

10 November 2023

Delivered via Planning Portal (Ref: PP-12547256)

Ref: BUPL3012

Dartford Borough Council
Civic Centre
Home Gardens
Dartford
Kent DA1 1DR

Dear Sir/Madam,

TOWN AND COUNTRY PLANNING ACT 1990 (AS AMENDED)

BUPA WILMINGTON MANOR CARE HOME, COMMON LANE, DARTFORD DA2 7BA

APPLICATION FOR RETROSPECTIVE FULL PLANNING PERMISSION

We write on behalf of our client, Bupa Care Homes (CFCHomes) Limited (hereafter: 'the Applicant') to apply for a retrospective planning permission to the Dartford Borough Council ('Dartford BC') for the following development at the Bupa Wilmington Manor Care Home, Common Lane, Dartford DA2 7BA ('the site'):

"Installation of 2no. Air Source Heat Pumps."

SITE AND SURROUNDING AREA

The site forms a part of the Wilmington Manor Care Home (falling within Use Class C2) and is operated by Bupa Care Homes (CFChomes) Limited ("Bupa"). Wilmington Manor provides class-leading residential and nursing care and short-term respite care in a converted Victorian manor house for its residents in a peaceful, homely environment. Bupa's care providing role at Wilmington Manor is well established, having acquired the care home in 1997.

For clarity, this application relates solely to the Air Source Heat Pumps installed outside the main reception area of the care home at the ground floor level.

The care home fronts onto Manor Gate Lane, a private road that can be accessed via Common Lane to the north, and is bounded by gardens of residential properties on Manor Gate Lane, Wilmington Court Road and Tredegar Road to the south, east and west. The immediate surrounding area is principally

Brownlow Yard
12 Roger Street
London
WC1N 2JU

characterised by residential properties whilst the wider surrounding area is characterised by a large area of greenery (as evident by the site designations/allocations – please see below).

The site does not benefit from any designations or allocations. However, the site is surrounded by the Green Belt (in all directions), designated Borough Open Spaces (to the north, south and west of the site), Biodiversity Opportunity Area – Thames-side Green Corridors (to the north and west of the site), and Local Wildlife Sites – DA07: Dartford Heath (to the north and west of the site).

A number of trees within the wider care home site are protected under Tree Preservation Order (TPO) No. 13 1989 (as evident by the site planning history – please see Figure 1). None will be impacted by the new plant equipment.

The site is not located within a Conservation Area and the care home building itself is not listed. The closest Listed Building is the Grade II Listed Broomfields, Common Lane which is located approx. 140m to the southeast of the site.

The site is located within Flood Risk Zone 1 (the lowest risk).

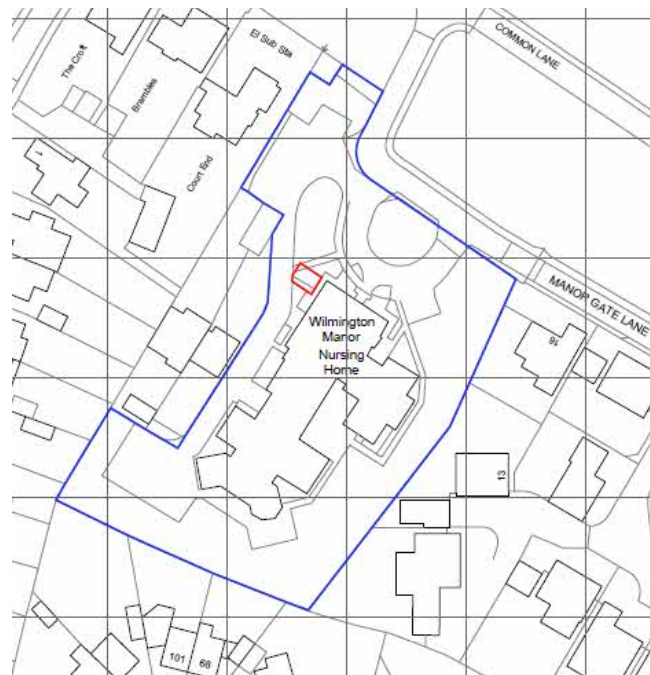


Figure 1: Site Location Plan, prepared by Plan Architecture (site area boundary marked in red; Wilmington Manor Care Home boundary marked in blue)

SITE PLANNING HISTORY

A review of the Dartford BC's online planning register shows site planning history, dating back to 1936 (please refer to Appendix 1 for the full planning history). Recent site planning history relates to the consent for Tree Preservation Order being granted for the site, however the following are considered to be relevant in confirming the long-established use of the site as a care home (Use Class C2):

- Application ref. 90/00485/FULA for the "Revisions to previously approved plans DA/90/0485. Revisions in respect of reversing the positions of s.s. rear extensions, repositioning of east wind extension & amendment to entrance drive including installation of pedestrian access ramp." Approved – 30 October 1991.

- Application ref. 90/00485/FUL for the “Change Of Use Of Property From Day Care Centre To Nursing Home, Erection Of Two Storey Side And Part Two Storey, Part Single Storey Rear Extensions Together With Associated Car Parking.” Permitted on 17 September 1990.
- Application ref. 86/00795/CPO for the “Change Of Use Of Properties From Residential To Day Care Centre.” No Objection on 24 February 1987.
- Application ref. 71/00804/FULA1 for the “Erection Of One Pair Of Staff Houses.” Permitted on 25 January 1972.
- Application ref. 64/00243/FULA1 for the “Conversion & C/U Of Premises From Old Peoples Home To An After Care Home For Mentally Ill Adults.” Permitted 10 November 1964.
- Application ref. 36/01950/XXOLD for the “Proposed Dayroom & Sanitary Annexe.” Permitted on 01 Jan 1936.

REFUSED PLANNING APPLICATION (REF: 23/00718/FUL)

This application addresses the reasons for the refusal of a previous application for retrospective planning permission to Dartford BC (reference no. 23/00718/FUL) for the “Installation of 2no. Air Source Heat Pumps” on the same site, submitted by Turley on behalf of the Applicant on 08 June 2023 and refused on 18 August 2023.

The decision notice (Appendix 2) included two reasons for the refusal (RfR):

- RfR 1: “The implemented works by virtue of its location, visibility, design and arrangement constitutes an incongruous and intrusive development within the subject site, which is harmful to the appearance of the host building, site and the established open character and setting of the area. The proposal would therefore be contrary to Policies DP2 and DP7 of the adopted Dartford Development Policies Plan (2017) and Policies M1 and M11 of the Pre-Submission (Publication) Dartford Local Plan.”
- RfR 2: “The implemented works by virtue of its location, proximity to the host building and in the absence of supporting information (for example noise impact assessment) it cannot be demonstrated that the proposed development would not result in significant harm to the residential amenities of the host building Wilmington Manor Nursing Home in terms of noise and disturbance, contrary to Policies DP2, DP5 and DP7 of the adopted Dartford Development Policies Plan (2017) and Policies M1 and M11 of the Pre-Submission (Publication) Dartford Local Plan.

Informal pre-application discussions with officers at Dartford BC prior to the previous (ref. 23/00718/FUL) application confirmed that the erection of a fence enclosure around the Air Source Heat Pumps would be considered to be permitted development under Class A Part 2 Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (GPDO) on the basis that Manor Gate Lane is a private road and therefore not a Highway¹. However, the Air Source Heat Pump installation fell outside permitted development under Class G Part 14 Schedule 2 of the GPDO on the basis

¹ Within the informal pre-application discussions, Dartford BC communicated on 28 March 2023 that their position on Manor Gate Lane being a private road was informed by an officer at Dartford BC undertaking a site visit to establish this position.

of their size and the number of installed units. The installation of 2no. Air Source Heat Pumps outside the care home was therefore the subject of the previous (23/00718/FUL) planning permission, prepared and submitted to seek regularisation of the development undertaken. The purpose of this application therefore is to address the noted reasons for refusal.

PROPOSALS

A retrospective planning permission is sought for the following development:

“Installation of 2no. Air Source Heat Pumps.”

Between October 2022 and June 2023, works were undertaken to install 2no. Air Source Heat Pumps (“ASHPs”) to replace gas fired boilers which heated and generated hot water for the care home. The existing boilers were substantially out of date and required replacement with a new modern and more sustainable system. The installed ASHPs are located outside the main reception area at the ground floor level, detached from the main care home building. The Applicant undertook the installation of the ASHPs to ensure a modern fit for purpose system was provided, which would achieve reductions in CO₂ and N₂O emissions, and to lower energy costs associated with the operation of the care home.

The ASHPs are screened by open timber fencing with a height of approx. 1.65m (under permitted development via Class A Part 2 Schedule 2 of the GPDO). Additionally, as a soft landscaping measure to screen the ASHPs, phormium plants have been planted around the fence enclosure. The phormium plants are expected to grow to approximately 2 ft 6 in (76 cm) in height and aim to further soften potential visual impacts deriving from the ASHPs’ visibility.

The new ASHP system provides the total heating requirements of the building whilst also contributing to the heating requirements of the domestic hot water load. The installed ASHPs operate at lower temperatures to maximise efficiencies and the change from the existing gas fired boilers to ASHPs is estimated to have reduced a significant amount of annual CO₂ and N₂O emissions locally. The ASHPs serve a highly important function, as they are crucial to the heat and hot water generation for the care home, without which the care home would not be able to operate and thus accommodate residents.



Figure 2: View of the ASHPs looking towards the northeast, enclosed by timber fencing and phormium planting, expected to grow to approximately 2ft 6in (76 cm).



Figure 3: View of the ASHPs looking towards the southeast, enclosed by timber fencing and phormium planting, expected to grow to approximately 2ft 6in (76 cm).



Figure 4: View of the ASHPs looking towards the south, enclosed by timber fencing and phormium planting, expected to grow to approximately 2ft 6in (76 cm).

For more details, please refer to the submitted architectural drawings, prepared by Plan Architecture and a technical plant drawing, prepared by Kestrel.

PLANNING POLICY CONTEXT

The Planning Acts² require that proposals should be determined in accordance with the Development Plan unless material considerations indicate otherwise. The Development Plan for Dartford BC comprises the

² Town and Country Planning Act 1990 Section 70 & Planning and Compulsory Purchase Act 2004 Section 38 (6)

following documents which would be referred to in the consideration of any development proposal within the Borough:

- Dartford Core Strategy (2011);
- Dartford Development Policies Plan (DPP) (2017); and
- Kent Minerals and Waste Local Plan (2020).

National Planning Policy Framework (2023)

The Government's national planning policies for England are set out in the National Planning Policy Framework ('NPPF') (2023). Supporting the NPPF is the online national Planning Practice Guidance ('PPG' or 'NPPG') (2021), and the published National Design Guide (2019). This is also a relevant material consideration when assessing the site.

Other policy documents that are material to the consideration and determination of this planning application include Supplementary Planning Guidance (SPGs) and Documents (SPDs) prepared by Dartford BC, such as Kent Minerals and Waste Safeguarding SPD (2017).

Adopted Policies Map Designation

Figure 5, below, is an extract from the Dartford BC's adopted Local Plan Policies Map (2017), and it indicates that the site has no designations.

However, the site is surrounded by (but not located within or in the immediate boundary of) Green Belt (Policies CS13 and DP22), designed Borough Open Spaces (Policies CS14 and DP24), Biodiversity Opportunity Area – Thames-side Green Corridors (Policies CS14 and DP25), and Local Wildlife Sites – DA07: Dartford Heath (Policies CS14 and DP25).



Figure 5: Extract from Dartford BC's Policies Map (2017) (Approx. site boundary added by Turley in red)

PLANNING ASSESSMENT

Principle of Installation of Air Source Heat Pumps

Core Strategy Policy CS18 supports the provision of specialist accommodation for older people.

The proposals are required for the continued operation of Wilmington Manor Care Home to offer high quality care to its residents, whilst meeting the Applicant's target to modernise and decarbonise their estate. As detailed in the Operational Need Statement provided with this application, the previous gas-fired boilers suffered reliability issues and necessitated frequent repair, each time requiring the floor to be opened up to access the pipework. Furthermore, the gas-fired heating system was found to be damaging the floor and creating uncomfortable ambient temperatures in the summer months, as the heating of hot water was also heating the rooms. The replacement of the failing gas-fired heating system with ASHPs was undertaken to alleviate the need for costly and invasive maintenance, and enhance comfort for the care home's residents. As detailed in the 'Sustainability' considerations in this planning assessment, the choice to install ASHPs instead of a new gas-fired heating system was considered essential to enable Bupa's preparation for the UK government ban of gas-fired boilers by 2035. The new ASHP system will meet the heating and hot water generation requirements of the care home at lower temperatures compared to the existing fired boilers, therefore enabling a significant reduction in annual CO₂ and N₂O emissions locally. The proposals are thus considered to be acceptable in principle in line with Core Strategy Policy CS18.

Design

DPP Policy DP2 states that development will only be permitted where it responds to and enhances the positive aspects of the locality, and the Council will consider how the height, mass, form, scale, orientation, and landscaping of the proposals relate to neighbouring buildings. The design considerations informing this proposal have involved balancing the location requirements of the ASHPs, whilst aiming to ensure that the intrusiveness and incongruity of the ASHPs on the site and its surroundings are minimised.

Location considerations

The ASHPs serve an important function, namely providing cost-effective and environmentally sound heat and hot water generation for the care home. Prior to the installation of the ASHPs, an assessment was conducted (results provided in section 6.0 of the Heat Decarbonisation Report, prepared by KJ Tait on behalf of the Applicant) to establish their optimal location on the site. The location assessment took account of the need to ensure the efficiency and functionality of the ASHPs, visual amenity considerations, and ensuring maximal distance from properties adjacent to the site to protect the amenity of neighbouring sensitive occupiers (discussed further below).

In this assessment, the ASHPs' location as proposed was assessed alongside other potential location options for the ASHP units: the rear garden area and the care home building's front elevation. Based on the outcome of this assessment, the ASHPs were located as proposed to ensure their shortest practicable distance from the required connection to the central heating plant and systems within the building's basement plant. The basement plant area cannot be relocated without loss of operational floorspace and substantial expenditure.

Critically, the final location avoids the need to install exposed piping across the care home's external façade and roof level, which would have been necessary to realise the alternative options and would have also required planning permission. Such pipework would have a negative visual impact on the host building and also harm the visual amenity of neighbouring occupiers. Furthermore, reducing the need for lengthy pipework minimises the heat loss to which heated water is subject during pipe passage, thereby enabling the maximised energy efficiency of the care home's operation. Overall, the final location of the ASHP provides the most appropriate, technically feasible solution when compared to the Applicant's limited alternative locations, all of which are considered to likely have a greater impact in either design or amenity terms. Therefore, on balance, the proposed location of the proposed ASHPs is considered to accord with DPP Policy DP2.

Impact on the character and appearance of the site and its surroundings

It is acknowledged that the ASHPs are a modern, functional intervention within the landscaped and open character of the site and its surroundings. However, design considerations have sought to minimise the intrusiveness and incongruity of the ASHP units within their surroundings. The two ASHP units are tidily arranged, in parallel and in line with each other, to achieve visual order whilst also facilitating the ASHPs' important purpose to heat and provide hot water for the care home. The ASHPs' location towards the corner of the care home building is considered to afford the ASHP units minimal prominence within the surroundings, as opposed to a more central placement within the open, landscaped areas of the site (or directly in front of the main building). As noted above, the final location of the ASHP is in practice the only viable location in technical terms.

The care home building is not listed but is considered as a prominent feature of the site's character. It is considered that the scale and mass of the ASHPs ensure that they are subordinate and therefore proportionate to the scale of the care home building. This is considered to be in appropriate balance between the care home's architectural merit and its importance as a care facility, the latter purpose of which is reliant upon the heat and hot water generated by the ASHPs in as efficient a manner as possible by virtue of the ASHPs' proposed location.

Furthermore, the installed timber fence which is lawful under Permitted Development and is thus the lawful existing condition will visually screen the ASHPs, ensuring that only a small proportion of the ASHPs remain visible in reality. The timber fence has (and will continue to) naturally fade. This will ensure that it sits comfortably against the neighbouring care home building and will enable the proposed ASHPs to cause minimal detracting from the immediate surrounding open context of the care homes private and

landscaped grounds. Further enabling the fencing to respond to its surroundings, the yellow-brown shade characteristic of timber is considered to be complementary to the care home building's yellow-brown brick façades. Indeed, the existing curved DDA access ramp to the main building and associated metal railing would offer further permanent screening in views looking south both from the private road and grounds (and the adopted public highway beyond).

As demonstrated in the Proposed Elevation and Compound Plan, the ASHPs are approximately 50cm taller than the lawful timber fencing. The fencing cannot extend any higher as sufficient space must be provided to enable adequate ventilation to the ASHPs. However, the timber fencing ensures that the only portion of the ASHP units that is liable to impact on the character and appearance of the site and its surroundings is that which is potentially visible as a result of the ASHPs' approximately 50cm extra height over the timber fencing.

Furthermore, phormium planting around the outside of the fencing has been undertaken to further soften the appearance of the installations and to provide further screening. Phormium plants are evergreen to enable year-round screening, grow quickly to approximately 2ft 6in, and enable the ASHPs' ventilation through the open timber fencing to continue unimpeded. The Applicant has planted phormium plants since the previous application in order to further enable the development to respond to its landscaped context.

Therefore, the proposed ASHPs are considered not to constitute a prominent development on the site and its surroundings, owing to their orientation and the various ways the ASHPs are screened from view. Accordingly, the proposals are considered to be in compliance with DPP Policy DP2.

Visibility

The ASHPs are located adjacent to a private road (Manor Gate Lane), approximately 60 metres from Common Lane, the nearest public right of way. From the Common Lane public highway, it is considered that the scale of the ASHPs is subordinate to the care home building to which they sit adjacent. Each ASHP unit has dimensions of 1855mm in height, 1070mm in width and 765mm in length (as stated in the Device Information included with this planning application) and, as installed, the maximum height of the units is approximately 2.04m. This is considered not to be overbearing in comparison to the adjacent 2-storey care home building in views from the nearest public right of way.

Furthermore, the aforementioned permitted development screening measures obscure view of the proposed ASHPs from the public right of way, except for any potential visibility of the ASHPs as a result of the 50cm height difference between the ASHPs and the timber fencing.

Furthermore, as earlier detailed, the colour of the timber fence screening ensures that the ASHPs' enclosure is a minimal distraction from the care home building. The natural material of the timber fencing additionally ensures a softened appearance against the site and surroundings, and the phormium planting intends to further blend the enclosure in with existing landscaping.

However, besides the Applicant's own measures to screen the ASHPs, the site is largely screened from public views from Common Lane by virtue of the extensive established green buffer between Common Lane's southern verge and the care home, which is densely populated with trees, bushes and ivy. Owing to this green buffer, the proposed ASHPs are only briefly visible when the viewer is situated directly from the entrance to Manor Gate Lane (see Figures 6-8). The 'green buffer' is protected against development as it falls within the Borough Open Space designation (Core Strategy DP24) and the trees within the green buffer are protected by a Group Tree Preservation Order. When also considering the ASHPs' distance from Common Lane, subordinate scale and mass to the care home building, and the Applicant's own screening

measures, it is considered that the remaining view of the ASHPs from Common Lane implicates a negligible impact on the experience of the open, landscaped character of the site's surroundings.



Figure 6: View looking west along the Common Lane public highway, with the 'green buffer' between Common Lane and the site towards the left of the view (photograph captured on 24/10/2023).



Figure 7: View of the site from the access to Manor Gate Lane from the Common Lane public highway (photograph captured on 24/10/2023). A zoomed version of this photograph is provided as 'Figure 8', the zoom level corresponding with the overlaid white box.



Figure 8: A zoomed version of the view (original photograph provided as 'Figure 7') of the site from the Manor Gate Lane access from Common Lane. The red dotted lines indicate the locations of the ASHP units.

It is acknowledged that the ASHPs are in the private sight line from Nos. 1-2 Manor Gate Lane. However, as the ASHP location assessment demonstrates³, the ASHPs' proposed location was demonstrated to achieve the maximal practicable distance from neighbouring properties in balance with other amenity and practical factors, reducing their prominence within the overall views from the vantage point of properties at Nos. 1-2 Manor Gate Lane. Furthermore, the timber fence screening and phormium planting described above aims to ensure that all but a minor proportion of the ASHPs are fully obscured from view. Therefore, the ASHPs are located with the greatest distance practicable from Nos 1-2 Manor Gate Lane whilst maintaining the location requirement for plant connection, endeavouring to minimise the intrusiveness of the ASHPs on the overall character and appearance of the site and its surroundings from the 1-2 Manor Gate Lane vantage point.

The proposals are the result of thorough design consideration and location assessment and aim to provide an essential heating facilities for the care home in as least a visually intrusive and incongruous manner as practicable. This is achieved through tidy arrangement; proportionate scale and mass to the care home building; and the lawful fencing measures to screen the proposed ASHPs, achieved through Permitted Development, alongside the newly planted soft landscaping scheme. The proposals thus represent good quality functional and sustainable design which is necessary to ensure the home can continue to provide important care services. Accordingly, the proposals are considered to be in accordance with DPP Policy DP2.

Amenity

Noise

DPP Policy DP5 sets out that development will only be permitted where it does not result in unacceptable material impacts on neighbouring uses, the Borough's environment or public health, including noise.

The proposals are supported by a Plant Noise Assessment, prepared by RBA Acoustics. The Plant Noise Assessment informing this planning application is a revision of the assessment submitted in support of the previous planning application related to the proposed ASHPs at the site (ref: 23/00718/FUL). The second reason for the refusal of the previous application derived from concern that the original report did not demonstrate sufficient assessment into the noise impact of the ASHPs on residents within the care home building.

The revised Plant Noise Assessment provides reasoning for why it is not typical practice to conduct a noise assessment on the host building of the installed equipment. Namely, the host building directly benefits from the equipment's installation; the equipment is inevitably in close proximity to the building it services, so noise levels above local authority requirements on the host building are expected; and it is the operator's responsibility to mitigate noise impact on occupants or users of the host building itself.

Nevertheless, the revised Assessment has provided calculations of noise levels at nearest noise-sensitive receptors at the host building. The report concludes that the predicted noise level impacts would be acceptable on the care home building in the worst-case scenario described.

Furthermore, the Report confirms that, for properties neighbouring the site, the results of the assessment indicate atmospheric noise emissions from the installed plant are within the criteria required by Dartford

³ Detailed above, and in section 6.0 of the Heat Decarbonisation Report, prepared by KJ Tait on behalf of the Applicant.

BC, therefore there will be no adverse noise impacts on the neighbouring sensitive receptors. Subsequently, the proposals are considered to be in compliance with DPP Policy DP5.

Visual Amenity

Core Strategy Policy CS13 and DPP Policies 22 and 23 require proposals to maintain the openness and visual quality and character of the Green Belt and protected Local Green Spaces.

It should be noted that the site is located outside any land designation including the Green Belt and protected Local Green Spaces. However, on the basis that the Green Belt exists in the wider surroundings of the site in all directions, potential impacts on the openness and visual quality and character of the Green Belt and protected Local Green Spaces are included in this planning assessment.

The scale, mass and location of the installed heat pumps are subordinate to the care home building and only a minor proportion of the ASHPs are visible behind the lawful timber fencing and newly planted phormium screening measures. On this basis, it is considered that the ASHPs do not constitute a sufficiently substantial development which would create any adverse visual amenity impacts on the Green Belt nor the surrounding protected Local Green Spaces. Indeed, regardless of the new measures proposed, the site is surrounded by large private grounds (and private roads), which includes a large and long-established green buffer to the nearest public right of way (Common Lane). This road is then further buffered by shrubs and established trees, before a small copse between Oakfield Lane and the A2 and then the Dartford Heath beyond. The installation of ASHP, of which roughly 50cm is visible in private views is therefore considered to have a negligible impact on the openness of the neighbouring Green Belt. Subsequently, the proposals are considered to be in compliance with NPPF paragraph 149, Core Strategy Policy CS13 and DPP Policies 22 and 23.

Impacts on Trees

DPP Policy DP25 states that in all development proposals, existing trees should be retained wherever possible.

Whilst there is a number of TPO-protected trees within the wider care home site, it is recognised that none of these trees have been affected by the proposals and all the existing trees have been retained. The proposals are therefore considered to be in accordance with DPP Policy DP25.

Sustainability

Core Strategy Policy CS23 supports proposals to improve the energy efficiency of the existing building to minimise carbon emissions and address climate change.

BUPA's target is to reduce carbon emissions by 40% by 2025, as a milestone reduction within its wider ambition to become net zero by 2040. These targets are in line with the UK government target to achieve net zero by 2050. A significant proportion of BUPA's energy reductions will need to be made by increasing the energy efficiency of their premises. The replacement of gas fired boilers forms an important part of BUPA's decarbonisation effort as it prepares BUPA for the government's gas-fired boiler ban from 2035. The installed ASHPs operate at lower temperatures than the gas-fired boilers, enabling greater efficiency and the reduction of a significant proportion of local annual CO₂ and N₂O emissions. Accordingly, the proposals have sought to improve the efficiency of energy and heating supply for the care home through the installation of ASHPs, in accordance with Core Strategy Policy CS23.

SUBMISSION DOCUMENTS

This retrospective planning application is accompanied by the following documents in addition to this Covering Letter, Application Form, CIL Form and Legal Notices:

- Site Location Plan ref. AL(9)900, prepared by Plan Architecture;
- Existing and Proposed Block Plans ref. AL(9)901, prepared by Plan Architecture;
- Existing and Proposed Elevations ref. AL(0)002 Rev A, prepared by Plan Architecture;
- Technical Plant Drawing and Specification Document ref. Q35400 / M001 Rev B, prepared by Kestrel;
- Device Information – Bosch CS5000AW 22 O;
- Revised Plant Noise Assessment (August 2023), prepared by RBA Acoustics;
- Heat Decarbonisation Report (including Alternative Plant Location Option Plan), prepared by KJ Tait;
- Operational Needs Statement, prepared by Bupa.

In line with The Town and Country Planning (Fees for Applications, Deemed Applications, Requests and Site Visits) (England) Regulations 2012 (as amended) this planning application is submitted within twelve months following the determination of LPA ref. 23/00718/FUL as a first revision thereof.

We trust the above is to positively determine this application for retrospective planning permission,

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ces if you
have any queries.

Yours sincerely



Associate Director



Appendix 1: Site Planning History

Application ref.	Description	Decision Date
23/00463/TPO	Application for T13 Ash Species - Fell to ground level, T20 Common Beech - Crown reduce tree by removing 2 metres (estimated finished dimensions 15m height, reshape sides by 1m), T22 Common Beech - Fell to ground level, T27 Common Beech - Prune to clear structure/wires/buildings by 2m, T28 Sycamore - Fell to ground level subject to Tree Preservation Order No.13 1989	Decision pending [Validated on 18 April 2023]
22/00833/TPO	Application for 2 Beech trees and 1 Oak in G1 to prune back to boundary line by 3m in width, cut back as close to boundary line (where possible), maintaining balanced crown and reducing to growth points subject to Tree Preservation Order No.13 1989	Granted – 02 September 2022
22/00467/TPO	Application for Ash Tree - reduce top crown by 2-3m (current height 15-17 metres) and remove 2-4 metres or rear side over neighbours gardens to re-balance to retain a natural shape, ensuring the canopy is back behind boundary, ring cut ivy 1m from base and strip off 1m subject to Tree Preservation Order No.13 1989	Granted – 21 June 2022
21/01708/TPO	Application for GC012227 1114 Ash tree - deadwood overhanging neighbouring property, reduce crown in height (by 3m) and shape; GC012232 1121 Beech tree - Reduce crown in height (by 3m) and shape subject to Tree preservation Order No.13 1989	Granted – 10 January 2022
21/01487/TPO	Application for a crown reduction of 2m (see tree schedule for height and spread of tree) of 1 No. Beech tree subject to Tree Preservation Order No.13 1989	Granted – 17 November 2021
19/00288/TPO	Application to cut various areas of deadwood and the canopy crown reduced by 1.5 metres of 1 No. T(1) - Ash tree subject to Tree Preservation Order No.13 1989	Granted – 10 April 2019
18/00553/TPO	Application to crown reduce up to 2-3m 1 No. Beech tree subject to Tree Preservation Order No.13 1969	Granted – 14 June 2018

16/00697/TPO	Application to remove of 1 No. Horse Chestnut tree adjacent to neighbouring property subject to Tree Preservation Order No.13 1989	Consented – 22 June 2016
15/00828/TPO	Application to carry out works to various trees subject to Tree Preservation Order No.13 1989	Consented – 10 November 2015
13/00553/TPO	Application to prune back extended growth that is growing parallel with garden boundaries of No. 16 Manor Gate Lane and property immediately to the rear of 16, to create a more rounded shape and bring growth back to canopy edge and raise the crown over the garden area of No. 16 up to approximately 7m of 1 No. Beech tree, Reduce lateral growth by 2m towards No. 16 Manor Gate Lane of 1 No. Turkey Oak tree, and Reduce branches overhanging 16 Manor Gate Lane by 1-2m of 1 No. Beech tree subject to Tree Preservation Order No. 8 2006	Consented – 04 June 2013
08/01134/TPO	Application to prune back canopy and remove deadwood from 1 Horse Chestnut tree subject to tree Preservation Order No.12 1989	Consented – 04 September 2008
04/00802/TPO	Application to remove two lowest branches of 1 Sycamore tree situated adjacent to rear access, to lift canopy to 2.5m & remove deadwood from Horse Chestnut tree situated adjacent rear left hand corner of building & to remove overhanging branches from 1 Beech tree situated along front left hand boundary subject to Tree Preservation Order No. 13 1989	Consented – 08 December 2004
01/00858/TPO	Application to fell 1 Sweet Chestnut tree & to lift canopy by 2.5m, remove deadwood & prune back branches from 1 Sycamore, 1 Horse Chestnut & 1 Oak tree subject to Tree Preservation Order No. 13 1989.	Consented – 18 January 2002
90/00485/FULA	Revisions to previously approved plans DA/90/0485. Revisions in respect of reversing the positions of s.s. rear extensions, repositioning of east wind extension & amendment to entrance drive including installation of pedestrian access ramp	Approved – 30 October 1991

90/00512/TPO	Application To Fell 2 Conifer Trees And 1 Ornamental Cherry Tree Subject To Tree Preservation Order No.13 1989.	Consented – 18 September 1990
90/00485/FUL	Change Of Use Of Property From Day Care Centre To Nursing Home, Erection Of Two Storey Side And Part Two Storey, Part Single Storey Rear Extensions Together With Associated Car Parking.	Permitted – 17 September 1990
89/00649/CPOO	Redevelopment Of Site For Sheltered Housing.	Rejected – 16 October 1989
86/00795/CPO	Change Of Use Of Properties From Residential To Day Care Centre.	No Objection – 24 February 1987
71/00804/FULA1	Erection Of One Pair Of Staff Houses.	Permitted – 25 January 1972
68/00003/FULA2	Erection of A Garage.	Permitted – 06 September 1968
64/00243/FULA1	Conversion & C/U Of Premises From Old Peoples Home To An After Care Home For Mentally Ill Adults.	Permitted – 10 November 1964
36/01950/XXOLD	Proposed Dayroom & Sanitary Annexe.	Permitted – 01 Jan 1936

Appendix 2: Decision notice for previous application (ref: 23/00718/FUL) for the installation of 2no. Air Source Heat Pumps on the site

Please see overleaf.

Reference Code of Application:

DA/23/00718/FUL

Bupa Care Homes (CFCHomes) Limited
C/o Miss Kinari Tsuchida
Turley
Brownlow Yard
12 Roger Street
London
WC1N 2JU

**TOWN AND COUNTRY PLANNING ACT 1990
TOWN AND COUNTRY PLANNING (DEVELOPMENT MANAGEMENT PROCEDURE)
(ENGLAND) ORDER 2015**

Notification of Refusal of permission to Develop Land

TAKE NOTICE that the **DARTFORD BOROUGH COUNCIL**, the district planning authority under the Town and Country Planning Acts, **HAS REFUSED TO PERMIT** development of land situated at **Wilmington Manor Nursing Home Manor Gate Lane Wilmington Kent**

Referred to in your application for permission for development registered on the 20th June 2023 and being **Installation of 2no. Air Source Heat Pumps (retrospective application) and proposed alterations to the fence enclosure.**

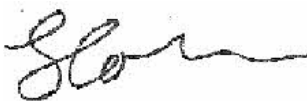
As shown in: Site Location Plan AI(9)900 Rev A ; Block Plans AI(9)901 Rev A; Proposed Compound Plan And Elevations AI(0)002 Rev A; Plant Room Schematic Q35400 - M001

And that the grounds for such refusal are:

- 01 The implemented works by virtue of its location, visibility, design and arrangement constitutes an incongruous and intrusive development within the subject site, which is harmful to the appearance of the host building, site and the established open character and setting of the area. The proposal would therefore be contrary to Policies DP2 and DP7 of the adopted Dartford Development Policies Plan (2017) and Policies M1 and M11 of the Pre-Submission (Publication) Dartford Local Plan.
- 02 The implemented works by virtue of its location, proximity to the host building and in the absence of supporting information (for example noise impact assessment) it cannot be demonstrated that the proposed development would not result in significant harm to the residential amenities of the host building Wilmington Manor Nursing Home in terms of noise and disturbance, contrary to Policies DP2, DP5 and DP7 of the adopted Dartford Development Policies Plan (2017) and Policies M1 and M11 of the Pre-Submission (Publication) Dartford Local Plan.

Working positively and proactively:

In reaching a decision on this application, the Borough Council has implemented the requirements of the National Planning Policy Framework in order to secure developments that improve the economic, social and environmental conditions of the area.



Signed.....
Head of Planning Services

Dated this 18th August 2023

Your attention is drawn to the notes attached.

TOWN AND COUNTRY PLANNING ACT 1990

**NOTIFICATION TO BE SENT TO AN APPLICANT WHEN A LOCAL
PLANNING AUTHORITY REFUSE PLANNING PERMISSION OR GRANT IT SUBJECT TO
CONDITIONS**

Appeals to the Secretary of State:

If you are unhappy with the decision of the Council to refuse consent or approve the proposal, you may appeal to the Secretary of State under section 78 of the Town and Country Act 1990 within **six months** of the date of this decision notice.

If this is a decision on a planning application relating to the same or substantially the same land and development as is already the subject of an Enforcement Notice, if you want to appeal against the Council's decision on your application, then you must do so within 28 days of the date of this notice

If an Enforcement Notice is served relating to the same or substantially the same land and development as in your application and if you want to appeal against the Council's decision on your application, then you must do so within 28 days of the date of service of the Enforcement Notice or within 6 months of the date of this notice, whichever period expires earlier.

- Appeals must be made using a form which you can get from the Secretary of State at Temple Quay House, 2 The Square, Temple Quay, Bristol BS1 6PN
Online: <https://www.gov.uk/appeal-planning-decision>

Only the person who made the application can appeal.

- If you intend to submit an appeal that you would like examined by inquiry then you must notify the Local Planning Authority and Planning Inspectorate (inquiryappeals@planninginspectorate.gov.uk) at least 10 days before submitting the appeal. [Further details are on GOV.UK.](#)

The Secretary of State has power to allow a longer period for lodging an appeal but he will not normally be prepared to do so unless there are special circumstances for the delay in lodging the appeal

The Secretary of State need not consider an appeal if it seems to the Secretary of State that the local planning authority could not have granted planning permission for the proposed development or could not have granted it without the conditions they imposed, having regard to the statutory requirements, to the provisions of any development order and to any directions given under a development order.

The inspectorate will publish details of your appeal on the internet. This may include a copy of the original planning application form and relevant supporting documents supplied to the local planning authority by you or your agent, together with the completed appeal form and information you submit to the Planning Inspectorate. Please ensure that you only provide information, including personal information belonging to you that you are happy will be made available to others in this way. If you supply personal information belonging to a third party please ensure you have their permission to do so. More detailed information about data protection and privacy matters is available on the [Planning Portal](#)

The Case Officer who dealt with the application will be able to advise further on the appeal process if necessary.

In practice, the Secretary of State does not refuse to consider appeals solely because the Council based their decision on a direction given by the Secretary of State.

Purchase Notices

If either the Council or the Secretary of State refuses permission to develop land or grants it subject to Conditions, the owners may claim that the owner can neither put the land to a reasonable beneficial use in its existing state nor render the land capable of a reasonably beneficial use by the carrying out of any development which has been or would be permitted.

In these circumstances, the owner may serve a purchase notice on the Council (that is where the land is situated in a National Park, the National Park authority for that Park, or in any other case the district council (or county council which is exercising the functions of a district council in relation to an area for which there is no district council), London borough council or Common Council of the City of London in whose area the land is situated). This notice will require the Council to purchase the owner's interest in the land in accordance with the provisions of Chapter I of Part 6 of the Town and Country Planning Act 1990