

<b>Application Number</b>	16/00751/AS
<b>Location</b>	Breton Court, Grange Road, Tenterden, Kent TN30 6EE
<b>Grid Reference</b>	88242/35186
<b>Parish Council</b>	Tenterden Town Council
<b>Ward</b>	St Michaels
<b>Application Description</b>	Demolition of the west wing involving the loss of 3 bedrooms and the erection of a detached building and associated works to accommodate 24 bedrooms for use in conjunction with the existing care home.
<b>Applicant</b>	A Better Carehome Ltd, Breton Court, Grange Road, Tenterden, Kent TN30 6EE
<b>Agent</b>	Mark Horner Architecture, 23 Wealden Ave, Tenterden TN30 6NN
<b>Site Area</b>	0.37 hectares

(a) 21/18R 1S	(b) Tenterden TC - S	(c) KHS X , KCCD X, KSS S, PROW X, HM X, KCC (BIO) X, SS X, PO (Drainage) X, EH (EP) X, AONB X, TDRA R, WKPS S, RAM X
---------------	----------------------	-----------------------------------------------------------------------------------------------------------------------

## Introduction

1. This application is reported to the Planning Committee because of the public interest and because it is deemed a sensitive application.

## Site and Surroundings

2. The site is Breton Court a single storey building that has been enlarged with numerous extensions and is in use as a care home (within Class C2 of the Town & Country Planning Use Classes Order 2015) with car parking to the front of the building.
3. The site is on the southern side of Grange Road in a predominantly residential area, with a mix of dwelling styles and layouts. The southern side of Grange Road has a less intensive pattern of development with a transition to the countryside beyond.

4. Boundary treatments comprise mature trees, hedgerow, shrub with timber fencing and low brick walls to the west. There is a pond and the land changes in level toward the rear (south) boundary.
5. The land at the rear forms the amenity area for the care home; this is currently slightly higher in level with a gradual height increase of 3.0m from the front boundary to the rear boundary. The boundary of the High Weald Area of Outstanding Natural Beauty (AONB) transects through the site from east to west and there are three Oak trees the subject of a Tree Preservation Order (TPO) on the eastern site boundary adjacent to public right of way (PROW) (AB16).
6. Beyond the southern boundary is the Cranbrook - Kentish High Weald, Landscape Character area and Tenterden lies to the west.

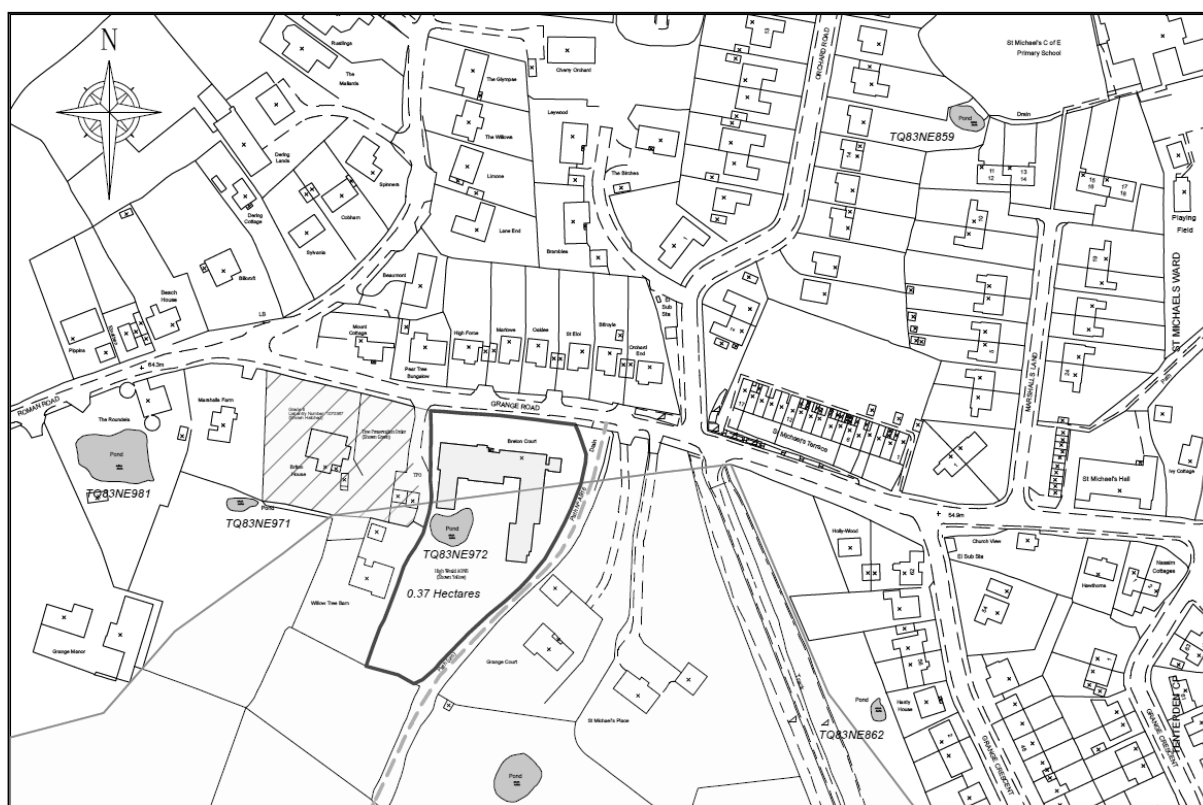


Figure 1: Location plan

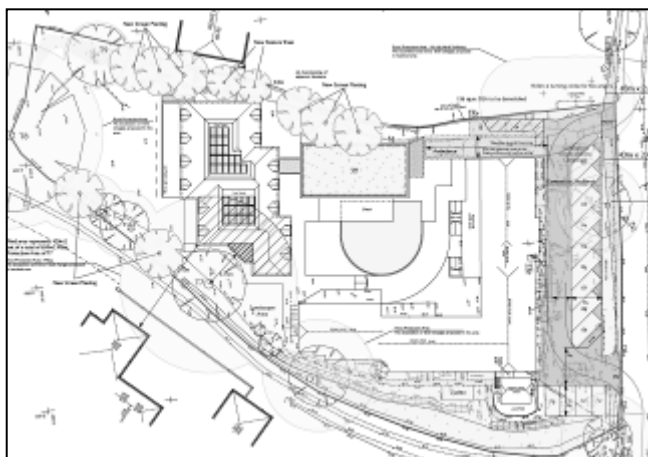
## Proposal

7. The number of bedrooms is summarised below:

Existing rooms	Proposed rooms	Net loss of rooms	Total rooms
24	24	3	45

8. The application seeks full planning permission for a new building on the site to accommodate an additional 21 residents. Each resident would be accommodated in a private room a minimum of 14sqm, with en-suite facilities and space for storage and furniture, to meet national care standards. This would have a total floor area of 857sqm over two levels.
9. The building would also provide all of the ancillary accommodation, lounge, dining room, informal meeting areas, quiet rooms, as well as hairdressers and a sweetshop. These spaces would be designed around themes, such as the village pub, to enhance the residents use and enjoyment of the home.
10. The existing care home would be modified to allow for the construction of the new home, with the demolition of one wing leading to the loss of three existing beds for ambulance parking/access, taking the total accommodation in the existing home down to 21 beds.
11. The proposal has been designed to follow the building line between Willow Tree Barn and Grange Court and would present a flank wall onto each of these. The building would also include a part-submerged single storey wing running back towards the existing care home over the area currently occupied by the pond.
12. The building would be 8.15m tall and extend across the breath of the plot and project back in the plot. The building would have pitched roof slopes meeting a flat roof crown for solar panels, with gables to break up the roof mass and a step down to the shared boundaries with the adjoining buildings. Traditional materials would be used with brick and tile and architectural detailing including a string course and soldier courses for visual interest.

**Figure 2: Proposed site layout**



**Figure 2: Site Section North to South**

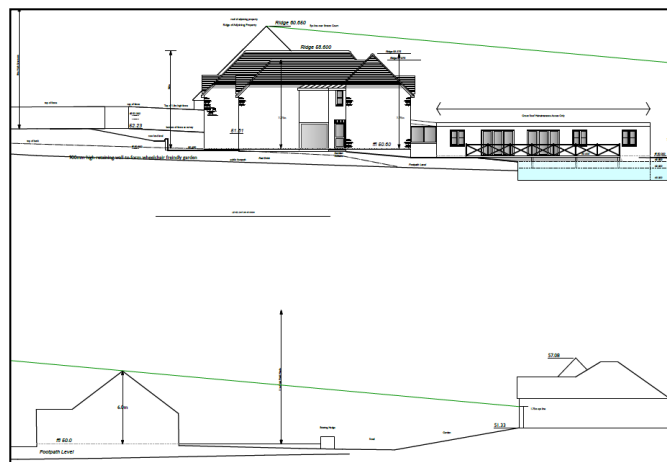




Figure 3: Site Section East to West

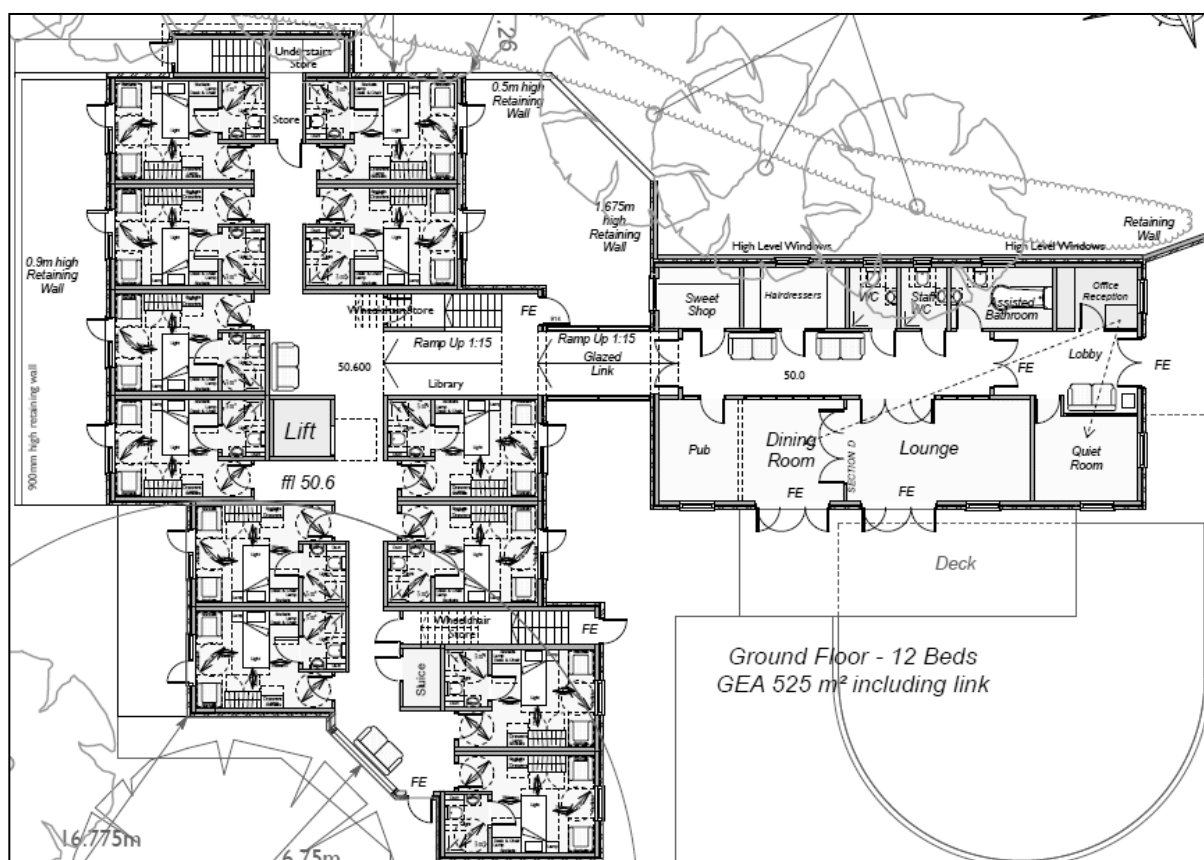


Figure 4: Ground Floor Plan

13. In support of the application the following has been submitted and has been summarised by the applicant below:

*Transport Statement*

14. This sets out baseline position of the care home at Breton Court and calculates the increases predicted in vehicle movements, the mode of travel and the impact of the minor increase in use of the site following the new development.
15. The existing care home site is located in a residential area served well by non-car transport provision, particularly by bus services at stops within 350m

walk providing services to main service centres such as Maidstone, Ashford and Tenterden as well as more local villages. These run at a frequency suitable to support staff journeys to works and visiting family members. The site has good access to the pedestrian and cycle networks in the locality and that serve a large residential catchment area around the care home.

16. The existing access arrangements from Grange Road operate successfully currently and would be maintained in their existing format with the parking arrangement to the north of the building maintained and expanded. A total of 15 parking spaces would be provided including one disabled bay and provision for an ambulance bay. 4 Sheffield Parking Stands would also be provided allowing for storage of 8 cycles. The level of vehicle and cycle parking proposed meets adopted Kent Vehicle Parking Standards.
17. The report concludes that the proposed addition of 24 new bedrooms for the care home will result in an additional 6 vehicle trips a day which would be spread through the day given the nature and operation of the care home. On that basis the impact upon the surrounding highway network would be negligible and would not meet the test of severity for which refusal of a planning application on transport and highway impact grounds must be justified.

*Arboricultural report*

18. The report includes a full tree survey and reports on the implications of the proposed development for trees on and surrounding the site. The report confirms that the proposed site layout has been designed under arboricultural advice, recognising the constraints presented by existing trees to ensure the arboricultural impact of proposals is minimised. The scheme maintains soft landscaping strips around the site boundaries, retaining existing tree screens and providing the opportunity for additional landscaping to be secured under planning conditions.
19. The tree survey identifies ten individual trees and three groups of trees. One tree is graded in Category A; three individuals and one group in category B; and six individuals and two groups in Category C. Three of the trees on the boundary of the site have been made the subject of a TPO during the life of the application.
20. The report confirms that one tree requires removal to allow for the development. This is a weeping willow that has been recently planted and is a category C tree. The report confirms the loss of this tree would not be of detriment to the visual amenities of the site or wider local area.
21. The report comments upon the impact of incursion into the root protection area (RPA) of four trees that would occur as a result of the development. Suitable no dig construction or suspended floor slab and pile and beam

foundation is recommended to ensure that the health of the trees on site is retained and protected. Subject to these construction methods the report confirms that the development can be achieved without detriment to the health and continued longevity of tree within the site.

22. An addendum report was submitted to address particular concerns raised by the Council's Landscape Officer particularly relating to Tree T7. The addendum confirmed that the standard calculated RPA for tree T7, confirmed by the landscape officer as 652m<sup>2</sup>, has been considered by the architect when designing the scheme. The area of building footprint within this RPA is approximately 115m<sup>2</sup>. As such the incursion amounts to just over 17% of the total RPA, this being less than the 20% incursion permitted in BS5837 for impermeable surfacing and concrete floor slabs for light structures. It is therefore considered that such an incursion, with added mitigation for air and water to the underlying rooting zone, would be acceptable - in terms of coverage within the protected area.
23. The report confirms that careful consideration has been made of the impact of the development and the requirement to manage tree growth in close proximity to the new care home development. The building has been specifically designed to ensure the windows of the adjacent residential rooms do not face the subject tree, thereby addressing concerns relating to shading and outlook. By removing the tree from window views, the presence of the tree is less of a concern for future occupants and therefore, the psychological concerns relating to over-dominance issues are addressed.

*Extended phase 1 habitat survey*

24. An Extended Phase 1 Habitat Survey Bat Building and Presence/Likely absence survey for great crested newts was originally undertaken in 2013. Update surveys were undertaken in October 2016 taking account of the current application scheme which would result in the loss of an onsite pond and removal of part of the existing building.
25. The extended Phase I Habitat survey recorded no rare or nationally scarce plant species or habitats within the site boundary. The site is relatively small in area and consequently it was found to support a relatively limited diversity of floral species and habitats.
26. A presence/likely absence survey for Great Crested Newts (GCNs) was undertaken in 2013 and this survey failed to record their presence. The update survey in 2016 found that the pond had not significantly changed but there has been some removal of pond side vegetation. The poor Habitat Suitability Score (HIS) score recorded in 2013 was considered to be an accurate assessment and no update surveys were considered necessary.

27. Internal surveys of the roof voids were undertaken to assess the likelihood of bat activity in 2013. The building was not found to be suitable for roosting bats with the 2016 update survey finding no significant change. Consequently no further bat surveys or timing constraints in relation to the proposed works were recommended.
28. The existing garden area of the care home site was not found to be suitable habitat for reptiles and has been regularly maintained to date. The 2016 update confirms that continued maintenance is recommended to ensure reptile population do not establish.
29. Precautionary recommendations are made to ensure breeding birds are protected throughout construction.
30. No evidence of mammal activity was recorded in the 2016 update. A mammal run was noted in the 2013 survey close to the pond but no evidence to suggest this was a badger was recorded. However, it is recommended that the boundary features of the proposed development, whether these are hedgerows or fences are managed and/or constructed in such a way to allow movement of badger and other mammals through the landscape. Further recommendations are set out for securing biodiversity enhancement across the site in accordance with Section 11 of the NPPF including establishment of a replacement pond and native tree and shrub planting to create new habitats.

#### *SuDS report*

31. The submitted SuDS report confirms the application site is located in Flood Zone 1 according the Environment Agency's Flood Maps for planning meaning that is at low risk of flooding from rivers and seas. The SuDS proposes to manage surface water run-off via a number of means including the introduction of living/green roof to the new building, a direct water harvesting system including an underground storage tank that is connected to irrigating outlets within the proposed courtyard area of the scheme, the creation of an attenuation pond within the courtyard area that has storage capacity in excess of that required to deal with the volume of water generated in a 1 in 100 year event and an overflow and swale to direct water off site in the event of exceedance of the attenuation pond. In addition all new hardstanding areas will be constructed as pervious surfaces.
32. In summary the SuDS drainage scheme employed is capable of managing surface water run-off effectively on site without increasing flood risk elsewhere – indeed it will reduce the flood risk potential of the site when considered against the existing site conditions. The additional capacity built into the system, almost double that required, ensure a robust position for future surface water management taking into account climate change.

## Planning History

33. The existing building has been enlarged over time and these are the relevant applications:

88/01606/AS	Extension to existing residential home	GRANTED	25/10/1988
88/00116/AS	Change of use, store area to one flat (single dwelling) for staff, not for elderly residents.	GRANTED	23/03/1988
84/00335/AS	Increase size of residential home for elderly people and enlarge staff accommodation	GRANTED	31/05/1984
82/00397/AS	Conversion of existing garage into a private office/ store with car port added	GRANTED	11/05/1982

## Consultations

**Ward Member:** The Ward Member, Cllr Link, is a member of the Planning Committee.

**Tenterden Town Council:** support and make the following comments:

- suggest conditions in relation to parking, restriction on residents, construction traffic, drainage, tree protection and sustainable transport links

**KCC Highways and Transportation:** no objection, in terms of highway safety and capacity, subject to condition in relation to construction management, visibility splays and car parking.

**KCC Lead Local Flood Authority:** no objection as development would be at minor risk.

**KCC Accommodation Solutions (Adult Social Care):** support and have made the following comments:

- projecting that Ashford District would require a reduction in general frailty residential accommodation of 169 beds by 2021. However, we are expecting the Ashford area to require an additional 328 residential dementia beds between now and 2021
- More modern, dementia friendly environments, individual rooms with en-suite facilities with minimum space standards of 12sqm per room are welcomed and pleased to see that the room design provides for 14sqm of space
- support this development on the basis the additional accommodation is able to accommodate people with dementia needs



**KCC Public Rights of Way Officer:** no objection - Public Right of Way AB16 passes adjacent to the proposed site. As the application is for a development within the curtilage of the current property boundary, there is unlikely to be a significant impact on the path

**KCC Ecological Advice Service:** no objection as no evidence of protected species, suggest a condition for ecological enhancements and permeable fencing for any badger movements

**Southern Water:** no objection and make the following comments:

- Connection to the public foul sewer would be required
- Ensure the long-term maintenance of the SuDS facilities and any adoption

**Project Delivery Engineer (Drainage):** no objection, subject to a condition regarding method of construction, surface water management and a SuDS scheme

**Environmental Services:** no objection

**High Weald AONB Unit:** no comment

**Tenterden and District Residents Association:** object and have raised the following matters:

- overdevelopment
- harm to setting of listed buildings
- inadequate parking
- overspill/obstructive parking in Grange Road
- surface water flooding risk
- harm to trees
- no need for development

**Weald of Kent Protection Society:** in support and make the following comments:

- adequate access for the emergency services
- sufficient parking
- tree protection
- manage surface water

**Ramblers' Association:** no objection

**Neighbours:** 21 neighbours were initially consulted and 24 neighbours were re-consulted on the amended plans received showing changes to the red line of the application site. **18** representations to object and **1** in support were received.

The objections are summarised below:

- disruption for existing residents
- inadequate car parking
- obstructive/overspill car parking
- no footway risk to pedestrians
- overdevelopment
- risk of surface water flooding
- inaccurate plans
- no need for development (need dementia care)
- noise and disturbance from occupation, construction and groundworks
- risk to highway safety from construction traffic
- alternative scheme preferred
- loss of habitat
- tree clearance
- landscaping would not mitigate impact
- new tree planting would affect foundations
- risk to TPO trees
- health and safety risk
- harm to landscape character
- loss of light

- overlooking
- light pollution
- not a sustainable location
- harm to AONB
- out of character

The support comments are summarised below:

- meet demands for an aging population
- additional local facility

## **Planning Policy**

The Development Plan comprises the saved policies in the adopted Ashford Borough Local Plan 2000, the adopted LDF Core Strategy 2008, the adopted Ashford Town Centre Action Area Plan 2010, the Tenterden & Rural Sites DPD 2010, the Urban Sites and Infrastructure DPD 2012, the Chilmington Green AAP 2013 the Wye Neighbourhood Plan 2015-30 and the Pluckley Neighbourhood Plan 2016 - 30. On 9 June 2016 the Council approved a consultation version of the Local Plan to 2030. Consultation commenced on 15 June 2016 and closed after 8 weeks. Proposed changes to the draft Local Plan were approved for further consultation by the Council on 15 June 2017 and consultation has now commenced. At present the policies in this emerging plan can be accorded little weight.

34. The relevant policies from the Development Plan relating to this application are as follows:-

### **Ashford Borough Local Plan 2000**

GP12 - Protecting the countryside and managing change

EN10 - Development on the edge of existing settlement

EN12 - Private areas of open space

EN31 - Important habitats

EN32 - Important trees and woodland

### **Local Development Framework Core Strategy 2008**

CS1 - Guiding principles

CS2 - The Borough Wide Strategy

CS6 - The rural settlement hierarchy

CS9 - Design quality

CS11 - Biodiversity and Geological Conservation

CS15 - Transport

CS18 - Meeting the Community's Needs

CS20 - Sustainable Drainage

**Tenterden & Rural Sites DPD 2010**

TRS5 - Exception sites for specialist housing schemes

TRS8 - Extensions to employment premises

TRS17 - Landscape character and design

TRS18 – Important rural features

TRS19 - Infrastructure provision to serve the needs of new developments

**Local Plan to 2030**

SP1 - Strategic Objectives

SP2 - The Strategic Approach to Housing Delivery

SP6 - Promoting High Quality Design

HOU2 - Local needs/specialist housing

EMP3 - Extensions to employment premises in the rural area

TRA3b - Parking Standards for Non-Residential Development

TRA5 - Planning for Pedestrians

TRA6 - Provision for Cycling

ENV1 - Biodiversity

ENV3 - Landscape Character and Design

ENV4 - Light pollution and promoting dark skies

ENV5 - Protecting important rural features

ENV8 - Water Quality, Supply and Treatment

ENV9 - Sustainable Drainage

ENV10 - Renewable and Low Carbon Energy

ENV13 - Conservation and Enhancement of Heritage Assets

COM1 - Meeting the Community's Needs

35. The following are also material to the determination of this application:-

**Supplementary Planning Guidance/Documents**

Landscape Character Assessment SPD 2011

Sustainable Drainage SPD 2010

Dark Skies SPD 2014

Kent County Council's Supplementary Parking Guidance SPG 4

High Weald AONB Management Plan

**Government Advice**

National Planning Policy Framework 2012

Planning Policy Guidance

36. Members should note that the determination must be made in accordance with the Development Plan unless material considerations indicate otherwise. A significant material consideration is the National Planning Policy Framework (NPPF). The NPPF says that less weight should be given to the policies above if they are in conflict with the NPPF. The following sections of the NPPF are relevant to this application

37. Relevant sections:

- Core planning principles
- Chapter 4 - Promoting sustainable transport
- Chapter 6 - Delivering a wide choice of high quality homes
- Chapter 7 - Requiring good design
- Chapter 10 - Meeting the challenge of climate change, flooding and coastal change
- Chapter 11 - Conserving and enhancing the natural environment
- Chapter 12 - Conserving and enhancing the historic environment

## **Assessment**

38. The main issues for consideration are:

- (a) Principle
- (b) Meeting needs of older people
- (c) Visual and landscape amenity
- (d) Residential amenity
- (e) Heritage assets
- (f) Highways and parking
- (g) Biodiversity and ecology
- (h) Trees and landscaping
- (i) Drainage

**(a) Principle**

39. The proposal is both economic development due to the employment provided and specialist housing to meet a particular group: the core principles (para.17) of the NPPF support this and the need to meet the residential needs of communities.

40. The site is on the outskirts of Tenterden and linked to the A28 by Grange Road. This is the largest settlement outside Ashford town centre in the Borough and policy CS6 promotes development here. In addition to this, due to its role as a key service centre, small scale economic development would bolster its provisions and is a sustainable location given the proximity to services and facilities and public transport.
41. Policy TRS5 acknowledges that specialist housing cannot always be delivered in the urban areas, as people want to stay in familiar surroundings. Furthermore, TRS8 does allow extensions to employment premises.
42. Any benefits of the proposal need to balance against any harm identified, this will be assessed below.
43. I conclude that the principle of further development of this nature is acceptable on this site.

**(b) Meeting the needs of older people**

44. Para. 50 of the NPPF requires the delivery of a mix of housing to meet current and future demographic trends and with an aging population this will be a growing need for specialist care.
45. The Kent Social Care: Accommodation Strategy (2014) is an over-arching document that provides strategic aims and objectives, including the current provision, future needs and delivery of care homes.
46. KCC Accommodation Solutions who are involved with care homes have stated that "Breton Court is a Residential Care Home, providing accommodation for Older People with general frailty, some of whom may have dementia. At the present time, we are projecting that the Ashford District will require a reduction in general frailty residential accommodation of 169 beds by 2021. However, we are expecting the Ashford area to require an additional 328 residential dementia beds between now and 2021."
47. The Strategy recognises a Kent wide need for nursing and dementia care homes and modern care homes. In Kent over 15,900 people over 65 years are estimated to have dementia and this is expected to rise 24,314 by 2020 with nearly 6000 people being over the age of 90 years.
48. Accommodation being delivered needs to meet the needs of extra care and care home accommodation and then have flexibility to support them in dementia. Therefore, purpose built and designed care home provision for dementia residential and (less so) dementia specific nursing provision, is being supported.

49. The room design provides for 14sqm of space and that the applicant has already engaged with KCC regarding the design. However, in terms of a dementia friendly design the applicant has states that the rooms would be flexible and has not referred to detailed advice on dementia friendly design from the Dementia Services Development Centre at the University of Stirling and the King's Fund.
50. KCC has stated that they would support this development on the basis the additional accommodation is able to accommodate people with dementia needs. However, the applicant has stated that the rooms would be for dementia and non-dementia care.
51. The applicants have submitted a supporting statement where it is stated that they have achieved a 'Good' rating with the Care Quality Commission since taking over the premises and many residents are from the local area and this is one of only facilities offering extra care.
52. Currently, assisted living flats are available in the locality at Cedar Court and the KCC development of Little Hill. These places offer only assisted living, providing carer visits as and when required. At present, Breton Court is the only place locally for those residents to move to as their care needs change. By increasing the facilities at Breton Court it would be able to provide for the ongoing needs of these residents. In practice, Cedar Court and Little Hill would act as feeders, so less disruption for clients.
53. The statement in support explains that there is a need for this kind of accommodation and this assertion is supported by KCC. The care provided covers those people with general frailty and can include those with dementia and the Care Quality Commission no longer considers dementia to be a standalone category of care as many people requiring frailty and general elderly care suffer from dementia on top of their overall day to day needs.
54. The need outlined above has to be balanced against any other harm, which will be assessed below.

**(c) Visual and landscape amenity**

55. The High Weald AONB covers 1461sqkm and the land to the south and west of the built up areas of Tenterden are within this.
56. The High Weald AONB is characterised by:
  - small, irregularly shaped and productive fields often bounded by (and forming a mosaic with) hedgerows and small woodlands
  - distinctive zones of heaths and river valleys



- dispersed historic settlements of farmsteads and hamlets, and late medieval
  - villages founded on trade and non-agricultural rural industries
57. Conserving and enhancing the natural environment is a role of the planning system in para. 109 of the NPPF and as the site is in the AONB there are specific policies to restrict development which have the highest status of protection in relation to landscape and scenic beauty, however, as this is not a major development (less than 1,000sqm), para. 116 is not applicable which states such applications should be refused unless exceptional circumstances are demonstrated.
58. The policies in the Development Plan comply with this and need to be given significant weight. There is also a statutory duty under Section 85 of the Countryside and Rights of Way (CROW) Act 2000 to 'have regard' to the 'purpose of conserving and enhancing the natural beauty of the area of outstanding natural beauty'.
59. The High Weald AONB Management Plan (2014) states that individual developments can be a threat to the character of the AONB from within it and adjacent to it particularly in respect of large buildings that do not respect the AONB character in terms of scale, form, design or materials. Therefore, policy S2 seeks to ensure development schemes respect and reinforce the historic settlement pattern.
60. The proposal would be nearly entirely in the AONB where it transects the site. The proposal would follow the building line created by the adjoining residential properties and whilst these are large properties, neither of these buildings fill the majority of the plot width and Willow Tree Barn to the west has its accommodation in the roof, so is not fully two storeys. These buildings are of a domestic scale compared to the proposed west wing.
61. The existing building is 6.0m in height from the finished floor level to the ridge, the maximum height of the west wing would be 8.0m. This would be lower than Willow Tree Barn which would be 2.05m taller and is on higher ground. The proposed reduction in the ground levels and flat roof would reduce the scale of the building and the three staggered block and half dormer windows would reduce the mass of the roofscape to some extent, however the proposal would have a minimum gap of 2.4m to Willow Tree Barn and 11.5m to the PROW due to the tapered plot and TPO Oak Tree.
62. The proposed extension of the care home would have a large footprint and in conjunction with the scale of the development would result in a significant encroachment into the rear of the site with less containment due to the degree of detachment from the existing building. This would be an encroachment into the AONB and countryside beyond, where there should be a transition from

the built environment to the undeveloped land to the south and west of Tenterden.

63. There are trees and hedgerow along the public footpath which adjoins the site to the east and to the open land south. Due to the bulk and scale the building would be clearly visible and in winter there would be greater inter-visibility. From longer range views, the proposed lowering of the ground levels may assist in reducing the prominence of the west wing, however, the dominance of the built form in the site would be a prominent feature.
64. In addition to this, due to its height the building would be seen over the low level, existing building fronting Grange Road and would be out of context in the street scene.
65. The proposed development due to the footprint, mass and bulk would be a visual intrusion and encroachment of the countryside and the AONB where there is a transition from the outskirts of the settlement to undeveloped land. It would be visually prominent and intrusive, consolidating the built form of development and creating a suburban edge rather than soft edge to the countryside beyond. This would therefore be contrary to the Development Plan (policies GP12, CS1 TRS 5, TRS8 & TRS17) and the NPPF.

#### (d) Residential amenity

66. The proposal would result in an increase in the built form along the side boundaries, the impact of this on the two adjoining properties is assessed below:



*Willow Tree Barn*

67. The flank wall along the shared boundary has side facing windows facing east these serve a bathroom on the first floor and a utility and secondary window to a kitchen/diner on the ground floor, the proposed west wing would be 1.9m below the ground level and whilst there would be a narrow gap of 2.37m to the shared boundary as the proposed building would drop down to a single storey level at this point and the two storey element would be set at an angle

away from the shared boundary and further back. There would be no materially harmful overbearing or overshadowing impact.

68. The east facing flank walls of the new building would have no openings so there would be no loss of privacy. The link building would have high level windows below which would not lead to overlooking.

*Grange Court*

69. There would be a gap of 16.57m from the flank wall of the new building to the flank wall of Grange Court. The separation distance with the PROW between would ensure that there would be no overshadowing.
70. There would be one first floor window and given the gap between building and intervening trees including TPO trees this would not lead to a loss of privacy.

*Britton House*

71. The windows on the northern elevation would afford some oblique angle views to the North West. Although due to the separation distance and as the building would be set at a lower level than Britton House. There would be no detrimental impact from overlooking.
72. The proposal would use Continuous Flight Auger (CFA) piling, this is the quietest form of piling with the required drilling and pile concreting. The works would be necessary for construction and based on the method of construction disruption would be for a short period and there are safeguards under other legislation there is a nuisance.
73. In terms of the occupier amenity the application would provide accommodation that would meet national guidelines in terms of room sizes and facilities and KCC have confirmed the design would meet their standards.
74. The outdoor space would be smaller than the current provision, however, landscaping with level access for wheelchairs and sensory walks would help enhance the areas. Furthermore, as the garden is south facing so residents would get greater levels of daylight.

**(e) Heritage assets**

75. The site is in proximity of a Grade II listed building, Britton House to the north west. Section 66(1) of the Planning (Listed Building and Conservation Areas) Act 1990 states that 'In considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority or, as the case may be, the Secretary of State shall have special

regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.'

76. It is one of the core principles of the NPPF that heritage assets should be conserved in a manner appropriate to their significance. Chapter 12 of the NPPF at para. 129 sets out that the local planning authority should identify and assess the particular significance of any heritage asset...They should take this assessment into account when considering the impact of a proposal on a heritage asset, to avoid or minimise conflict between the heritage asset's conservation and any aspect of the proposal.
77. Paras 131-135 sets out the framework for decision making in planning applications relating to heritage assets and this application takes account of the relevant considerations in these paragraphs.
78. This is a two storey, timber-framed house, close-studded with plaster infilling. The roof is tiled with a central brick stack and two hipped dormers. The significance of the building derives from its aesthetic value due to its appearance and historical value as one of the oldest buildings in this area.
79. The building is centrally located set back in its plot and with mature trees along its boundaries, the application site is separated from the curtilage of the building by the access to Willow Tree Barn. The proposal would have no impact on the trees and whilst the proposal is large, its juxtaposition would have no material harm to the setting of the designated heritage asset identified and having due regard to Section(s) 66 of the Planning (Listed Building and Conservation Area) Act 1990.

**(f) Highways and parking**

80. The application has been supported by a transport statement, this demonstrates that there would be adequate on site car parking and KCC have carried out several site visits to observe parking congestion and are satisfied that there would be no greater impact that would have an adverse impact on highway safety.
81. The assessment also concluded that there would be 6 additional trips a day and this would not have an adverse impact on highway capacity, to warrant refusal.
82. The existing 'in and out' access would be retained and have adequate visibility splays. Therefore, there is no objection in terms of highway safety and capacity.
83. To lower and level the land level it would be necessary to use a cut and fill methodology, however, some of the excavated material would have to be

removed from the site where it cannot be used. The vehicle routing for the spoil can be secured through a method of construction with collections arranged to minimise disruption.

**(g) Biodiversity and ecology**

84. Work on the impact on protected species including bats and Great Crested Newts (GCNs) as well as nesting birds and badgers has been carried out. Based on the surveys and findings of the 'Extended Phase 1 Habitat and Protected Species Survey', KCC are satisfied that there would be no risk to their habitat and have recommended ecological enhancements, which could be secured by condition.

**(h) Trees and landscaping**

85. The site has three Oak trees served with TPOs. The Tree Protection Plan (TPP) and Arboricultural Method Statement (AMS) demonstrate that the building can be constructed without damage to roots of retained trees. All trees of any amenity value would be retained and additional planting could be secured by condition.
86. T7 to the eastern site boundary has been significantly pruned (80% of canopy volume reduced), however, this remains a visually prominent tree from wider views and contributes to landscape setting of the site in the surrounding area. This mature specimen has a substantial RPA and due to the proximity of the tree to the new building the future growth of the tree and pressure for further pruning and possible felling due to shading, outlook, honeydew deposits and small diameter deadwood and leaf litter nuisance are relevant.



**Figure 5: Photo of pollarded TPO Oak tree (T7) to left**

87. Windows have been orientated away from the tree, to have north and south facing aspects and continued management with pollarding to existing reduction points would ensure the tree coverage is maintained at its current

spread. This is also true for T3 adjoining the existing building, however, this is a pre-existing situation and would not be created through new development.

88. Whilst the windows would not directly face T7, once the crown has been able to re-establish itself there would be a perception of the tree making the spaces dark. The landscape area to the north of T7 would be similarly dark and in a rain shadow. The tree may be viewed as overbearing to the development and cause anxiety for residents and staff, this may result in a pressure to fell the tree or prune it back to previous points and thus severely diminish its amenity value.
89. The risk to this Oak tree from felling and pruning would be significant due to the proximity of the proposed building and this loss would be unacceptable due to the high amenity value of this tree.

**(i) Drainage**

90. The SuDS report provided is considered SPD compliant by achieving the requirements set out within the Ashford Borough Council Sustainable Drainage SPD and is a minor risk. KCC & ABC Drainage raise no objection subject to a detailed SUDs condition.

## **Human Rights Issues**

91. I have also taken into account the human rights issues relevant to this application. In my view, the "Assessment" section above and the Recommendation below represent an appropriate balance between the interests and rights of the applicant (to enjoy their land subject only to reasonable and proportionate controls by a public authority) and the interests and rights of those potentially affected by the proposal (to respect for private life and the home and peaceful enjoyment of their properties).

## **Working with the applicant**

92. In accordance with paragraphs 186 and 187 of the NPPF, Ashford Borough Council (ABC) takes a positive and proactive approach to development proposals focused on solutions. ABC works with applicants/agents in a positive and proactive manner as explained in the note to the applicant included in the recommendation below.

## **Conclusion**

93. The proposal would result in a net gain of 21 extra care beds in the community to meet the needs of older people, as there is a growing demand for this with an aging population, and result in employment opportunities

directly from new staff and additional business for services required by the home. This weighs in favour of the proposal.

94. The site is on the edge of the built environment and High Weald AONB and substantial weight is afforded any level of harm to this designation, in a location where there is a transition from the settlement to the open countryside beyond and there is a looser grain of development along the southern side of Grange Road. The proposed west wing would be set into the ground and fill a majority of the plot width. The footprint, mass and bulk would be a visual intrusion and encroachment. It would be highly visible and would consolidate the built form of development and urbanise this sensitive settlement edge. In addition to this, there would be a conflict with a TPO Oak tree adjoining the proposed development. The severe pruning and crown reduction of this tree or even its removal would be difficult to resist if permission is granted and this would unacceptably harm the visual amenity of the area. This would not comply with the Development Plan and the NPPF.
95. There is currently not an under supply of care home bed spaces in Kent, however there is a growing need and in particular a need for dementia care. There is no specific detail on how the facilities would meet dementia care requirements which is a need identified by KCC.
96. There are social benefits allowing people in the local area to remain in more familiar surroundings than be re-located outside their community.
97. Therefore whilst there would be some social and moderate economic benefits, this would not be outweighed by the significant and demonstrable environmental impacts identified in terms of visual harm, harm to the AONB and TPO trees. and this would not follow the golden thread of sustainable development in the NPPF.

## **Recommendation**

### **Refuse**

on the following grounds:

1. The proposed care home extension by virtue of its size, height, mass, bulk, siting and design would represent a visually prominent and incongruous form of development that would consolidate and urbanise this sensitive site to the detriment of the visual amenity of the area and harmful to the High Weald Area of Outstanding Natural Beauty (AONB). This would be contrary to Ashford Borough Local Plan 2000 policy GP12, Core Strategy 2008 policy CS1, Tenterden and Rural Sites DPD 2010 policies TRS5, TRS8, TRS17 and TRS18, draft Local Plan 2030 policies ENV3 and ENV5, the National Planning Policy Framework and Guidance in the Planning Policy Guidance.

2. The proposed care home extension would result in the potential loss or damage to the protected tree Oak tree (T7) which is of significant visual amenity value located along the eastern site boundary. The tree would be at risk because of the close proximity to the proposed development resulting in tree litter nuisance, honeydew deposit, excessive shading levels and safety apprehensions, resulting in pressure from occupants to fell or unacceptably prune/crown lift this tree. Damage/loss of the tree would be detrimental to the visual amenity of the area. The development would therefore be contrary to Ashford Borough Local Plan 2000 policy EN32, Core Strategy 2008 policy CS1, Tenterden and Rural Sites DPD 2010 policy TRS18, draft Local Plan 2030 policies ENV5 and the National Planning Policy Framework.

### **Working with the Applicant**

In accordance with paragraphs 186 and 187 of the NPPF Ashford Borough Council (ABC) takes a positive and proactive approach to development proposals focused on solutions. ABC works with applicants/agents in a positive and proactive manner by;

- offering a pre-application advice service,
- as appropriate updating applicants/agents of any issues that may arise in the processing of their application
- where possible suggesting solutions to secure a successful outcome,
- informing applicants/agents of any likely recommendation of refusal prior to a decision and,
- by adhering to the requirements of the Development Management Customer Charter.

In this instance:

- the applicant/agent was updated of any issues after the initial site visit,
- was provided with pre-application advice on an alternative scheme,
- The applicant provided amended and additional plans in response to feedback and additional tree and construction details
- The application was considered by the Planning Committee where the applicant/agent had the opportunity to speak to the committee and promote the application.



## Background Papers

All papers referred to in this report are currently published on the Ashford Borough Council web site ([www.ashford.gov.uk](http://www.ashford.gov.uk)). Those papers relating specifically to this application may be found on the [View applications on line](#) pages under planning application reference 16/00751/AS.

**Contact Officer:** Kelly Jethwa

**Telephone:** (01233) 330589

**Email:** [kelly.jethwa@ashford.gov.uk](mailto:kelly.jethwa@ashford.gov.uk)

Annex 1

