

Application Number	19/00921/AS	
Location	Lakeside Nursing Home, Chapel Road, Hothfield, Ashford, TN25 4LN	
Grid Reference	96773/46428	
Parish Council	Hothfield	
Ward	Upper Weald	
Application Description	Outline planning permission considering access, layout and scale for the demolition of two out of use wings and erection of two new wings on the same site to create 40 self-contained extra-care units with associated communal support facilities and infrastructure	
Applicant	Mr Hensher, Lakeside Land Limited, 11a Ivor Place, London, NW1 6HS	
Agent	Mr N Blythe, Nicholas Blythe Architects, PO Box 305, Tonbridge, Kent, TN11 8FX	
Site Area	0.79ha	
(a) 46/4+	(b) +	(c) KHS/X, Housing/+, KCC LLFA/X, KAS/-, KCC Bio/X, EH/+, NE/X, NHS/X, KCC SS/-, Pol/X, CPRE/+,

Introduction

1. This application is reported to the Planning Committee at the request of the Ward Member, Cllr Mrs Bell.

Site and Surroundings

2. The application site is located within a countryside location outside of the village of Hothfield. It is not within any designated landscape areas but falls within the Charing Heath Farmlands Landscape Character Area.

- The site comprises 0.7 hectares of the 6 hectare grounds of the Lakeside Care Village. This comprises three wings of a Victorian building which enclose a courtyard. There is also a more recent detached wing (1990's) sited between the eastern most wing and the eastern site boundary. All the existing buildings are located at the northern end of the site and the land slopes away to the south where there is a large lake. The site is surrounded by agricultural land to the south and west and adjoins the Hothfield Common Nature Reserve to the east which is designated as a Site of Special Scientific Interest (SSSI).

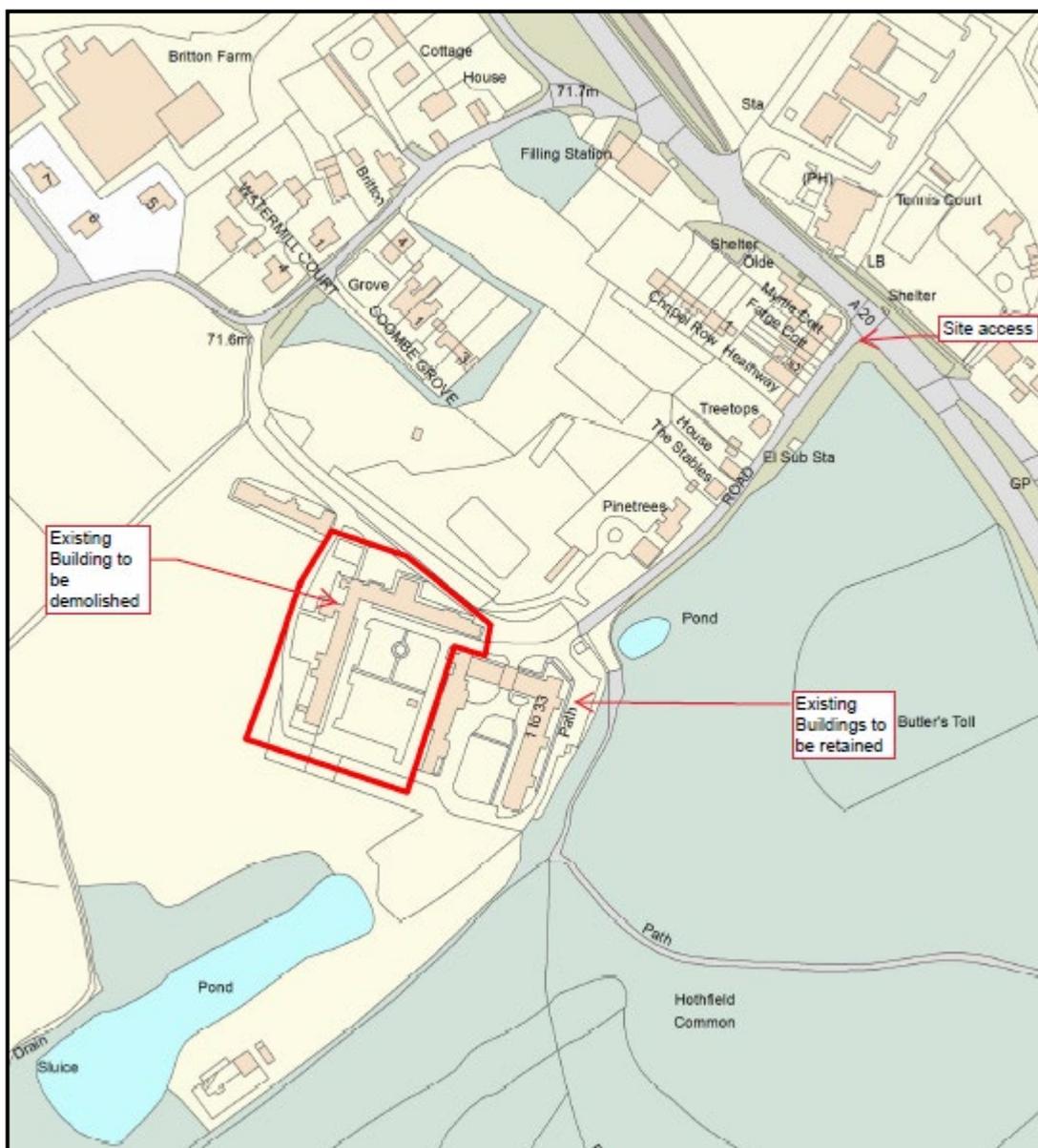


Figure 1 Site Location Plan

- The existing buildings and surrounding land form part of a retirement complex made up of Lakeside Gardens and Lakeside Place which are close care flats together with the Lakeside Care Home. Close Care is a form of assisted living for elderly people where care and support is available 24 hours a day. Homes

are planned incorporating design features and technology to assist frail older people and to provide a safe living environment. Residents undergo an assessment process prior to entry.

Proposal

5. Outline planning permission is sought for the demolition of two out of use Victorian wings of the existing complex of buildings most recently used as the nursing home on the site. In their place, it is proposed to erect two replacement wings to create 40 extra care units with associated communal support facilities and infrastructure. The proposed units would not constitute general market housing as they would fall under a C2 use classification, which would be secured by condition.
6. The application seeks consideration of the access, layout and scale with appearance and landscaping reserved for future consideration under a subsequent reserved matters application.
7. The 40 units would comprise the following accommodation:
 - 6 x 1 bed units
 - 34 x 2 bed units
8. This would differ from the previous permissions granted on the site, most recently in 2012. This was not implemented and has since expired but would have consisted of 34 units (20 x 2 bedroom units and 14 x 1 bedroom units). This new proposal would allow for the possibility for family members and carers to visit and stay overnight and encourage and promote independent living for older people. Communal facilities on site would also be upgraded and enhanced as part of the proposal. This would include a new and enlarged dining/function room, lounge/media room, kitchen (currently located in the one of the wings to be demolished), staff accommodation, toilets and a guest suite.
9. In support of the application, the applicant has submitted a range of documents including: design and access statement; drainage strategy; flood risk assessment; preliminary ecology survey; transport statement; archaeology assessment, and; contamination report. These are summarised below in turn.

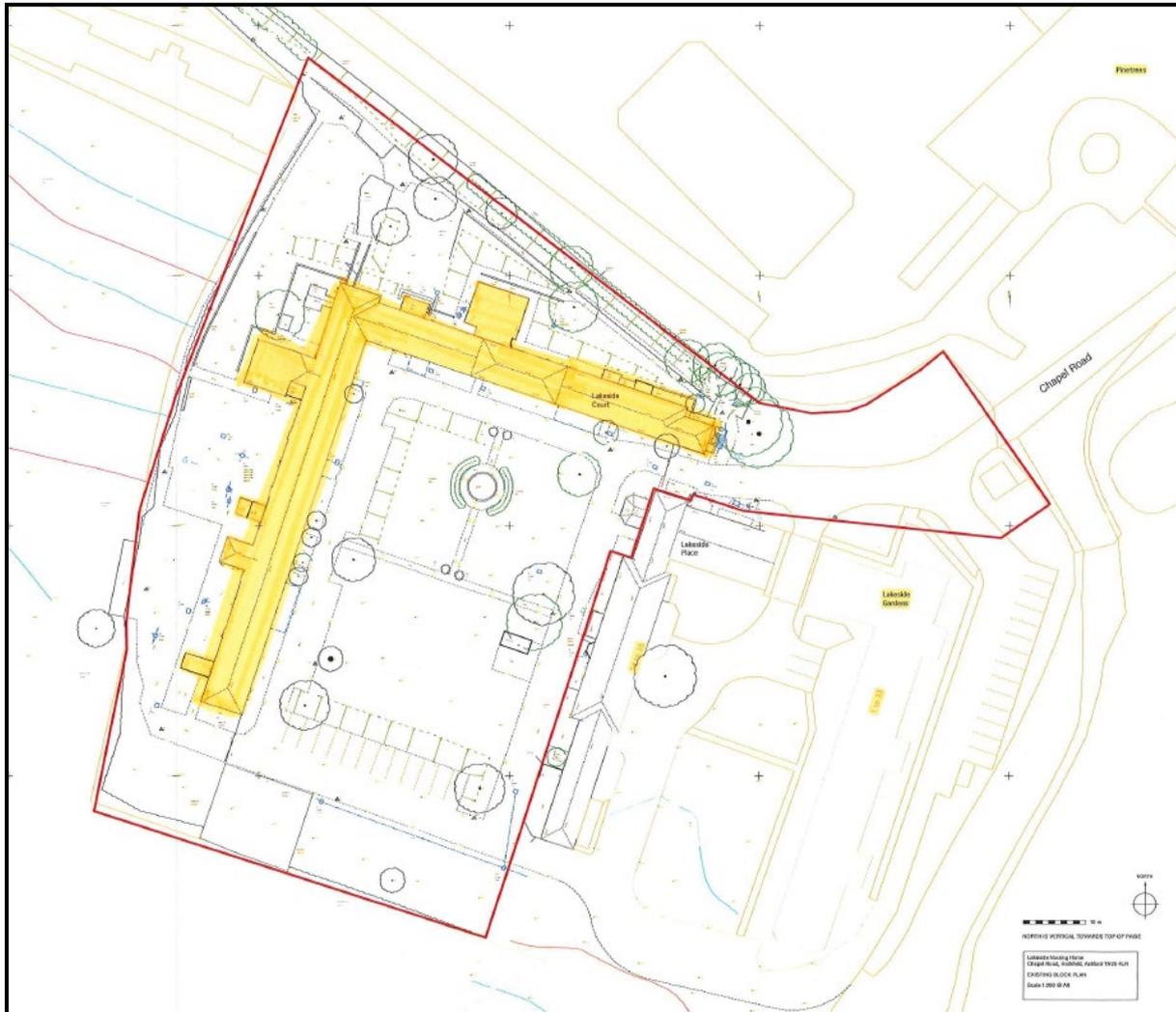


Figure 2 Existing block plan (yellow denotes existing wing to be demolished)

Design and Access Statement

10. This sets out the proposal including the composition of accommodation and enhanced communal areas proposed and the justification behind the approach including the increased composition of 2 bed units in comparison to the previous schemes on the site (see the planning history section for more information).

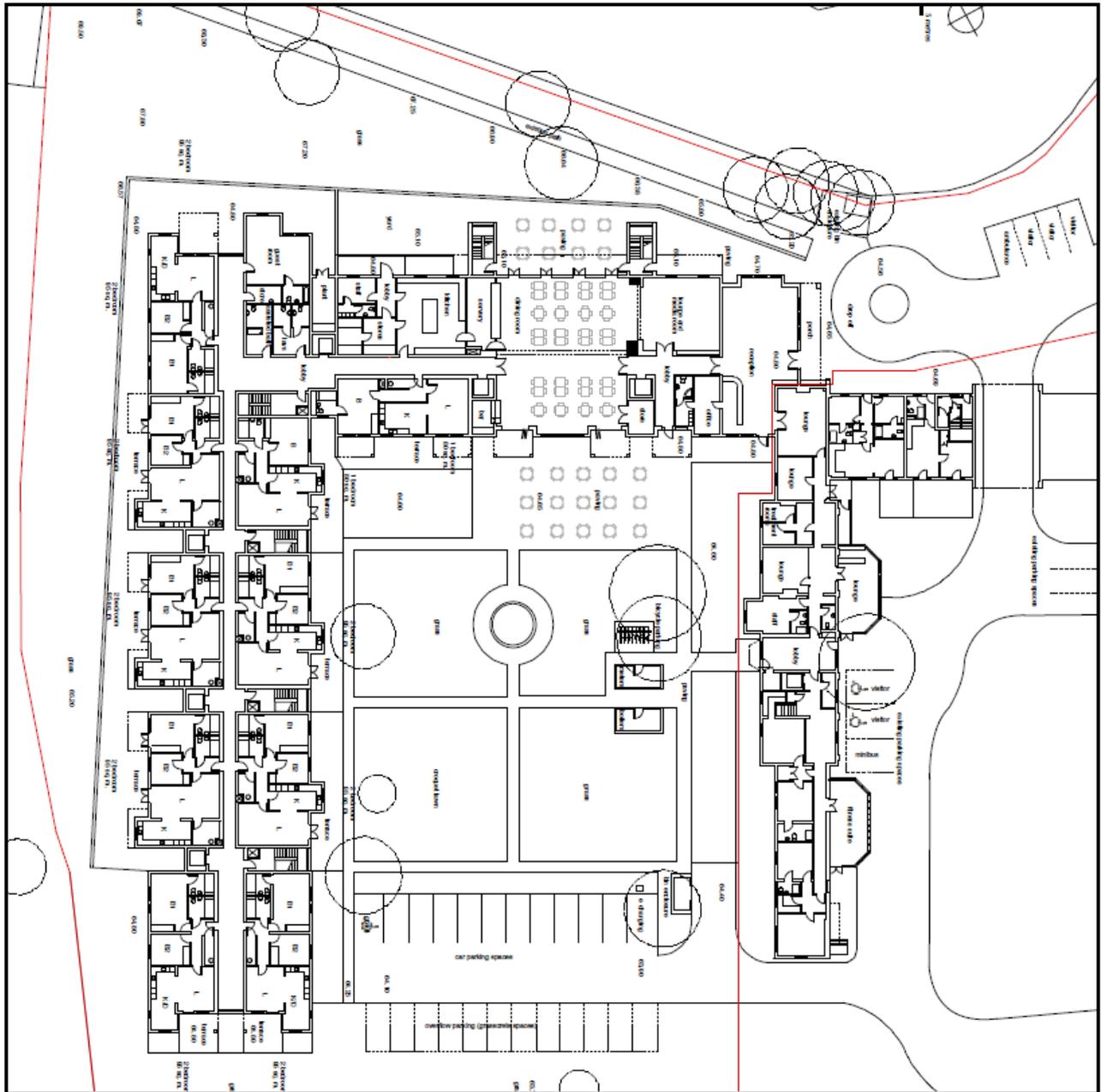


Figure 3 Proposed Block Plan

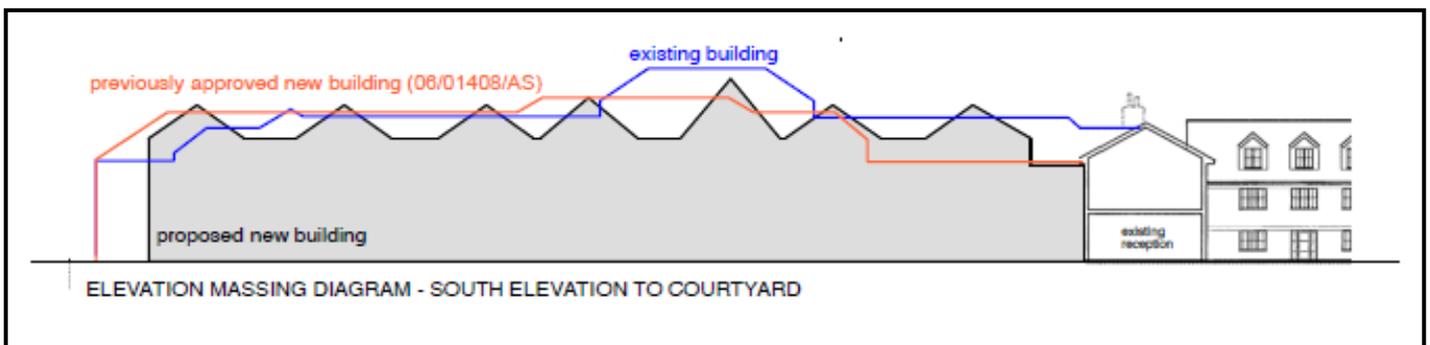


Figure 4 Elevation Massing Diagram showing existing, previously approved and proposed buildings

11. The scale of the two proposed wings would be three storeys in height and not exceed the height of the existing building to be demolished. The footprint closely follows the existing with the ground floor but at a lower level than the surrounding land to the north west of the site than is currently the case. There is a varied roof form to reduce the bulk and massing of the building with a single storey section containing a new reception area linking the new and retained buildings which is of a reduced scale to that previously approved.



Figure 3 Illustrative Elevations (appearance to be considered at a later date under Reserved Matters application)

12. Layout closely mirrors the footprint of the existing building to be demolished. The only change would be shifting of the footprint away from the northern boundary. No units would be located at ground floor level or face north-west due to the internal layout. Internal corridors would link the units so that residents can move between the units and communal facilities internally. At first and second floor level, units would be accessed via core areas including stairs and lifts. All units would be Lifetime Homes and Wheelchair Accessible

- with adaptable kitchens, bathrooms and bedrooms. All units would benefit from private amenity space, at ground floor in the form of a terrace or in the case of upper floors, a balcony. Given none of the units have a northern aspect, no overlooking would occur of the neighbouring property to the north.
13. Units would all comply with the National Space Standards with 1 bed units typically 80sqm and 2 bed units 95sqm.
 14. The existing access off of Chapel Road will remain. Pre-application advice has been sought from the Highway Authority and a Transport Statement submitted.
 15. There are currently 38 units on site and the out of use nursing home with 29 parking spaces on site. Less than half of the current occupants have a car. A minibus service and on-site meals are provided. A new turning and drop off area is proposed adjacent to the new Reception. A total of 41 spaces are proposed, including spaces for staff and visitors. Cycle parking is also proposed on site.
 16. The Extra Care Housing concept is one which is regarded as a model of housing that combines independent accessible housing with flexible levels of care and support.
 17. The Department of Health's *Extra Care Housing Toolkit* outlines the current scope of such accommodation as living at home but not in a home; having your own front door; flexible care delivery based on individual need which can increase or diminish according to circumstance; the opportunity to preserve or rebuilding of independent living skills; the provision of accessible buildings with smart technology that make independent living possible for people with a range of abilities; building a real community including mixed tenures and mixed abilities. Extra care should be permeable to the wider community and offer the same benefits and services available to all older people; on site provision or access to 24 hour personal and practical care services tailored to individual needs; access to one or more meals every day; domestic and housing support services which work with rather than doing for residents; technological approaches designed to be enabling rather than disabling; and, for extra care to be successful there also needs to be access to a range of community health services.
 18. There would be a pre-assessment of new residents, whose care requirements would be established and periodically reviewed. A range of services would be available including: on-call staff; individual assessment of care needs; assistive technologies including 24-hour emergency call system; domestic cleaning/housekeeping/laundry/shopping service; lounge, restaurant, hair salon, laundry room, buggy store, gardens; active social calendar; facility available for provision of at least one meal a day if required; companionship

services; home help including home maintenance, pet care and shopping; assistance with arrangements personal care services including bathing, dressing and eating.

19. Agreement regarding level of care services would be incorporated into the sale/rent/lease terms together with a minimum age requirement (55 years). It is not envisaged that the accommodation would be intended to meet the needs of people with mental health problems or dementia. There is currently a waiting list for further units and therefore this demonstrates a substantial demand for this type of housing.
20. The reserved matters would include landscaping and appearance.
21. It is considered that the conclusion of the Council regarding the previously proposed development approved under 12/00312/AS would still apply. The principle of the development would be acceptable, there would be no harm to visual amenity, the character of the rural area or to highway safety.

Drainage strategy & Flood risk assessment

22. The site is outside of floodzones 2 and 3 and at low risk of flooding from other sources. Appropriate floodrisk management measures will protect the development against exceedance flows for the lifetime of the development. Surface water can be dealt with through SUDs attenuation techniques. Foul water will be connected by gravity to the existing foul sewer system which connects to the public foul sewer system. There would be no increase in flood risk on or off-site. The proposed development would comply with the Local Plan and NPPF.

Preliminary ecology survey

23. There is potential for a range of protected species including badgers, bats, breeding birds, dormice, great crested newts and reptiles. The wings proposed to be demolished have the potential for roosting bats. Therefore further surveys are recommended. Further surveys are also requested for GCNs. Biodiversity enhancements can be incorporated into the development. Mitigation can be secured to ameliorate possible impacts.

Transport statement

24. A traffic count has been carried out and it has been concluded that the visibility splays required for the Chapel Road/A20 junction meet the minimum requirements. TRICs analysis predicts the likely number trips in the AM and PM peak hours and concluded that the junction will operate at a maximum of 7% capacity during the AM and 5% capacity during the PM peak once the development is completed. Personal injury and accident for a 3-year period

has been completed using data from KCC. These are considered to have occurred due to human error or inattention, there is no underlying problem with the street geometry which could be exacerbated by an increase in traffic flows.

25. It is considered that the proposed 40-unit development will not have a significant impact on the local highway network.

Archaeology assessment

26. The works involve the demolition of the former West Ashford Union Workhouse. The complex would be worthy of further examination and recording. There is low chance, however, of finding any early archaeology but the wings to be demolished should be recorded prior to their demolition. Although extensive internal alterations have taken place during the 1960s and 1970s.

Contamination report

27. There are no clear signs of significant contamination from previous land use or ground contamination and therefore risk to human health is low. There were no signs of stress to plants on site or water resources. A recommendation is made that a watching brief is implemented on site during the enabling works and that if any unexpected contamination is discovered, works would cease.

Planning History

06/01408/AS - Demolition of part 2/3 storey, C2 use, care home and construction of a new 3 storey, 34 suite, C2 use, close care accommodation with support facilities – Permitted 21/07/2009 [Expired – not implemented]

12/00312/AS - Demolition of part 2/3 storey, C2 use, care home and construction of a new 3 storey, 34 suite, C2 use, close care accommodation with support facilities – permitted 23/05/2012 [Expired – not implemented]

Consultations

Ward Members: Cllr Mrs Bell has not provided any comments on the scheme and is not a member of the Planning Committee.

Hothfield Parish Council: general comment received raising the following points:

- Clarification sought regarding:
 - Parking provision on site

- Concerns regarding asbestos on site [**DMM comment:** this can be covered by condition and also separate environmental protection legislation]
- Damage to the highway should be repaid by the developer and compensation paid to residents who would be inconvenienced by the works [**DMM comment:** This would not be something which could be secured through planning condition or planning obligation as it would be a matter for the Highway Authority and is a civil matter]
- A crossing should be installed or a central island to allow persons to cross the A20 [**DMM comment:** planning obligations towards infrastructure improvements off site would need to comply with the relevant tests set out under Regulation 122 of the Community Infrastructure Regulations 2010, it is not considered that this would meet the relevant tests and Highways have not requested such infrastructure contribution]

Kent Highways and Transportation: general comment regarding the previous scheme on the site resulting in an uplift in the number of units proposed by 4 but a larger proportion of 2 bed versus 1 bed units than was the case in 2012. This would likely reduce the individual journeys to and from the site.

Trips are generally outside of peak hours and lowers for this type of development. The Transport Statement is thorough and AM peak is just 6 arrivals and 4 departures, likewise the PM peak would see just 4 arrivals and 5 departures. This cannot be considered to be severe in highway impact.

The existing nursing home wings which could be renovated and brought back into use without planning permission and generate additional traffic.

There are no existing records of crashes which would call into question the nominal increase in traffic using Chapel Lane.

The Chapel Lane/A20 junction does have restricted visibility to the north, however there is central hatching and a right hand turn lane. The vision splay to the north junction only needs to see the southbound running lane rather than the western kerb line, this is acceptable.

Sufficient parking is to be provided on site. There would be no spread to the public highway.

Subject to conditions for construction phase, no objection.

ABC Housing Services: no provision on site or contributions towards off-site affordable housing are required as the proposed development is for C2 residential and not C3 dwellings

KCC LLFA: no objection subject to condition

KCC Heritage: no representations received

KCC Biodiversity: initial comments received stated that additional information was required in relation to bats. In relation to Great Crested Newts (GCN) there is sufficient information submitted to secure an appropriate mitigation strategy can be secured by condition to prevent harm to the favourable conservation status. A construction environmental management plan to prevent harm to the SSSI and ecological enhancements can be secured by condition.

Further information provided in respect of Bats provided but further information is required to be submitted by the applicant, upon receipt of which it is considered sufficient information has been provided and is acceptable.

ABC Environmental Health: no objection subject to conditions with regards to contamination, electric car charging points and a construction management plan together with informatives relating to working hours and burning of waste.

Environment Agency: no objection subject to conditions

Natural England: initial comments from Natural England sought further clarification regarding the impact of the development on Hothfield Common SSSI.

Additional information provided by the applicant has confirmed that SUDs suitable to ensure no harm to the SSSI have been proposed and Natural England therefore raise no objection to the scheme, subject to the appropriate mitigation being secured through condition.

Further clarification sought from Natural England regarding the impact of the development upon Stodmarsh. The response from Natural England confirmed that, as concluded in the Council's Appropriate Assessment, the development will result in a lower level of overnight occupancy than the existing nursing suites. Therefore, in line with the current guidance on Stodmarsh, Natural England concur with the conclusion of no likely significant impact.

NHS CCG: no representations received

KCC Adult Social Services: no representations received

Kent Police: no objection subject to condition

CPRE: support reuse of existing sites being preferable to new development on greenfield sites provided that the new buildings are well built and have appropriate infrastructure. The proposed access and parking are inadequate for the development. Improvements should be secured through condition or legal agreement.

46 neighbours consulted:

4 general comments received raising the following points:

- None of the properties on Chapel Road other than those in Lakeside and Chapel Row have been consulted [**DMM comment:** a site notice was posted on Chapel Road, the development was advertised in the local press and

letters were sent to those neighbours directly affected, this more than fulfils the Council's statutory obligations]

- Traffic generated especially during construction phase
- Noise from construction traffic
- The proposed residents unlikely to have impact on traffic but deliveries and service vehicles likely to have a detrimental impact
- Chapel Road is narrow
- Difficult for persons to cross the A20 due to speed of vehicles
- No lighting on A20 contrary to statement in application
- There are 6 houses on Chapel Row
- Obstruction of visibility splays not properly reflected
- Inaccuracies and omissions in submitted documents
- No pavement on Chapel Road for pedestrians
- Uncertainty over time the works will take to complete
- There are many accidents on the A20
- Parking on the road for Chapel Row residents is the only option as they do not have off-road parking
- Impact on ecology

Planning Policy

28. The Development Plan comprises the Ashford Local Plan 2030 (adopted February 2019), the Chilmington Green AAP (2013), the Wye Neighbourhood Plan (2016), the Pluckley Neighbourhood Plan (2017) and the Kent Minerals and Waste Local Plan (2016).
29. For clarification, the Local Plan 2030 supersedes the saved policies in the Ashford Local Plan (2000), Ashford Core Strategy (2008), Ashford Town Centre Action Area Plan (2010), the Tenterden & Rural Sites DPD (2010) and the Urban Sites and Infrastructure DPD (2012).
30. The relevant policies from the Local Plan relating to this application are as follows:-

SP1 – Strategic Objectives

SP2 – The Strategic Approach to Housing Delivery

SP6 – Promoting High Quality Design

HOU12 – Residential Space Standards internal

HOU15 – Private External Open Space

TRA3a – Parking Standards for Residential Development

TRA5 – Planning for Pedestrians

TRA6 - Provision for Cycling

TRA7 – The Road Network and Development

ENV1 – Biodiversity

ENV3a – Landscape Character and Design

ENV4 – Light Pollution and Dark Skies

ENV6 – Flood Risk

ENV7 – Water Efficiency

ENV9 – Sustainable Drainage

EMP6 – Promotion of Fibre to the Premises (FTTP)

COM1 – Meeting the Community's Needs

IMP1 – Infrastructure Provision

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

Supplementary Planning Guidance/Documents

Affordable Housing SPD

Landscape Character Area SPD

Sustainable drainage SPD

Residential Parking SPD

Residential Space and Layout SPD 2011 – External Space Standards Only

Dark Skies SPD 2014

Public Green Spaces and Water Environment SPD 2012

Government Advice

National Planning Policy Framework (NPPF) 2019

32. 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:-
33. 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:-
34. Paragraph 38 states that local planning authorities should approach decisions on proposed development in a positive and creative way. They should use the full range of planning tools available and work proactively with applicants to secure developments that will improve the economic, social and environmental conditions of the area. Decision-makers at every level should seek to approve applications for sustainable development where possible.
35. Paragraph 59 relates to the need for the delivery of a sufficient supply of homes. It states that in order to support the Government's objective of significantly boosting the supply of homes, it is important that a sufficient amount and variety of land can come forward where it is needed.
36. Paragraph 61 outlines the need to ensure a range of homes to cater for varying needs including older people. Paragraph 64 also outlines that specialist accommodation for a group of people with specific needs such as purpose built accommodation for the elderly would not be required to provide affordable housing.
37. Paragraph 123 outlines that where there is an existing or anticipated shortage of land for meeting identified housing needs, it is especially important that planning policies and decisions avoid homes being built at low densities.
38. Section 12 of the NPPF refers to achieving well-designed places. As such the creation of high quality buildings and places is fundamental to what the planning process should achieve. Good design is a key aspect of sustainable development, creates better places to live and helps to make development acceptable to communities. It is therefore clear that design expectations is essential for achieving this. Paragraph 127 states the following in relation to good design. It specifies that decision should ensure that developments:
 - Will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development.

- Are visually attractive as a result of good architecture, layout and appropriate and effective landscaping.
 - Are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities).
 - Establish or maintain a strong sense of place, using the arrangements of streets, spaces, building types and materials to create attractive welcoming and distinctive places to live work and visit.
 - Optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks, and
 - Create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users...
39. Paragraph 163 states that development should ensure that flood risk is not increased elsewhere.
40. Paragraph 170 states that minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressure. Paragraph 175 goes on to state that if significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts)... or be adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused. It goes on to also state that opportunities to incorporate biodiversity improvements in and around developments should be encouraged, especially where this can secure measurable net gains for biodiversity
41. Paragraph 180 states that planning policies and decisions should also ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development.

National Planning Policy Guidance (NPPG)

42. Paragraph 010 of the NPPG defines Extra-care housing or housing with care as:

This usually consists of purpose-built or adapted flats or bungalows with a medium to high level of care available if required, through an onsite care agency registered through the Care Quality Commission (CQC). Residents are able to live independently with 24 hour access to support services and staff, and meals are also available. There are often extensive communal areas, such as space to socialise or a wellbeing centre. In some cases, these

developments are known as retirement communities or villages - the intention is for residents to benefit from varying levels of care as time progresses.

43. Paragraph 001 outlines the importance of planning for housing for older people due to the increased proportion of the population aged over 85, which is set to double between 2016-2041 to 3.2million. It goes on to identify the need for better choice of accommodation to suit changing needs to help them live independently for longer.
44. Paragraph 014 states that it is for the LPA to consider which use class a development falls within. When determining whether it falls within C2 (residential institution) or a C3 (dwellinghouse) of the Use Classes Order, consideration could, for example be given to the level of care and scale of communal facilities provided.

Assessment

45. The main issues for consideration are:
 - Principle of the development
 - Visual Amenity
 - Residential Amenity
 - Highway Safety & Parking
 - Ecology
 - Flooding and Surface Water Drainage
 - Foul Water disposal and Habitat Regulations
 - Other issues

Principle of the development

46. Planning permission has been granted previously for a similar scheme, as outlined in the proposal and planning history section of this report. These schemes have never been implemented and have since expired. Whilst there have been changes in policy since this time (notably the adoption of the new Local Plan and the update to the NPPF in February 2019), the spirit of Central government guidance remain essentially unchanged in relation to this type of development with a growing emphasis on planning for the future to enable older people to live independently for longer on sites such as this

where communal facilities are available together with a range of care provided to suit the needs of the individual.

47. The need for such accommodation is evidenced by virtue of the current waiting list for such accommodation at the site which is currently at capacity. Given that there is an existing use on the site, it is considered the principle of such accommodation on the site has already been accepted. The loss of the existing nursing home provision on site, which has remained vacant for some considerable time and is no longer fit for purpose would constitute a sustainable use of the existing facilities on the site where provision for communal facilities already exists.
48. The remaining criteria outlined above are considered under the relevant section of the report which follows below.

Visual Amenity

49. The proposed scale of the replacement wings would be similar to the building which they would replace. The footprint of the buildings would also be similar but further from the northern boundary than the existing building. As outlined in the supporting documentation submitted with the application and shown on the submitted plans, the height of the proposed replacement building would be no greater in height than the existing.
50. The appearance of the proposed development is reserved for future consideration under a subsequent reserved matters application. However, it was concluded in 2006 in the report to Committee that it was not possible to retain and renovate the existing building. Although having some attractive aspects, it was regrettable that this cannot be retained and that extensions and more recent neglect through lack of use has resulted in the appearance and narrow building form not being conducive to meeting the requirements of modern suites and community facilities which the layout proposed would achieve. The indicative elevations would be more contemporary than the existing structure. At reserved matters stage, further detailing can be secured. The resultant design would allow for the more institutionalised former nursing home wing, which originally was the West Ashford Workhouse to move towards more outward facing elevations.
51. It should also be noted that the site is well screened from public vantage points and due to the topography of the land. When read in context with the retained buildings on the site to the east, the proposed development would not give rise to a visually incongruous or intrusive form of development. Details regarding appearance and landscaping will be considered under the subsequent reserved matters application.

52. In light of the above, it is not considered that development of this scale and layout would give rise to harm to the visual amenity of the locality or the special character of the countryside.

Residential Amenity

53. The proposed development would have a lesser impact than the existing building given its height and location within the site. The nearest neighbouring dwelling to the north, Pinetrees is well separated from the site (95m) with a good level of screening due to mature landscaping. As a result, the proposed development would not result in an overbearing from of development
54. There are a number of concerns raised regarding the impact on the residential amenity of occupiers of Chapel Road and Chapel Row, the latter of whom park on highway as they do not benefit from off-road parking. The number of residents on site against the extant use is not proposed to increase beyond that which could be accommodated on site should the existing nursing home provision be brought back into use. The reallocation from 1 to 2 bed units would likely reduce individual journeys to the site as it provides an option for care staff and visitors to stay overnight rather than do repeated daily trips. Moreover, a minibus service is provided on site and a large number of existing residents do not own a car because of this and the level of services provided on site.
55. It is acknowledged there would be a period during the construction phase when there would be disruption through comings and goings of construction traffic. Dust, noise and disturbance are also expected during this phase on site as a result of the demolition and construction. These can be mitigated through conditions and separate environmental protection legislation. The hours of construction can be controlled to ensure they do not coincide with unsociable hours and the peak residential parking which would be in the evening and overnight.
56. KCC Highways and Transportation do not consider that there are grounds to refuse the application on the basis of this temporary disruption or for the lifetime of the development by virtue of the type of occupants who would generally travel outside of peak hours and a low traffic generation compared to other types of development.
57. The proposed units would not be C3 dwellings but would provide a good level of amenity in accordance with the National Space Standards and policy HOU12 internally. There would be external private amenity space for each unit and a large communal gardens and grounds would provide a good level of amenity for future residents in accordance with policy HOU15. The existing residents would not see any degradation of their existing level of amenity as

the development would be largely on the footprint of the existing wings to be replaced.

58. Given this, it is considered that there would not be harm to residential amenity through significant comings and goings or an overbearing form of development.

Highway Safety & Parking

59. As outlined in part in the residential amenity section, the trip generation for this type of development is low due to the nature of the occupants. The vehicle movements are not confined to AM and PM peaks in the same way as a C3 residential unit due to the age of the occupants. There is a slight increase in the number of units compared to the previous scheme, however, given the reallocation of units highlighted in the preceding section, this would likely reduce the number of repeated daily trips.
60. The crash data provided surrounds the highway network within the vicinity has no existing record of crashes which would represent a pattern which would call into question a nominal increase in traffic along Chapel Road. The junction where the A20 and Chapel Road meet does have restricted visibility to the north. However, as outlined in the comments from KCC Highways and Transportation, given the central area of hatching and right turn lane, the vision splay to the north for the junction only needs to see the southbound running lane rather than the western kerb line. It is concluded, therefore, that the visibility is acceptable.
61. As outlined in the residential amenity section, KCC Highways and Transportation are satisfied that the conflict between existing vehicles which park on the highway on Chapel Road would not take place as given the peak parking time would be during the evenings and overnight whereas construction traffic would be during the day.

Ecology

62. The Conservation of Habitats and Species Regulations 2017 requires Ashford Borough Council, the competent authority, to have regard to the requirements of the Habitats Directive in the exercise of their functions. As such, Ashford Borough Council must consider whether it is likely that an EPSM Licence from Natural England will be granted, and in so doing must address the derogation tests when deciding whether to grant planning permission for the proposed development. The three tests are that:
- i. Regulation 55(2)(e) states: a licence can be granted for the purposes of “preserving public health or public safety or other imperative reasons of overriding public interest including those

of a social or economic nature and beneficial consequences of primary importance for the environment”.

- ii. Regulation 55(9)(a) states: the appropriate authority shall not grant a licence unless they are satisfied “that there is no satisfactory alternative”.
- iii. Regulation 55(9)(b) states: the appropriate authority shall not grant a licence unless they are satisfied “that the action authorised will not be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in their natural range.”

63. In respect of the first test, the proposed development would not constitute a form of development which would be considered to be of overriding public interest. However, the proposal would regenerate a redundant part of the site. It would redevelop a brownfield site for additional C2 use extra care housing for an ageing population. Therefore, in considering it against the second test outlined above, there is no satisfactory alternative to the development in this location.
64. In respect of maintaining the population at a favourable conservation status (test iii), KCC Biodiversity consider that the impact upon the favourable conservation status of bats, the following have been confirmed:
 - Timings of work to roof/roost features avoid the maternity period (May to August) and hibernation period (December to March).
 - Removal of roof/roost features (by hand) under supervision of a licenced ecologist.
 - Provision of bat boxes on nearby trees prior to commencement of works.
 - Use of type 1F bitumen roofing felt and access tiles for entry into the roosts.
 - Differing replacement roost types to accommodate all three species of bat.
 - A sensitive lighting plan.
65. Given this, I am satisfied that the relevant derogation tests have been satisfied and that an EPS licence is likely to be granted for the development by Natural England, subject to conditions.
66. The favourable conservation status of GCNs can be secured by condition through a precautionary mitigation approach as concluded by KCC

Biodiversity. Ecological enhancements can also be secured through condition together with a Construction Environmental Management Plan to ensure there is no harm to the SSSI at Hothfield Common. Natural England are also satisfied that the surface water improvements secured through the proposed SUDs for the site would also avoid harm to this designated protected site.

Flooding and Surface Water Drainage

67. It is considered on the basis of the information submitted that given the site is not within Floodzones 2 or 3 that the proposed use would not give rise to an increased risk of flooding on-site or elsewhere. Surface water drainage can be dealt with by condition and KCC as the LLFA and the EA have confirmed that they raise no objection although both have requested conditions should permission be granted. It is considered that there would be compliance with policy ENV6 and ENV9 subject to conditions and no increase in flood risk and that surface water run-off from the site could be satisfactorily managed.
68. There is the potential for contamination due to the previous use of the site. The EA have concluded this given the site is within a source protection zone and located upon a principal aquifer. It is considered by the EA that it will be possible to manage the risks posed to controlled waters by the development. However, further information will be required before development can commence. This can be secured by way of condition.

Foul Water disposal and Habitat Regulations

69. The application proposed foul water to discharge via the existing mains sewer.
70. Since the application was submitted, the Council has received advice from Natural England (NE) regarding the water quality at the nationally and internationally designated wildlife habitat at Stodmarsh lakes, east of Canterbury, which in particular includes a Special Area of Conservation (SAC), a Special Protection Area for Birds (SPA) and a Ramsar Site. The effect of the advice means that this proposal must prima facie now be considered to have a potentially significant adverse impact on the integrity of the Stodmarsh lakes, and therefore an Appropriate Assessment (AA) under the Habitats Regulations would need to be undertaken and suitable mitigation identified to achieve 'nutrient neutrality' as explained in NE's advice, in order for the Council to be able lawfully to grant planning permission.
71. Under the Council's Constitution, the Head of Planning and Development already has delegated authority to exercise all functions of the Council under the Habitats Regulations. This includes preparing or considering a draft AA, consulting NE upon it, and amending and/or adopting it after taking into account NE's views.

72. The Council have received information from the applicant following the receipt of the application to confirm the existing occupancy should the wings to be demolished were brought back into use (which would not require planning permission) as a Nursing home. The existing nursing suites to be demolished have an overnight capacity of 50 residents plus the recommended minimum of 5 night-time staff (CQC/RCN guidelines), giving a total of at least 55. The 38 existing, occupied extra care units at the site have an average occupancy of 90% single person and 10% two person, plus occasional family guests / carers staying overnight in spare rooms - applying this ratio to the proposed 40 units the overnight occupancy would be 44 plus say 5 overnight guests/carers, a total of 49 people. As this is actually a lower level of overnight occupancy than the existing nursing suites the Council consider that the proposed development would not have a likely significant impact on the protected Stodmarsh Lakes.
73. In light of the above, the Council's Appropriate Assessment has been reviewed by Natural England who conclude that the development would have no likely significant impact on Stodmarsh lakes.

Other issues

74. The site lies within an area of archaeological potential, however, given the nature of the site, which has been previously developed. In line with this, it is not considered that there would be harm to archaeological remains as a result of the development, similar to the conclusion reached in 2012.
75. Given that the development proposed is extra care housing (C2 use), there would be no requirement to seek affordable housing contributions or off-site infrastructure provision as these are not C3 residential units.

Human Rights Issues

76. 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

77. In accordance with paragraphs 38 of the NPPF, Ashford Borough Council (ABC) takes a positive and creative approach to development proposals focused on solutions. ABC works with applicants/agents in a positive and

creative manner as explained in the note to the applicant included in the recommendation below.

Conclusion

78. The proposed development would result in the re-use of a previously developed site. The loss of the existing nursing home provision on site, which has remained vacant for some considerable time and is no longer fit for purpose would constitute a sustainable use of the existing facilities on the site where provision for communal facilities already exists.
79. There would be no harm, as identified in the report above in respect of visual impact, residential amenity, highway safety, ecology, increased flood risk, nor harm to the SSSI and no likely significant impact on the protected site at Stodmarsh lakes.
80. The development would be similar to that previously considered acceptable but not implemented in 2006 and 2012. The extra care C2 use and the level of care/amenity would be secured by condition.

Recommendation

(A) Grant outline permission

Subject to planning conditions and notes, including those dealing with the subject matters identified below, with any 'pre-commencement' based planning conditions to have been the subject of the agreement process provisions effective 01/10/2018

Standard

1. Standard approval of RM condition.
2. Standard RM time limit condition.
3. Use class restriction to C2 residential

Highways and Parking

4. Construction Management Plan
5. EV charging points.
6. Parking spaces

Landscaping & Ecology

7. GCN precautionary mitigation.
8. External lighting
9. Ecological enhancements
10. Protection of landscaping

Drainage & Disposal of Foul

11. Water efficiency
12. SUDs scheme
13. Verification of SUDs
14. No infiltration into ground

Other

15. Contamination.
16. Contamination verification.
17. Unexpected contamination.
18. Piling.
19. Fibre Broadband
20. In accordance with the approved plans
21. Development available for inspection.

Note to Applicant

1. Highway informative.
2. Piling informative from EA.
3. EA informative regarding waste.
4. Wildlife and Countryside Breeding Birds informative.
5. Code of Construction Practice informative.
6. Burning of waste informative.
7. Minimising dust informative.
8. Crime and Kent Police informative.

Working with the Applicant

In accordance with paragraphs 38 of the NPPF Ashford Borough Council (ABC) takes a positive and creative approach to development proposals focused on solutions. ABC works with applicants/agents in a positive and creative 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,
- the applicant was provided the opportunity to submit amendments to the scheme/ address issues.
- 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). Those papers relating specifically to this application may be found on the [View applications on line](#) pages under planning application reference 19/00921/AS)

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