be retained and new planting, and a schedule of new plants, (noting species, size of stock at time of planting and proposed number/densities). This shall include a detailed landscaping scheme for the area of land to be provided as public open space and shall include landscaping measures to deter access to the boundaries of the site shared with neighbouring residential properties and landscaping measures to improve biodiversity on the site.-a programme of implementation for the landscaping works. The development shall be undertaken in accordance with the approved details. If within a period of 5 years from the completion of the development, any of the trees or plants that form part of the approved details of soft landscaping die, are removed or become seriously damaged or diseased then they shall be replaced in the next planting season with others of similar size and species.

To safeguard the visual appearance of the area, the amenities of neighbouring properties and to improve biodiversity, as supported by Policy EN1 of the Sevenoaks District Local

Plan and Policies SP1 and SP11 of the Sevenoaks Core Strategy.

8) 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 the developer has submitted, and obtained written approval from the local planning authority for, a remediation strategy detailing how this unsuspected contamination shall be dealt with. The remediation strategy shall be implemented as approved.

To ensure that any contamination discovered during development is assessed appropriately in line with the relevant planning guidance in the National Planning Policy Framework. The site lies within a sensitive area with regard to groundwater, being located within Source Protection Zone 2 for the public water abstraction on Oak Lane, and being located over a principal aquifer.

9) Before development commences, a surface water drainage scheme shall be submitted to and approved in writing by the Local Planning Authority, and no building hereby permitted shall be occupied until such drainage works have been implemented in accordance with the approved details. Before these details are submitted, an assessment shall be carried out of the potential for disposing of surface water by means of a sustainable drainage system, and the results of the assessment shall be provided as part of the drainage scheme to the local planning authority. No infiltration of surface water drainage into the ground will be permitted other than 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 approval details.

To prevent pollution of groundwaters, in accordance with the National Planning Policy Framework. The site lies within a sensitive area with regard to groundwater, being located within Source Protection Zone 2 for the public water abstraction on Oak Lane, and being located over a principal aquifer.

10) The care home development hereby permitted shall not be occupied until the parking spaces and accesses have been completed and made available for use. These spaces shall thereafter be maintained for vehicle parking only.

To ensure suitable parking provision is accommodated and maintained, in accordance with Policy EN1 of the Sevenoaks District Local Plan.

11) The car parking area hereby permitted to the rear of the care home building shall be made available for use by staff and visitors to the care home at all times other than when required for parking by persons attending a religious service or event at St Nicholas Church for a period of up to one hour prior to the service or event and up to one hour and a half after the conclusion of that service or event.

To ensure suitable parking provision is accommodated and maintained, in accordance with Policy EN1 of the Sevenoaks District Local Plan.

12) No development shall take place until details of a traffic management system for the site have been submitted to and approved in writing by the Local Planning Authority. The details shall include the following - - measures to control access to the site via the existing church car park at all times other than when the additional church car park hereby approved to the rear of the care home is required in connection with a church

service or event (under the terms of condition 11 above).- a scheme to provide access to the additional church car parking area hereby approved for staff and visitors to the care home via Bouchier Close- a scheme to enable emergency vehicular access and exit to the care home via Rectory Lane and the existing church car park. The development shall be carried out in accordance with the approved details and maintained as such thereafter.

To control access to the site via Rectory Lane, and to provide a secondary access and/or exit from the site for emergency vehicles, in accordance with Policy EN1 of the Sevenoaks District Local Plan.

13) No development shall commence until full details of the location, layout, design and specification of the children's play area, together with a scheme for the management and long term maintenance of the play area, have been submitted to and approved in writing by the Local Planning Authority. The details shall include the provision of at least five items of play equipment. The development shall be carried out in accordance with the approved details.

To provide a suitable play area in accordance with the terms of the application, and to help address a need for new sites, in accordance with Policy SP10 of the Sevenoaks Core Strategy.

14) The development shall be carried out in complete accordance with the Extended Phase 1 Habitat and Protected Species Survey dated April 2012 and the Reptile Survey dated October 2012. Details of the timescales for the provision of the mitigation measures as set out in the surveys shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development or as otherwise agreed in writing by the Local Planning Authority. The removal of scrub shall be carried out using a precautionary mitigation strategy, the details of which shall be submitted to and approved in writing by the Local Planning Authority prior to such works being undertaken on site.

To safeguard and enhance biodiversity on the site, in accordance with Policy SP11 of the Sevenoaks Core Strategy

15) The removal of scrub prior to the further Badger survey work required, as set out in the Extended Phase 1 Habitat and Protected Species Survey dated April 2012, shall be carried out using a precautionary mitigation strategy, the details of which shall be submitted to and approved in writing by the Local Planning Authority prior to such works being undertaken on site.

To safeguard and enhance biodiversity on the site, in accordance with Policy SP11 of the Sevenoaks Core Strategy

16) No development shall commence until further survey work relating to badgers and birds as set out in Section 7 of the Extended Phase 1 Habitat and Protected Species Survey dated April 2012, together with an assessment of the suitability of any trees proposed for removal to contain roosting bats, has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

To safeguard and enhance biodiversity on the site, in accordance with Policy SP11 of the Sevenoaks Core Strategy

17) No development shall commence until a management plan for the area of open

space within the development has been submitted to and approved in writing by the Local Planning Authority. The plan shall provide details of how the land will be designed and managed to benefit biodiversity, and shall include measures for the long term management and maintenance of the land. The development and maintenance of the land shall be carried out in accordance with the approved details

To safeguard and enhance biodiversity on the site and to improve public access to open space, in accordance with Policies SP10 and SP11 of the Sevenoaks Core Strategy

18) The development hereby permitted shall only be used as a residential care or nursing home and such residents shall be aged 65 years or above.

To meet the terms of the application which demonstrates a shortfall in present and future accommodation for elderly persons and adds weight to the partial development of the site and loss of important green space. To control the levels of traffic and demand for parking within the site and surrounding area, that may increase were an unrestricted C2 use to be granted. In accordance with Policies EN1 and H8 of the Sevenoaks District Local Plan, and Policies SP1 and SP5 of the Sevenoaks Core Strategy.

In determining this application, the Local Planning Authority has had regard to the following Development Plan Policies:

Sevenoaks District Local Plan - Policies EN1, EN9, EN25A, H8

Sevenoaks District Core Strategy 2011 - Policies L01, L02, SP1, SP2, SP5, SP10, SP11

The following is a summary of the main reasons for the decision:

The traffic movements generated by the development can be accommodated without detriment to highway safety.

The development would not have an unacceptable impact on the residential amenities of nearby dwellings.

The scale, location and design of the development would not cause unacceptable impacts upon the character and appearance of the surrounding area

The site is within the built confines of Sevenoaks and in a sustainable urban location. Although the development would result in the partial loss of important green space, it would retain and make available an area of open space for public access, including provision of a play area, on land which is currently privately owned and unavailable for public use. The proposal would improve access to open space, as well as the quality of the space, and this is deemed to outweigh the policy presumption under EN9 of the Sevenoaks District Local Plan to safeguard the current site.

Description of Proposal

- 1 The application proposes to erect an 80 bed nursing home facility on the site. The care home would be designed as a single L shaped building, largely over three floors with the top floor located within the roof space of the building. Due to levels changes over the site, a lower fourth floor would be included on the western side of the building, and the eastern elevation would be constructed over two floors.
- 2 The building would be located in the north east corner of the site, and the two main wings of the building would measure approx. 43 and 46 metres in length. At

its highest point, the west side of the building would be approx. 13.6 metres in height. At three storey level, the building would measure approx. 11.4 metres in height.

- 3 A vehicular access into the site would be created from Bouchier Close, and 26 car parking spaces provided around the building.
- 4 The application also proposes to extend the access and drive serving the care home through the site, to join with the existing St. Nicolas church car park, providing a one-way system for church traffic to exit through the site of the care home and via Bouchier Close, rather than the existing arrangement onto the High Street. This new access route from the church car park has been previously approved by the Council. In addition, 23 new car parking spaces for the church would be provided to the rear of the car facility, and the developer has confirmed that these spaces will be made available for use by the care home in periods when church traffic is low.
- 5 Finally, the application proposes to utilise the remaining undeveloped areas of the site as public open space, and includes proposals for play equipment on this part of the site. The land shown as open space would be approximately 40% of the site as a whole (including land adjacent to The Dene).
- 6 During the course of the application, a proposal to erect a further building containing close care residential units has been removed from the scheme.

Description of Site

- 7 The application site consists of an irregular shaped area of land measuring just under 1 hectare in size, sited between established residential areas of The Dene, Bouchier Close and Valley Drive, the existing Rockdale sheltered housing complex, and the car park and rectory to St. Nicholas Church.
- 8 The land is sited within the built confines of Sevenoaks, and is designated under Local Plan policy EN9 as an important area of green space within the built confines. A group of trees in the centre of the site are protected by a Tree Preservation Order. The site falls within the Homelands Catchment area which is an area where localised flooding can occur.
- 9 The site is currently undeveloped and consists largely of rough grassland with a group of trees sited in a central location on the plot. These trees are protected by a group Tree Preservation Order. The site slopes significantly in an upwards direction from west to east, with a change in land levels across the site in the region of 20 metres.

Constraints

- 10 Area or Archaeological Potential
- 11 Homelands Catchment Area
- 12 Trees in the central part of the site and on the northern boundary with the Rockdale Complex are protected by a TPO

Policies

Sevenoaks District Local Plan

13 Policies - EN1, EN9, EN25A, H8

Sevenoaks Core Strategy

14 Policies - L01, L02, SP1, SP2, SP5, SP10, SP11

Planning History

- 15 SE/90/02137 - Proposed new vehicular and pedestrian access – Approved
- 16 SE/96/0203 - New vehicular and pedestrian access.(Renewal of SE/90/2137) – Approved
- 17 SE/00/02563 - New vehicular and pedestrian access - renewal of permission – Approved
- 18 SE/05/01442 - Renewal of application SE/00/02563/RENEW- New vehicular and pedestrian access land adjoining rectory car park/Bourchier close – Approved
- 19 SE/10/00937 - Application to extend the time limit of and extant planning permission approved under SE/05/01442/RENEW - New vehicular and pedestrian access land adjoining rectory car park/Bourchier close - Approved
- 20 SE/11/02321 - Erection of boundary fence – Refused. Appeal Dismissed. Currently subject to an Enforcement Notice

Consultations

Sevenoaks Town Council

- 21 Unanimously recommended refusal on the following grounds:
- The proposed development is contrary to saved policy EN9 of the Sevenoaks District Local Plan; the site in question has been identified as an important area of green space within the built confines of Sevenoaks Town.
 - The development is out of keeping with the area; and due to its prominent overbearing and intrusive nature will be damaging to the amenities of all neighbouring properties in the area.
 - The mass and bulk of the development would constitute overdevelopment of the site
 - The development would result in inappropriate levels of traffic on inadequate and narrow roads, with difficult egress onto Oak Lane.
 - No environmental impact assessment has been submitted with the application.

Further comments following amendments:

22 Sevenoaks Town Council recommended refusal on the following grounds:-

- Over intensive use of site in this residential neighbourhood
- Excessive mass and bulk
- Detrimental to the street scene
- Loss of majority of valuable 'green lung' in town centre
- Detrimental impact of traffic flow in High Street

Kent Highways

Original Comments

23 My initial comments regarding this application are outlined below:

Could the Applicants please say if they have any plans to enable reliable access in ice and snow, when the hill in Bouchier Close may not have been cleared? Are there any plans for an emergency access route? There is an argument for saying that the proposed new road to Rectory Lane should be designed as an emergency access.

24 Use of the proposed new road to Rectory Lane as an emergency route would raise several issues

- It would require the land owner's agreement
- It might rule out mechanical means such as "plates" on the road to enforce a one-way system, and other means would need to be found to ensure that the route was not used as a short cut for general traffic;
- If the route is single-track as proposed, it would require intervisibility along its entire route, so that a vehicle would not enter if another vehicle was travelling on it in the opposite direction.

25 The Transport Statement (19 July 2011, section 6.1.6) mentions pedestrian access to the site from Rectory Lane. Has the Applicant obtained the landowner's agreement? Are there any plans for securing this route by dedicating it as a public right of way?

26 Tracking diagrams suggest that an HGV turning around would require to over-run a parking space. Could this be investigated please, and demonstrated to work without overrun.

27 It is not clear on the application form, but apparent in the Planning Statement, that the application is for an 80 room care facility and 10 flats for other elderly people (In fact, the Transport Statement section 6.1.2 describes the proposal as a 90-bedroom care home). It is possible that any residents of the flats may require parking spaces for their own cars?

- 28 It is noted that the Transport Statement (paragraph 6.1.2) suggests that 30 staff may be working on site at any one time, although they would have only 8 allocated spaces (according to drawing 11-13-02 "Site context access block plan".) By reference to other care homes, could the Applicants please substantiate the proposed level of staff car parking and the assertion in paragraph 4.3.1 of the Transport Statement that "most staff will chose not to drive" Kent Vehicle Parking Standards SPG4 of July 2006, imply a higher level of staff parking would be permissible, though less parking for visitors would apply, and a space needs to be reserved for an ambulance. The Applicants appear to have been using out-of-date parking standards from 2003.
- 29 The Applicant may be required to fund No Waiting restrictions in Bourchier Close, in particular at (and on the approaches to) the bends in Bourchier Close and around the proposed entrance to the site.
- 30 Could the Applicants please provide a plan of the proposed site entrance showing visibility splays and stopping sight distances?
- 31 Could the applicants please specify the gradient of the access route along Bourchier Close; is it greater than the maximum specified in the Department for Transport's "Inclusive Mobility" best practice guide (2002)?
- 32 Appendix A (TRICS) of the Transport Statement is empty. The TRICS analysis would be better if based on more than one site, and to additionally look at the issue of good vehicles traffic.

Further comments following amendments

- 33 I note residents' concerns and have the following comments about highway issues;
- The width of the carriageway in Bourchier Close and The Dene is 5.5m, which is adequate room for a lorry to pass a car. (The minimum would be 4.8 metres).
 - Some residents have expressed concern about the junction of Oak Lane and The Dene. Although the visibility of oncoming traffic at this junction is far from ideal, it broadly complies with the "stopping sight distances" set out in Manual for Streets, provided that drivers obey the 30mph speed limit.
 - I have checked the crash record for this location on our database. This showed a total of one personal injury accident occurring there in the ten years to 30th June 2012. This appears to have been a "shunt" type accident which took place on Sunday 12th December 2004, involving a vehicle waiting to turn right from Oak Lane into The Dene.
 - I have visited this junction in the morning peak period and note it is used by parents dropping off children to walk up Oak Lane to school. Some of these parents subsequently carried out a U-turn to drive back westward along Oak Lane. Another driver carried out a 360-degree turn at the junction in order to post a letter at the post box. The actions of these drivers suggest they did not regard this junction as particularly dangerous even in the morning peak period.

- It is not clear how much car parking is to be provided on the application site. The Site Context Access Block Plan (drawing 11-13-02 Rev D) submitted July 2012 appears to show only 26 marked parking bays (excluding those in the church parking area). The same drawing labels a small area near the kitchen (where two parking spaces are marked out) as parking for 8 cars, although there does not appear to be sufficient room to allow 8 cars to be independently accessible or to allow them to turn around easily. The Highway Report (Consultants response to Mr P Boorman and Mr J Brown representation) says in section 3.1.37 that there will be 35 spaces, though this probably refers to the previous version of the proposals with a close care accommodation. Since this change in the application it is not clear how many staff would be working at the site at any one time. I would recommend that this is clarified.
- Assuming the application only provides the parking spaces marked out on the application drawings, i.e. 26 spaces, I would expect approximately half to be required by staff. It is worth noting that the application to increase the size of a care home in Edenbridge resulted in a travel and parking survey which appears to show peak staff parking totalling 9 vehicles at this 47-bed home. The overall maximum number of parked cars on the day of the survey was 14. It is worth noting that one of the busier periods for parking at the Edenbridge home was before 10am, which would coincide with the existing parking restrictions on Bouchier Close (7am - 10am). You may wish to review whether the proposed parking provision is likely to be fully adequate, to avoid overspill parking on Bouchier Close - an amenity issue. You may also wish to consider whether commitment should be secured from the applicant that staff should be permitted to use at least half the total parking spaces.
- I do not object to the visibility splays proposed for the site exit onto Bouchier Close, i.e. 64 metres downhill and 33 metres uphill, as specified in the consultants response to Mr P Boorman's and Mr J Brown's representation (the "Highway Report"). It would be possible for vehicles to approach this access from the east in excess of 15mph (perhaps at up to 20mph), but nevertheless the proposed visibility splays are compatible with the stopping sight distances in the DfT's Manual for Streets.
- Several residents' consultation responses have pointed out that Bouchier Close has on occasions been impassable due to snow and ice. Unfortunately it is not possible for any highway authority to keep all roads open in all weathers. This prompts the question of how emergency services could access the care home if Bouchier Close is closed. I do not regard this as an issue of highway safety, as the presence of the care home would not be likely to cause the emergency services to use Bouchier Close in any way that would cause danger to other road users. However, it should be borne in mind that the proposed emergency access route to Rectory Lane and the High Street would need to be accessible in both directions, not simply in one direction as implied in the application.

34 To conclude, I do not intend to object to this application on any highway grounds. However, I would suggest the standard condition for means to prevent mud, grit etc being brought onto the highway during construction.

- 35 Informative; the proposed exit onto Bouchier Close would need to be built to designs to be agreed in writing with the highway authority. A vehicle-crossover type exit would be appropriate.

SDC Tree Officer

Original comments

- 36 Following a walk of this site and assuming that the stakes located at various points throughout are a true representation of the main structural points of the proposed buildings. It does appear that although this is a large development. In general the buildings can be constructed whilst retaining the important trees in good order.
- 37 Having said this, there are some issues with this scheme that cause concern for me. The central group of trees, which are protected by TPO 4 of 2003 are an important visual feature for this site and can be clearly seen from across the valley. I consider this group of trees will continue to be important to offer mature screening to the proposed buildings should consent be provided. The proposals for this scheme show construction works of some description or another on all sides of this group. The two roads to the South and the West of this group appear a suitable distance away so as not to cause concern. The proposed block shown to be located between this central group of trees and the northern boundary appears very close to the northern aspect of this group. There are issues with the actual build process being so close and post development issues with living area windows directly looking out onto the trees. It is reasonable to expect that harm will befall the nearby trees because of the build process. It is also reasonable to expect post development pressure being placed upon these trees due to them being this close to living areas. This group as they currently exist are suitable for the current location as it is. Should consent be provided for this scheme. It is expected that a tidy up along with formal pruning proposals to ensure that this group of trees fit into the new situation as proposed will be required. A more thorough survey with proposals will be required perhaps as a condition would be expected. I also consider that the close proximity of this building to these trees is not acceptable and needs to be addressed.
- 38 There is a group of trees located on the Northern boundary that have a number of problems with them. I would expect to see a fuller survey of these trees with proposals for pruning. I would also like to see assurances that should any of these trees need to be removed that suitable replacements will be planted.
- 39 The proposal for the open space shown to be located to the North West of the site is located on a higher point than the nearby dwellings in Valley drive. Due to the higher level of this land views from this location are down into the first floor bedrooms and garden areas. This will directly have an affect on the residents' privacy and as such I do not consider this an appropriate public space

Further comments following amendments

- 39 I refer to the tree survey as supplied by Duramen Consulting Ltd dated 16th of December 2012 as well as our recent site visit to assess the proposal to develop. I do not share fully the suggestions within the tree report. Having now gained access to the trees that are closest to the part of the block proposed to be constructed nearest to this group, I suggest the following. There is a small Elder that will need to be removed. Tree number 261 could also be removed due to the

multi stemmed nature of this tree. I also suggest that 262 could also be removed due to the amount of included branch structure within it. I also suggest the removal of 263, which has limited value. The removal of these trees will allow a greater divide between the proposal and the trees to be retained. I do not suggest the removal of these trees to accommodate the proposal but due to the potential for future failure of parts of the trees due to their condition. The remainder of the trees will need to be assessed to consider their integration into the proposed scheme. This will include acceptable pruning and internal landscaping. I would also expect to see replacement planting elsewhere upon the site to negate the losses.

- 41 The proposed public areas adjacent to the existing residential areas need to be thought through quite carefully to ensure their continued privacy and security. There should be no large planting that would block sunlight to the rear of the properties. Such planting should however be tough enough to discourage foot traffic into it. The footpath should be routed further away to discourage walkers at this end of the site.

SDC Planning Policy team

Protected Open Space

- 42 The proposal is to build a new care home on a greenfield site, which is designated as an area of important green space within the built confines, under Saved Policy EN9. The site also includes a tree, approximately in the centre of the site, which is protected by a Tree Preservation Order (TPO). Pursuant to the EN9 designation, the Council would normally ensure that this green space is safeguarded and kept free from development.
- 43 EN9 sites were designated based on the contribution they provide to the visual amenity of the locality, informal play and wildlife habitats. This site was originally designated as it was considered to provide 'a visual break and green lung'.
- 44 There are limited public views into the site as it is bounded by residential properties and the Rockdale development to the north and west, St Nicholas's church car park and a tree screen to the east and fencing on Bouchier Close to the south. The site is likely to have been visible from Bouchier Close before the erection of the fencing, although it is noted that this is a small cul-de-sac and the applicant has stated that a hedge also obscures the view from this location. There are long views of tree cover on the site from higher ground further to the north. A visual assessment document has now been submitted by the applicant which concludes that the development will not be visible from any viewpoint except Bouchier Close, and therefore will not have a significant townscape impact on this area of Sevenoaks.
- 45 The site is not currently accessible to the public. However, it is likely to provide a function in relation to the provision of wildlife habitats, and a Phase One habitat and ecological survey has now been submitted by the applicant.
- 46 The National Planning Policy Framework (NPPF) states (paragraphs 73-74) that: *'access to high quality open spaces and opportunities for sport and recreation can make an important contribution to the health and well-being of communities. Planning policies should be based on robust and up-to-date assessments of the needs for open space, sports and recreation facilities and opportunities for new provision. The assessments should identify specific needs and quantitative or*

qualitative deficits or surpluses of open space, sports and recreational facilities in the local area. Information gained from the assessments should be used to determine what open space, sports and recreational provision is required'.

- 47 The NPPF then clarifies that existing open space should not be built on unless:
- *the open space is surplus to requirements; or*
 - *the loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location; or*
 - *the development is for alternative sports and recreational provision*
- 48 It is noted that the open space in this location is currently categorised as natural/semi-natural open space in the Sevenoaks Open Spaces Study (2009). Because there are no major quantitative concerns for this typology in Sevenoaks, the Study recommends that the Council should focus upon accessibility and quality improvements to existing natural/semi-natural sites rather than additional provision of this type of open space.
- 49 It is understood that the revised proposal retains the TPO tree and includes additional public open space on the western portion of the site, including a children's playground. The western portion of the site is approximately 0.3ha of the 0.9ha site (a third) and if the playground and area around the TPO tree are included in the open space calculation, this amounts to approximately 0.4ha of the site.
- 50 The area with the TPO tree is separated from the main area of open space by an access road to the service vehicle drop-off point and staff car-park. This roadway is hatched green on the plans and it is queried how this road is surfaced. The area would better integrate with the open space to the west if some form of soft surfacing as opposed to tarmac is used for the roadway. Equally, further details are requested on the layout of the children's playspace and how this area would integrate with the other areas of open space, as currently it appears to be located on an island surrounded by the access roads.
- 51 If suitable public access to these elements of the scheme is secured (via a S106 agreement), it is suggested that the scheme will improve access to the green space, albeit to an area of reduced size. It is also suggested that biodiversity enhancement should be included in any scheme, or a contribution to off site enhancement to other sites that form part of the GI Network in the vicinity, to improve wildlife habitats and compensate for the loss of any green space. See Core Strategy policies SP10 (GI and Open Space) and SP11 (Biodiversity) and South East Plan policy CC8 (GI).
- 52 The public open space should be designed to contribute to the GI Network by investigating linking it to the open space to the north (the southern portion of the approved Rockdale House scheme) as a wildlife corridor or public access route, joining the open spaces. This area is annotated on the plans as 'area available for restricted public access' and this level of access should be clarified with the applicant.
- 53 The applicant has annotated on the submitted plans that the open space will have 'controlled public access' and that the 'gate will be kept open during daylight

hours'. Conditions / obligations should be imposed to ensure that this land remains accessible to the public.

Housing for Older People

- 54 In relation to the proposed type of housing, adopted Core Strategy Policy SP5 (Housing Size and Type) acknowledges the need to meet the requirements of the ageing population in the local area and provide housing specifically designed for older people. The policy states that sheltered housing/extra care housing will be encouraged on suitable sites in areas close to a range of services. South East Plan Policy CC5 also relates to supporting an ageing population by making suitable housing provision. The site is located within the urban confines of Sevenoaks and within close proximity to the town centre. If the applicant's needs assessment demonstrates sufficient need for this type of housing, the site appears to be a suitable location in relation to access to the town centre and the range of services that provide for the needs of future occupants.
- 55 The applicant has now submitted a sequential assessment of sites suitable for care homes within Sevenoaks (considering size, location, site characteristics and availability) and this assessment concludes that there are very limited site options for such a development within the area.
- 56 It is also noted that a care home scheme has recently been approved on the site immediately to the north, which was also designated as EN9.

Conclusion

- 57 On balance, although the Council would normally ensure that green space designated under EN9 is safeguarded from development, in this instance, it appears that the proposed development could improve public access, provide play-space and enhance biodiversity, on a site that is currently largely hidden from view and not currently accessible to the public. The Council's evidence base, the Open Space Study (2009) does not identify a deficit of natural / semi-natural open space in Sevenoaks, but recommends that the Council should focus upon accessibility and quality improvements to existing natural/semi-natural sites rather than additional provision. Combined with the policy support for housing for older people in sustainable locations, it is suggested that these factors in this instance could outweigh the continuation of the EN9 designation on the whole of the site. If a scheme is permitted, we would insist that the remaining green space continue to be safeguarded under Policy EN9 or equivalent, and that public access to this open space / play-space is secured.
- 58 KCC Families and Social Care Directorate – I have read through the needs analysis report that you provided and it is very comprehensive. I wouldn't disagree with the analysis presented but to check I would need to request a report on demand and supply over the past few years to get a true sense of voids and our system doesn't yet have the capability to capture and report on this.
- 59 We don't have anything yet for the Sevenoaks locality that is as detailed as this report as we are the process of developing our accommodation strategy.
- 60 I would make the comment that we do need to ensure that the type of care provided by this care home is able to cater for the full range of residential and nursing care and evidently dementia care

Original comments

- 61 We have reviewed the phase 1 survey submitted with the application and we do not feel that sufficient information has been submitted with regard to the potential of protected or notable species being present on the site.
- 62 Further information must be supplied assessing the suitability of the site for protected/notable species must be carried out. The assessment must also provide details of any specific protected species surveys are recorded.
- 63 As a result of reviewing photos submitted with the planning application and reviewing the information on our GIS system we feel there is suitable habitat for the following species:
- 64 Badgers - The phase 1 survey detailed that there was thick scrub on site which the surveyor was unable to penetrate. It is possible that a sett may be present within the scrub or badgers use the site for foraging.
- 65 Bats - Bats have been recorded roosting within the surrounding area as a result it is possible that the site is used by foraging bats.
- 66 There are trees present on site but no assessment has been made on the trees to establish if they contain features suitable for roosting bats. We do acknowledge that only one tree is proposed to be lost - however the proposed development can still have a direct impact on any roosts due to the increase in lighting.
- 67 Reptiles - The phase 1 survey indicates that there is a mosaic of habitats present on the site – this habitat is ideal for reptiles.
- 68 Breeding Birds - Although the phase 1 report has given recommendations with regard to the timing of the work no consideration has been given to the impact the proposed development will have on breeding birds.
- 69 All surveys and any necessary mitigation strategies must be submitted prior to determination of a planning application.
- 70 Enhancements- The key principles of PPS9 are not only to avoid, mitigate or compensate for harm to biodiversity but also to incorporate ways to enhance and restore it. No enhancements have been suggested within the phase 1 survey. An ecological enhancement and management plan must be produced and submitted for comments.

Further comments

- 71 We have reviewed the information submitted with the planning application and we are satisfied with the information that has been provided. We require no additional information to be provided prior to determination of the planning application.
- 72 Reptiles – we are satisfied with the results of the reptile survey. No reptiles were recorded during the reptile survey; however we recommend that the enhancements recommended within the phase 1 survey are still incorporated into the site if planning permission is granted.

- 73 Badgers – Evidence of badgers foraging have been identified on the site, however no setts were located during the survey. However we are aware that due to the denseness of the scrub it was not fully examined during the survey. The ecological report details that a further survey is required once the scrub has been removed. This must be a condition of planning permission.
- 74 The scrub must be removed using a precautionary mitigation strategy. The precautionary mitigation strategy must be produced as a condition of planning permission.
- 75 Bats – the survey has identified that there is minimum potential for the buildings or trees on site to be suitable to contain roosting bats. Please confirm that all trees to be removed were assessed for their suitability to contain roosting bats.
- 76 Bats may use the site for foraging and commuting. The lighting should be designed to minimise the impact on any foraging and commuting bats. We advise that the Bat Conservation Trust’s “Bats and lighting in the UK” guidance is adhered to in the lighting design.
- 77 Enhancements – One of the principles of the NPPF is that “opportunities to incorporate biodiversity in and around developments should be encouraged”.
- 78 We are aware that an area of the site is to be managed to benefit biodiversity. However no management plan has been submitted with the application. If planning permission is granted a management plan must be produced to ensure that the area is managed to benefit biodiversity within the site and surrounding area.

Natural England

- 79 Knole Park SSSI – The application site lies close to the Knole Park SSSI. Having considered the information provided and the potential environmental impacts arising from the proposal on the above designated site, Natural England considers this application is unlikely to have implications for the SSSI. Consequently we have no comments to make on this application in respect of the designated site at present.
- 80 Landscape Impacts – Natural England has considered the landscape and visual impacts of this proposal and concluded that this application does not meet our criteria for involvement with casework. We would stress that this should not necessarily be taken to indicate that the effects on landscape and visual amenity are appropriate, but are a matter for the Local Planning Authority to consider.
- 81 Protected Species – while information on the protected habitats present on site has been submitted as part of the application, the possible effects upon protected species may not have been fully considered. For example, the presence of scrub and grassland on the site may mean that the habitat is suitable for widespread reptiles and the scrub and tree lines could offer good foraging and commuting routes for bats. Therefore Natural England considers that further clarification on the potential direct and indirect effects that this proposal may have upon protected species is provided by the applicant before determination of the application.
- 82 Biodiversity Enhancements – This application has many opportunities to incorporate features into the design which are beneficial to wildlife such as the

incorporation of roosting opportunities for bats, the installation of bird nest boxes or the use of native species in the landscape planting, for example. As such we would recommend that should the council be minded to grant planning permission for this application, measures to enhance the biodiversity of the site are secured from the applicant. This is in accordance with Paragraph 14 of Planning policy Statement 9. Additionally we would draw your attention to Section 40 of the Natural Environment and Rural Communities Act 2006 which states that “every public authority must, in exercising its functions, have regard, so far as is consistent with the proper exercise of those functions, to the purposes of conserving biodiversity”. Section 40(3) also states that “conserving biodiversity includes, in relation to a living organism or type of habitat, restoring or enhancing a population or habitat”.

Environment Agency

Original Comments

- 83 We have no objection to the proposed development as submitted, subject to the imposition of the 2 conditions set out below.

Further comments

- 84 Thank you for consulting us on the above planning application, which we received on 26 September 2012. Further to our previous letters, reference KT/2011/113404/01-L01 and KT/2011/113404/02-L01 we would also like to make the following comments.
- 85 The access road drainage strategy appears acceptable from a groundwater protection perspective, provided that the proposed soakaways allow for an unsaturated zone to be maintained in the rock between the bottom of the soakaway and the groundwater table in the underlying aquifer.
- 86 We request confirmation of the proposed pollution prevention features that will be used to prevent hydrocarbons discharging direct to ground from the car parking areas, as the submitted document does not make this clear.

Further comments following further amendments

- 87 Thank you for consulting us on the above planning application, which we received on 11 February 2013. Further to our previous letters, reference KT/2011/113404/01-03 we would also like to make the following comments.
- 88 We have reviewed the Surface Water Drainage Report, (January 2013, SKM). The report indicates that the detailed design of the surface water drainage will take place at a later date. We have no further comments to make at this stage.

Advice to applicant

- 89 The site is located at a geological boundary between the Hythe formation and the Sandgate formation. The use of soakaways in the Hythe Beds can promote instability of the geology via washout of the sandier horizons, leading to the opening and enlargement of fissures. Additional guidance for the design of soakaways in the Hythe Formation can be found in The Soakaway Design Guide.

Thames Water

- 90 Original comments - Thames Water would advise that with regard to sewerage infrastructure we would not have any objection to the above planning application.
- 91 Surface Water Drainage - With regard to surface water drainage it is the responsibility of a developer to make proper provision for drainage to ground, water courses or a suitable sewer. In respect of surface water it is recommended that the applicant should ensure that storm flows are attenuated or regulated into the receiving public network through on or off site storage. When it is proposed to connect to a combined public sewer, the site drainage should be separate and combined at the final manhole nearest the boundary. Connections are not permitted for the removal of Ground Water. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required. They can be contacted on 0845 850 2777. Reason - to ensure that the surface water discharge from the site shall not be detrimental to the existing sewerage system.

South East Water

- 92 No comments received

Representations

- 93 73 letters received in objection to the development, including a petition with 17 signatures on it and a letter from the Sevenoaks Society. The objectors have raised the following concerns
- Impact upon character of residential area
 - Traffic issues exiting The Dene
 - Difficulties in accessing the site during snow
 - Drainage issues
 - Lack of parking
 - Scale of proposed building
 - Noise / pollution from additional traffic
 - Impact of additional church traffic as proposed
 - Loss of wildlife
 - Loss of protected open space
 - Impact of traffic on safety of children
 - The gradient of Bouchier Close is greater than recommended in the Kent Design Guide
 - Loss of privacy to neighbouring properties

- Impact on property prices
- Conflict with Local Plan Policy H8 through a concentration of care homes in the area
- Pressure on local services
- The future need for care homes set out in the application is questioned
- The provision of open space for use by the public is limited
- Impact upon protected trees
- Impact from construction traffic
- Harm arising to outlook of surrounding properties
- Overspill parking on local roads would occur
- Loss of light
- Potential increase in overlooking / crime arising from opening land to public use
- The development should be on brownfield rather than green field land
- The fencing proposed around neighbours gardens would be oppressive and harmful to outlook
- The proposed playground is unwanted
- The matter of alternative sites has not been properly investigated
- The ecology report is insufficient
- Lack of proper notification to residents
- Presence of bats in the area
- Inadequate publicity / consultation
- 2 objectors have also commissioned a transport consultant to report on the Transport Assessment submitted with the application. The consultant criticises the application on the following grounds –
 - steepness of gradient of Bouchier Close, and narrowness of road
 - Impact of additional traffic on road junctions
 - the transport assessment is insufficient
- 2 letters received in support of the application
 - The land is unused wasteland

It would be of benefit to put the land to good use

It would relieve pressure from Rectory Lane from church traffic

It would provide public use opportunities

It would meet the needs of older people in the area

Group Manager Planning Services Appraisal

94 Main Issues

- The principle of development
- Impact of the proposal on the character and appearance of the area
- Impact on matters of highways safety and provision of parking.
- Impact upon neighbouring amenities
- Impact upon wildlife / biodiversity
- Other matters

Principle of development

- 95 This application is for a major development proposal on land within the town confines and in close proximity to the defined town centre of Sevenoaks. Planning policy as set out in the National Planning Policy Framework supports and places a presumption in favour of sustainable development. The NPPF defines sustainable development as having three strands – an economic role (to build a strong and competitive economy), a social role (to provide housing to meet present and future generations), and an environmental role (to protect and enhance, natural, built and historic environments).
- 96 Policies LO1 and LO2 of the Council’s Core Strategy recognise the role of Sevenoaks as the main focus for development in the district. The pre-amble to Policy SP5 of the Core Strategy recognises that the proportion of elderly people in the population is forecast to rise, and that as such housing will need to be designed to adapt to this, including increased provision for housing specifically designed for older people.
- 97 Policy H8 of the Local Plan states that residential care homes should be on land suitable for such purposes with off street parking and close to local services. Such care homes should not be concentrated in one area where cumulative impacts would be harmful to character or amenity.
- 98 Put broadly, the proposal would provide accommodation for a sector of the community that is forecast to rise in number. The application includes a needs assessment which reports that there is an undersupply of 96 beds in the District at present, and that the shortfall by 2026 will be in the region of 622 beds. Kent County Council (Families and Social Care section) accept that the assessment is

very comprehensive and do not disagree with the findings. The site is located in a sustainable urban location and close to surrounding services and infrastructure.

- 99 Balanced against this, the application site is on undeveloped greenfield land which is currently designated under policy EN9 of the Local Plan as an important area of green space within built confines. The pre-amble to this policy states that such designated areas were selected on the basis that the land is of public visual amenity and visible from public rights of way, including roads and footpaths, that the area is prominent in the street scene and makes a positive contribution to the visual amenities of the area, including, where relevant, enhancing the outlook and amenities of nearby properties. I am advised by the Planning Policy team that this site was originally designated as it was considered to provide 'a visual break and green lung'.
- 100 The National Planning Policy Framework (NPPF) (paragraphs 73-74) recognises the importance of open space and states that: *Planning policies should be based on robust and up-to-date assessments of the needs for open space, sports and recreation facilities and opportunities for new provision. The assessments should identify specific needs and quantitative or qualitative deficits or surpluses of open space, sports and recreational facilities in the local area. Information gained from the assessments should be used to determine what open space, sports and recreational provision is required'.*
- 101 The NPPF then clarifies that existing open space should not be built on unless:
- *the open space is surplus to requirements; or*
 - *the loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location; or*
 - *the development is for alternative sports and recreational provision*
- 102 This site is currently categorised as natural/semi-natural open space in the Sevenoaks Open Space, Sport and Recreation Study (2009), which forms a background document to the Local Development Framework. Because there are no major quantitative concerns for this typology in Sevenoaks, the Study recommends that the Council should focus upon accessibility and quality improvements to existing natural/semi-natural sites rather than additional provision of this type of open space. Section 6.42 of the study rates the application site lowly in terms of quality and accessibility.
- 103 The land is privately owned with no public access, and has been screened in recent years by an unauthorised 2 metre high fence, which the Council is currently taking enforcement action against. As part of the proposal, a proportion of the site would be opened to public use. The area of the application site retained as open space would be in the region of 0.4 hectares – which would be over 40% of the total site area. In addition, a 0.1 hectare triangular shaped area of land immediately to the west of the site would remain undeveloped and retained as open space. Taking into account the vehicular access to the care home, and the need to provide a landscaped buffer area on those boundaries of the site adjacent to residential properties, I have calculated that the "usable" open space available to the public would be in the region of 0.35 hectares.

- 104 In addition the application proposes to provide play equipment within the public space, shown to be on the smaller island of land adjacent to the site entrance and access road. The provision of a play area would help towards addressing a shortfall in the provision of playgrounds within the District and the Sevenoaks town area, as evidenced in the Councils Open Space, Sport and Recreation Study (2009).
- 105 The need to increase children's play areas in the District, and to improve access to some areas of open space, forms part of the pre-amble to Policy SP10 of the Core Strategy.
- 106 Taking these factors into account, it is my opinion and that of the Council's Planning Policy team that partial redevelopment of the site could bring benefits to the provision of publicly accessible open space within the area, as well as increasing the provision of equipped play areas. The question is whether such benefits would outweigh the policy presumption under EN9 against the development of protected green space. Given the findings of the Open Spaces Study, which identifies that there is no quantitative shortfall of this type of green space in Sevenoaks, and that accessibility and quality improvements to such sites should be sought, I consider that on balance, a case exists for this particular type of development, which would provide specialised residential accommodation which is expected to grow in demand as the elderly population increases. The improvements would be in accordance with the pre-amble to Policy SP10 of the core Strategy.
- 107 With regard to the new access provision through the site for users of the church, it is noted that permission has existed for numerous years for an access to be provided through the site for such purposes, and remains intact following the grant of planning permission in 2010. As such this principle has been accepted by the Council for many years.

Impact upon the character and appearance of the area

- 108 The site is generally surrounded by two storey conventional detached dwellings, with some terraced three storey units on Valley Drive. The Rockdale housing complex is also sited immediately to the north of the site and a 48 bed nursing home is under construction on this site. The BT building further afield within the town centre is also visible from the site.
- 109 The proposed development would take place in the north east corner of the site. As a result, in approaching the site from The Dene and Bouchier Close, the retained area of open space would still give an impression of openness and greenery from the site entrance, albeit that the access to the site would be proposed in this location. Notwithstanding this, the building, at 4 storeys in part and up to 13.6 metres in height, together with the proposed footprint, would clearly be of a scale that would not be representative of the surrounding area, and could not be totally screened from its surroundings.
- 110 The applicant has submitted a Visual Impact Assessment which concludes that the site is not visible from surrounding areas, other than from Bouchier Close. I do not necessarily agree with this conclusion, and I do not consider the Visual Impact Assessment to hold significant weight as it does not provide any visual data to superimpose the development onto the site. In my opinion, due to the topography of the area, the building would be at least partially visible from wider

areas than Bouchier Close. However it would be sited comfortably within the plot, visually separated from surrounding buildings, and the footprint of the building covering approximately 1400sqm, would occupy around 15% of the area of the application site. The site is not in a visually sensitive landscape, and is surrounded by built form. As such I do not consider that wider views of the development would necessarily be harmful.

- 111 The building would be sited 45 metres and 55 metres respectively from the nearest residential properties at 14 and 24 Valley Drive, around 37 metres from No. 1 Bouchier Close, 52 metres from the dwelling at Downsview and 50m from the new nursing home under construction at Rockdale. I consider these distances to be sufficient to enable a building of the size proposed to be sited on this plot without appearing cramped or upsetting the domestic scale of surrounding residential properties. The development would clearly be larger scale and different to the existing domestic nature of the surrounding area, but such difference does not in itself equate to harm. In my opinion, the size of the plot, position of the building on the plot, and distances to surrounding properties is such that the development could be accommodated without having a significant impact upon the character of this primarily residential area. The building has been designed with varying roof and eaves lines, set backs and projections, and with a palette of materials to include bricks, tile hanging, render, and timber detailing, all of which would help break up the scale and mass of the building.
- 112 The proposal would involve the removal of a number of trees adjacent to the church car park, although this is to the satisfaction of the Council's tree officer and larger trees within this area would be retained. The copse of trees in the centre of the site is protected by a TPO and would form a "feature" to the front of the building. These are considered as a group to offer high visual amenity value. Having inspected this group, the tree officer is satisfied that the important trees within the group can be retained. Whilst he recommends that some tree removal takes place within this group, the trees in question are of limited value or low health. Further tree management and new landscaping works are also recommended by the tree officer across the wider site.
- 113 The site forms part of the Rectory Lane Character Area within the Sevenoaks Residential Character Area Assessment. It includes the land within Rockdale where a care home is under construction, and describes the type of buildings in the area as "residential and institutional", typical building heights as two storeys, and emphasises the importance of tree screening on the boundary of the church car park. From Rectory Lane, it is important to note that the proposed building would be set down considerably, due to the topography of the land which rises to the east. As a result, the ground floor of the building would be around 9 metres lower than the level of the car park at St. Nicholas church, and the ridge of the rear elevation facing towards the church would be lower than the height of the two storey rectory building adjacent to the car park – and would itself appear as two storeys in height from this direction. The belt of trees adjacent to the church car park would largely be retained. When taking this into account, I do not consider the proposal would be prominent or harmful to the character of Rectory Lane. Nor do I consider the proposal to be contrary to the Residential Character Area Assessment for Rectory Lane.
- 114 Policy EN1 of the Local Plan requires all development to be compatible with its surroundings in terms of scale, height, site coverage and density, and to retain important features such as trees, and Policy SP1 of the Core Strategy similarly

requires new development to be well designed and responsive to distinctive local character. For the reasons set out above, whilst the development would clearly be of a different scale to its surroundings, I do not consider this in itself to be harmful, and overall I consider that the proposal would not cause harm to the character of the area and would not be in conflict with the above policies.

- 115 Policy H8 of the local plan is specific to care homes and states that sites should be located close to services and facilities. In this instance the site is in close proximity to the town centre, at a walking distance of around 200 metres to the High Street via Rectory Lane. The policy states that the character of the area should be appropriate – and this has been considered in detail above.
- 116 Policy H8 also states that the concentration of care homes will not be permitted where the cumulative impact would be harmful to the character and amenities of the area. In this instance, the site is located next to the Rockdale housing complex, although this is well shielded from The Dene and Bourchier Close due to changes in land levels and screening, and importantly the fact that access to Rockdale is via Rockdale Road and South Park. Some dwellings on Valley Drive would be close to both Rockdale and the application site, although at the same time they would be separated from the proposed care home by the proposed area of open space, and would be physically separated from these buildings by some distance. As such I do not consider this to be in conflict with Policy H8 of the local plan.

Highways safety and parking

- 117 The proposal makes provision for 26 car parking spaces to be used directly by the care home. Access to and from these spaces would be via Bourchier Close. The Council has no adopted parking standards for care homes, although Kent Highways have compared the scheme to traffic movements associated with another recent care home proposal in Edenbridge and have not raised objection to the parking provision as proposed. It should also be noted that the location of the site makes it accessible via public transport services to the town centre.
- 118 The scheme also proposes to provide additional parking spaces in connection with the church, to the rear of the care home. These spaces are required by the church to help alleviate existing parking problems at the church during periods of heavy use. I understand that this forms part of the terms for development of the site, which is at least partly owned by the church. Whilst I do not consider that additional parking for the church in this sustainable location is an absolute necessity, I understand that Rectory Lane is heavily congested at times due to church services, to the detriment of local residents and users. The impact in planning terms of these additional spaces is limited, given their position behind the care home.
- 119 The applicant has agreed that these spaces can be used by the care home when not required by the church. Whilst I do not consider such dual use of these spaces to be essential, given the lack of objection to the parking for the care home by Kent Highways, the availability of these spaces may help alleviate concerns of members and local residents over perceived parking issues.
- 120 In terms of traffic generation, Kent Highways have confirmed that the width of the roadway on Bourchier Close is suitable and that the junction of The Dene and Oak Lane is sufficient to accommodate the likely traffic arising from the development.

121 A number of objectors have raised concern over the gradient of Bouchier Close, and accessibility problems in poor weather. Such occurrences would be infrequent and it is noted by Kent Highways that emergency access to the site could also be gained via Rectory Lane if necessary. Whilst the access on the application site has been designed for one-way use only, such emergency use would not be common, and I do not consider that passing places as suggested by Kent Highways would be necessary, given the small length of the access road and likely infrequency of use by emergency vehicles. No objection to the gradient of Bouchier Close has been raised on highways safety grounds.

122 Members will note that the highways officer raised a number of other queries in their comments and I would comment on these as follows –

- As already stated, Rectory Lane can be used as an emergency route for vehicles to access the site. The relevant part of the lane is owned by St Nicolas Church who are agreeable to such use.
- The mechanisms to restrict use of the access road from Rectory Lane, and control over one-way use of the access would be subject to control via a planning condition.
- There are no plans to secure pedestrian access via Rectory Lane as a public right of way.
- The tracking / turning area for HGV movements has been amended following the submission of amended plans, to the satisfaction of the highways officer.
- Visibility splays from the site Bouchier onto Bouchier Close have been provided to the satisfaction of the Highways Officer
- There do not appear to be any set national or local standards for staffing levels at care homes – each home is considered on the basis of its particular facilities and needs of residents. The Royal College of Nursing has produced a document which sets out existing nursing levels for care homes. Using these for an 80 bed home as proposed, staffing levels would be in the region of 18 staff during the day and 9 staff at night. The Highways Officer raises no objection to the parking provision as proposed for the development.

123 Taking the above into account, I consider the development to be acceptable in terms of traffic generation and parking provision, and in accordance with the terms of Policy EN1 of the Local Plan.

Impact upon neighbouring amenities

124 The site is generally surrounded on all boundaries by existing residential development. Members will note in the sections above that the distances between the proposed building and the closest surrounding residential properties is between 37 and 55 metres. Even when taking into account the levels changes on site and the raised height of the proposed building, these distances are such that loss of light, privacy or outlook would be unlikely to arise.

- 125 The proposed access road would run close to the boundary with No. 1 Bouchier Close which has recently been extended. An access in this approximate location to serve the church car park has previously been considered acceptable by the Council. The care home would clearly add to the use of the access, although it is noted that the access and main car park to the care home would be sited some 15 metres from No. 1, with a belt of landscaping proposed in between. I consider this distance to be sufficient to avoid any undue impacts upon this property from noise associated with car use. Although staff car parking spaces are provided closer to the boundary with No. 1, these are limited in number and I do not consider the more limited use of these spaces would be likely to cause harm to the living conditions of No. 1.
- 126 Whilst the care home would contribute to increasing traffic movements in the local area, I do not consider the number of associated movements would be so significant to cause any undue harm to neighbouring properties through noise or fumes.
- 127 A number of concerns have been raised over the relationship between the proposed public open space and surrounding properties, particularly those on The Dene and Valley Drive, which are at a much lower level than the area of open space. I agree that this relationship has the potential to cause harmful impacts on the amenities of these properties, particularly through overlooking, if not properly controlled. Having consulted with the Council's tree officer, it is my view that the proposal would need to be subject to a comprehensive landscaping scheme to make this relationship acceptable. Such a scheme would need to be carefully designed to avoid any landscaping from becoming too dominant and overbearing to neighbouring properties. At the same time, the landscaping would need to effectively restrict access to certain parts of the site near the boundary. This can be achieved through the particular choice of shrubs and planting, as suggested by the tree officer. I am of the opinion that such use of landscaping to restrict access should apply to a 10 metre deep area adjacent to the northern boundary of the site, and a 5 metre deep area adjacent to the western boundary. This would also help alleviate concerns raised by local residents over potential crime issues, although it is not unusual for residential properties to border parks or areas of open space.
- 128 The proposed play area would be sited in excess of 30 metres from the closest existing dwellings at Nos. 1 and 11 Bouchier Close, separated by landscaping and, in the case of No.11 by the road itself. As such I do not consider any undue harm would arise from the play area.
- 129 Taking the above into account, the care home would clearly result in impacts on the surrounding area, with resultant visual impacts and additional traffic and vehicle movements. In addition to this we have also requested a construction method statement to be submitted and approved by the LPA to ensure that the amenity of residents is also protected as far as possible during construction. However I do not consider that this would necessarily result in unacceptable impacts on the living conditions of surrounding residential properties, and overall I consider the development would not conflict with Policy EN1(3) of the Local Plan, nor Policy H8(4) of the Local Plan.

Ecology

- 130 The application has been submitted with an Ecology Report. This identifies the current habitat of the site as consisting of scrub, ruderal grassland and poor semi-improved grassland, with some tree groupings. The report states that there is minimum potential for bat roosting opportunities, and that there is no evidence of badger setts or reptiles on the site, although further survey work on the presence of badgers will be required at a later date due to the current inaccessibility of parts of the site that are covered in scrub.
- 131 The findings of the Ecology Report and the survey work undertaken, which has been amended during the course of the application, are acceptable to the County Ecologist. The opportunity also exists to improve biodiversity on site through a management plan for the remaining open space. This has the potential to enhance the biodiversity of the site, which would accord with the aims of the Council's Open Spaces Study (2008) document, as well as advice within the NPPF and policy SP11 of the Core Strategy.

Other Matters

- 132 Drainage a number of objections have been raised to the potential of storm water flooding increasing in The Dene, where such problems currently exist. The application has been submitted with a Surface Water Drainage Strategy, and this lists potential methods to drain water from the development to avoid discharge rates from being any greater than existing. The detailed drainage design would be subject to control by planning conditions, and no objection has been raised by the Environment Agency, Thames Water or any other utilities provider to the proposal.
- 133 Safety of children some objectors have commented that the proposal would jeopardise the safety their children when playing in the road. As the road is a public highway, designed for use by vehicular traffic, I would suggest that these objections are not justified grounds in planning terms.
- 134 Availability of other sites the applicant has submitted a list of alternative sites that have been discounted in the surrounding area. The assessment is fairly limited, and as a result I would not normally attach significant weight to this. However in this instance, the site is in a sustainable location close to the town centre and would be generally suitable for development if it were not for the protection afforded under Policy EN9 of the Local Plan. The proposal would bring benefits relating to the management, ecological value and ability to provide public access to that part of site to remain as green space. It is this benefit that leads me to consider that the principle of the development on this site can be accepted.
- 135 Topography of site some objectors have commented that the topography of the site and surrounding area would make it difficult for elderly persons to walk or travel to local services and facilities. It is clear that land levels differ significantly in this area, and the proposed footpath link to the existing church car park would have a gradient in the region of 6.5%. The DCLG Publication "Manual for Streets" recommends that gradients for pedestrians should ideally be no more than 5%, (1 in 20) but recognises that topography may make this difficult to achieve. Highways Agency guidelines recommend that an 8% (1 in 12) slope is the maximum that can be used, and anything greater would cause difficulties for wheelchair users. In this instance I do not consider that a 6.5% gradient would be unacceptable taking into account the above guidance and the topography of the

site. Furthermore, the applicant has stated that the Care Home would accommodate elderly people and those with dementia in need of high levels of care, and who would not be in a condition to leave the site. This is a different scenario to the adjacent Rockdale Housing complex, much of which provides sheltered housing to sectors of the elderly population who live independent lifestyles.

- 136 The Town Council has queried why an Environmental Impact Assessment has not been submitted with the application. The Council has carried out a screening opinion on this site and determined that the scheme would not be EIA development.

Conclusion

- 137 The proposal would provide accommodation of a type that is forecast to grow in need and demand terms in future years, to cater for a growing elderly population. The site is located within the built confines of Sevenoaks and close to the town centre, and as such is in a sustainable location. I do not consider that the development would cause any undue harm to the character of this primarily residential area, nor to the amenities of surrounding occupants. The levels of parking and traffic generation are acceptable to Kent Highways.
- 138 The proposal would lead to the development of part of this site as important green space, and this would normally be precluded under Policy EN9 of the Local Plan. However as detailed earlier in this report, the remainder of the site would be retained as green space and would be afforded public access. The application also proposes to include a playground within the site to help address the shortfall in such provision within Sevenoaks. The ecological value of the site can be improved through biodiversity enhancements secured by a management plan. Such proposals are supported by the Council's Open Space studies in 2009, and the pre-ambule to Policy SP10 of the Core Strategy. On balance, I consider that these benefits are sufficient to outweigh the policy presumption against the development of important green space, and that the development would accord in all other respects with national and local development plan policies.
- 139 Subject to the completion of a S106 agreement to secure the land as public open space, together with a scheme for the management and maintenance of this space (including the play area), I would recommend that planning permission be granted.

Background Papers

Site and Block plans

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Pav Ramewal

Chief Executive Designate

Link to application details: <http://pa.sevenoaks.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=LOQ3K6BK8V000>

Link to associated documents:

<http://pa.sevenoaks.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=LOQ3K6BK8V000>

