

**D09**

**F/TH/24/0302**

PROPOSAL: Change of use from existing care home (Use Class C2) to 21No bedroom HMO together with erection of bin store, and

LOCATION: alterations to landscaping and parking

Kent House Nursing Home Fairfield Road BROADSTAIRS Kent CT10 2JY

WARD: St Peters

AGENT: Mr Jason Drew

APPLICANT: Mr & Mrs Toot

RECOMMENDATION: Defer & Delegate

Defer and delegate for approval subject to the submission of a signed legal agreement securing the outlined contributions and initiating the Traffic Regulation Order process within 6 months and subject to the following conditions:

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

**GROUND:**

In accordance with Section 91 of the Town and Country Planning Act 1990 (as amended by Section 51 of the Planning and Purchase Act 2004).

2 The proposed development shall be carried out in accordance with the submitted application as amended by the revised drawings numbered 05175\_MH03 Rev D received 26/09/24, 05175\_MH05 Rev A,, 05175\_MH06 Rev A, received 29/07/2024 and, 05175\_MH04 Rev B received 27/03/2024, together with the cycle store image received 16/04/2024.,,

**GROUND;**

To secure the proper development of the area.

3 Prior to the first occupation of the building hereby permitted, all refuse storage and laundry room facilities shall be provided in accordance with the submitted details and thereafter maintained.

**GROUND**

To safeguard the residential amenities currently enjoyed by the occupiers of nearby residential properties in accordance with Policy QD03 of the Thanet Local Plan.

4 Prior to the first occupation of the building hereby permitted, details of the construction of the ceilings, floors and walls of the bedrooms shall be submitted to and approved by the Local Planning Authority. The information supplied must demonstrate that a sound reduction (Rw) shall meet the specification in Section 6 'rooms for residential purposes' Approved Document E.

#### **GROUND**

To ensure that the occupiers and users of the proposed development do not suffer a loss of amenity by reason of noise nuisance and other excess noise.

5 The development hereby permitted shall be constructed in order to meet the required technical standard for water efficiency of 110litres/person/day, thereby Part G2 Part 36 (2b) of Schedule 1 Regulation 36 to the Building Regulations 2010, as amended, applies.

#### **GROUND**

Thanet is within a water stress area as identified by the Environment Agency, and therefore new developments will be expected to meet the water efficiency optional requirement of 110litre /person/day, in accordance with Policy QD04 of the Thanet Local Plan.

#### **INFORMATIVES**

Some HMO's require licenses if they fit the standard test, the self contained flat test, or the converted building test. The applicant is advised to discuss any licensing requirements for this site with the Private Sector Housing Team on 01843 577437 or via email at [housing.conditions@thanet.gov.uk](mailto:housing.conditions@thanet.gov.uk).

For the avoidance of doubt, the provision of contributions to as set out in the unilateral undertaking made on (DATE) submitted with this planning application, and hereby approved, shall be provided in accordance with The Schedule of the aforementioned deed.

A formal application for connection to the water supply is required in order to service this development. Please contact Southern Water, Sparrowgrove House, Sparrowgrove, Otterbourne, Hampshire S021 2SW (Tel: 0330 303 0119) or [www.southernwater.co.uk](http://www.southernwater.co.uk).

#### **SITE, LOCATION AND DESCRIPTION**

The site consists of a large two storey building set back some distance from Fairfield Road, and adjacent to the entrance to Fairfield Park, where a number of protected trees exist. To the north of the site is a large block of flats and a new retirement complex. To the south is a small close of residential dwellings. To the rear it borders Charles Dickens school.

#### **RELEVANT PLANNING HISTORY**

F/TH/23/0273 - Change of use from existing care home (Use Class C2) to 8No. 2 bed self-contained flats (Use Class C3), together with erection of two storey side extension,

demolition of existing single storey side extension, alterations to fenestration and landscaping. Granted 12/02/2024.

TPO/TH/21/0069 - 2No Sycamore - Fell. Granted 27/04/2023.

### PROPOSED DEVELOPMENT

The proposal is for the change of use of an existing 22 bed care home to a 21 bed house in multiple occupation (HMO). Previously planning permission was given for the change of use of the site to eight flats, however whilst extant, this consent has not yet been implemented.

The proposal involves a change of use but no other alterations to the main building. New bin and bike stores are proposed along with alterations to parking and landscaping.

### DEVELOPMENT PLAN POLICIES

#### **Thanet Local Plan 2020**

SP01 - Spatial Strategy - Housing  
SP12 - Broadstairs  
SP22 - Types and Sizes of Dwellings  
SP28 - Protection of the International and European Designated Sites  
SP29 - Strategic Access Management and Monitoring Plan (SAMM)  
SP30 - Biodiversity and Geodiversity Assets  
SP35 - Quality Development  
SP43 - Safe and Sustainable Travel  
GI04 - Amenity Green Space and Equipped Play Areas  
HO18 - Care and Supported Housing  
HO19 - Houses in Multiple Occupation  
QD01 - Sustainable Development  
QD02 - General Design Principles  
QD03 - Living Conditions  
QD04 - Technical Standards  
QD05 - Accessible and Adaptable Accommodation  
CM02 - Protection of Existing Community Facilities  
SE04 - Groundwater Protection  
TP02 - Walking  
TP03 - Cycling  
TP06 - Car Parking

#### **Broadstairs and St Peters Neighbourhood Plan 2023**

BSP3: Protecting and Providing Important Trees  
BSP9: Design in Broadstairs and St Peter's

### NOTIFICATIONS

Letters were sent to neighbouring property occupiers and a site notice posted close to the site. Thirty three letters of objection have been received surrounding:

- Insufficient parking
- Removal of an existing parking space
- Congestion
- Highways safety concerns and schools within the vicinity
- Insufficient information on intended residents and the need
- This is a change from recent permission for 8 self-contained flats
- Impact on trees and flint wall
- Poor standard of accommodation / dilapidated building and high costs to bring up to standard
- Queries over environmental benefits
- Fear of crime
- Potential for undesirable occupants
- Overlooking
- Loss of care home
- Little outdoor recreational space
- Noise nuisance
- Impact on elderly residents
- Incompatible demography with families and the elderly
- Loss of care home and accommodation for older persons
- Young people are likely to generate more noise than older people
- No outdoor space or clothes drying space
- Parking in Fairfield Park would not be permitted by residents
- No access for emergency services
- Misleading comments in the submission documents
- The listed community facilities in the design and access statement would not be accessible to those on low incomes likely to be living in an HMO
- Further safeguarding challenges for local schools
- Pollution from additional vehicles
- No management plans in place
- There could be a high number of visitors to the site
- Transient occupants will have an impact on the character of the area
- Impact on air quality from idling vehicles
- Impact on GP services and hospitals
- Loss of light and overshadowing
- Reduction in bus services from Fairfield Road
- Waste facilities will be unsightly
- Impact on use of front garden
- Inaccuracies and poor comparisons in parking survey
- Wrong methodology used in the parking survey
- Errors in the parking survey

**Broadstairs Amenity Society:** The Society objects to the application for the change of use from an existing care home to an HMO. It would change the character of the prevailing area which is predominantly for older people. Furthermore there are highway implications on a busy road.

## CONSULTATIONS

**TDC Environmental Health:** Thank you for consulting Environmental Health on this application for which we offer the following comment in relation to air quality and noise:

Air Quality

The application indicates EVCPs serving all 7 parking spaces; the applicant shall have regard to Approved Doc S for detailed specification.

Noise

In order to reduce the transmission of noise between the bedrooms, they shall be classed as 'Rooms for Residential Purposes' in accordance with Approved Doc E.

Condition:

Prior to occupation, details of the construction of the ceilings, floors and walls of the bedrooms shall be submitted to and approved by the Local Planning Authority. The information supplied must demonstrate that a sound reduction (Rw) shall meet the specification in Section 6 'rooms for residential purposes' Approved Document E.

Reason

To ensure that the occupiers and users of the proposed development do not suffer a loss of amenity by reason of noise nuisance and other excess noise.

**TDC Private Sector Housing Licensing:** For licensable HMOs we work to the principle of allowing five persons per one shared kitchen, one shared bathroom and a separate WC. There is a sufficient amount of shared kitchens for 20 persons. As bedroom 4 has its own kitchenette, we would allow this room to be occupied by two persons. Therefore, an HMO licence would be proposed for a maximum of 22 persons from 21 households. Please note that this number is given based on the information provided in the proposed floor plans and is not a definitive answer.

From a fire safety point of view, bedrooms 5, 6, 7, 8 and 9 are deemed to be inner rooms as access to the bedrooms is through a high risk room (communal lounge 2). However, I can see that there is a secondary means of escape (door) provided to the rear right-hand side of the premises. It is, therefore, important that this door leads to a place of ultimate safety and the route is kept clear from obstruction. Please find attached a copy of the HMO Amenity Guidelines for reference. There are no licensed HMOs within 100 metres of the property. I have no information as to whether there are any smaller HMOs with shared accommodation (up to 4 persons) in the vicinity. As such smaller HMOs are not licensable, we have no records as to their whereabouts.

**TDC Waste and Recycling:** As with all new developments we wish to be kept advised of progress. As always we have concerns around access, parking, street furniture placement and residents being moved onto the site prior to building works being completed. For us to collect we will need to see proof of vehicle tracking, site completion and will need to make a site visit prior to collections starting.

**Southern Water:** Southern Water requires a formal application for any new connection to the public combined sewer to be made by the applicant or developer.

**KCC Highways:** *Updated comments 26 July 2024*

Thank you for your consultation in relation to the above planning application. I have the following comments to make with respect to highway matters :-

The parking survey submitted has been conducted using the Lambeth Methodology, this is generally accepted as standard and is deemed a preferred method by Kent County Council. Furthermore, this survey is supported by robust census data for flats, that estimates the proposals have the potential to create demand for 10.2 cars. Flats tend to have a higher reliance on private vehicles than HMO use, and so I am content this is an acceptable estimation.

It is acknowledged that the survey is conducted within a 200m walking distance however the number of unrestricted parking spaces is significantly lower than outlined by the applicant. Fair Street is a narrow road and any parked vehicles would obstruct the carriageway, and as such this should be discounted. Sections of roads have been included of insufficient length to accommodate the average car length of 5m as per Kent Design Guide and therefore my following comments are based solely upon the parking stress on the relevant section of Fairfield Road.

Of the 38 spaces on Fairfield Road, the highest number of parked cars observed during the survey was 12. Of the estimated 10.2 cars generated by proposals, there are 7 parking bays provided on site as per the application form (However 8 are shown on plans, this additional visitor bay is only 5m in length whereas parallel bays should be a minimum of 6m. I would advise this bay is moved to prevent overhang and amended plans be submitted). Therefore, potentially 3 cars will be displaced onto the public highway, a number which can be accommodated as well as any additional visitors. The sustainable edge of centre location with good transport links supports these conclusions.

Note that parking surveys conducted using Lambeth Methodology typically require overnight data, however I am content that the hours of 3pm and 11pm reflect peak hours associated with school pick up and when neighbouring residents will be home.

Swept path analysis tracking submitted of a 13m refuse vehicle demonstrates the need for parking restrictions in the form of double yellow lines to prevent obstruction on Fairfield Park which would conflict with the required manoeuvres. These should be extended from the existing, continuing round the bend of Fairfield Park on both sides for 20m (excluding any existing crossovers).

Double yellow lines are installed under a Traffic Regulation Order, a legal process to enable them to be enforced by the TDC. As part of this process a separate public consultation will be conducted (should the LPA be minded to approve this application), giving members of the public an opportunity to comment on these proposals. I would seek this to be conditioned to best endeavours should the Local Planning Authority be minded to grant this application. It would be beneficial if TDC Waste and Recycling Team could be re-consulted on this matter once amended plans have been received.

*Original comments 16 April 2024:*

Thank you for your consultation in relation to the above planning application. I have the following comments to make with respect to highway matters :-

Although this proposal did not warrant comment from the Highway Authority, concerns have been raised regarding parking and as such further assessment has been undertaken of proposals.

It can be assumed that the site's current use as a care home results in parking being utilised mainly by staff and visitors, and this change of use will increase the associated parking demand. Although the area is edge of town centre with good transport links as outlined within the design and access statement, it is accepted that the majority of residents will be reliant on a private vehicle for the majority of trips.

A parking survey should therefore be submitted to demonstrate that the surrounding network has the capacity to accommodate the anticipated demand created by this change of use. The survey should be completed using Lambeth Methodology over 3 days to include one day at the weekend (I would suggest a Thursday - Saturday). It should be conducted throughout hours during the day and night for a 200m walking distance of the location.

The cycle parking is also insufficient, as one cycle parking space per bedroom should be provided, in a secure and enclosed location. These should be convenient and easily accessible for residents to encourage sustainable travel, which of increased importance with reduced vehicle parking.

I echo the comments of TDC Waste and Recycling, and would require swept path analysis drawings of a 13m refuse vehicle manoeuvring the site as well as additional drawings for a fire tender to ensure these vehicles can access and egress in a forward gear without conflict.

**KCC Economic Development:** The County Council has assessed the implications of this proposal in terms of the delivery of its community services and is of the opinion that it will have an additional impact on the delivery of its services. These impacts will require mitigation, either through the direct provision of infrastructure or the payment of an appropriate financial contribution.

The Planning Act 2008 and the Community Infrastructure Levy Regulations 2010 (the CIL Regulations) (Regulation 122) require that requests for development contributions of various kinds must comply with three specific legal tests:

1. Necessary,
2. Related to the development, and
3. Reasonably related in scale and kind

These tests have been duly applied in the context of this planning application and give rise to the following specific requirements (the evidence supporting these requirements is set out in the attached Appendices).

This application proposes 21 self-contained HMO dwelling units. As residents will be living independently, the impact on specific county services will require mitigation.

Primary and secondary education - Not applicable

Community Learning - £718.41

Integrated Children's Services - Not applicable

Library Service - £1,315.23

Social Care - £3,798.48

Waste - £1,092.00

## COMMENTS

This application is reported to Planning Committee at the request of Councillor Garner in order for members to consider the impact on highways, parking, neighbouring amenity and overcrowding.

### **Principle of Development**

Policy SP12 of the Thanet Local Plan sets out the Council's vision for Broadstairs and outlines that the Council will seek to support proposals that maintain and enhance the role and character of Broadstairs as a popular and attractive small seaside town.

Paragraph 11.27 of the Thanet Local Plan sets out that for the purposes of planning policy nursing homes will be regarded as a C2 use and proposals for them will be subject to the criteria set out in Policy HO18. This policy does not discuss the loss of such a facility, and having regard to the Council's community facility policy it does not appear that a nursing home meets this criteria either, therefore there is no in-principle objection to the loss of the care home.

Policies SP01 and HO1 of the Thanet Local plan support housing development within the urban confines and set out that proposals should demonstrate that adequate infrastructure will be in place to serve each unit. Policy SP22 sets out that proposals will be expected to provide an appropriate mix of market and affordable housing types and sizes having regard to the SHMA recommendations as may be reviewed or superseded.

Policy HO19 sets out that proposals for HMO's will be permitted where the development does not give rise to any unacceptable neighbouring impact through noise or general disturbance, does not result in intensification or a concentration of uses detrimental to the amenity and character of the area (given as 5% of total uses within a 100m radius), provides suitable arrangements for car parking or adequate on-street parking and provides suitable arrangements for the storage and collection of waste.

According to the Council's Licensing Team there are no other licensed HMOs within 100m of the property. This does not account for unlicensed HMOs. The conversion of the building to an HMO is therefore acceptable in principle.

Additionally it is noted that the Council has achieved a measurement of 73% for housing delivery against the identified housing targets in the 2022 Housing Delivery test results, which falls below the requirements set by the government under paragraph 79 and footnote 8 of paragraph 11 of the National Planning Policy Framework (NPPF). On this basis the Council are in presumption under paragraph 11 of the NPPF, which means when considering the planning application, planning permission should be granted "unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole or specific policies in this Framework indicate development should be refused. The works here would contribute to the identified housing need and is therefore likely to provide a benefit.

Given the above, there is no in-principle objection to the change of use.



The main considerations are the impact on the character and appearance of the area, trees, neighbouring living conditions, flood risk and drainage, ecology and biodiversity, planning obligations, and highway safety.

### **Character and Appearance**

Paragraph 135 of the National Planning Policy Framework (NPPF) states decisions should ensure that developments will function well and add to the overall quality of the area, are visually attractive as a result of good architecture, layout and appropriate and effective landscaping, sympathetic to local character and history, establish or maintain a strong sense of place, and optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development and create places that are attractive, welcoming and distinctive, as well as safe, inclusive and accessible. Policy QD02 of the Thanet Local Plan outlines that the primary aim of new development is to promote or reinforce local character and provide high quality and inclusive design that is sustainable in all other respects. Proposals should therefore relate to surrounding development, form and layout, be well designed, pay particular attention to context and identity of location, scale, massing, rhythm, density, layout and materials, and be compatible with neighbouring buildings and spaces. Any external spaces and landscape features should be designed as an integral part of the scheme. Policy H019 sets out that proposals for HMOs should not result in an intensification or concentration of such uses which is detrimental to the amenity and character of the neighbourhood.

Policy BSP9 of the Broadstairs and St Peter's Neighbourhood Development Plan sets out that development should enhance and conserve local distinctiveness by demonstrating high quality design which both respects and responds to the distinctive character of Broadstairs & St Peter's. It should have regard to and respond positively to the design principles set out in the AECOM Design Guidance and Codes for Broadstairs & St Peter's area.

The submitted plans do not indicate any external alterations to the host building such as extensions or additions. It is proposed, however, to add a bin store to the front of the site, and landscaping is proposed.

A new gate at around 1.8m in height is proposed to the southern flank. This would be a modest addition not out of character with the residential nature of the area. It would be set back from the street and attached to an enclosed bin store area that would project forward of this by around 12.1m along the southern part of the front curtilage. Although this would be a juxtaposed form of development forward of the existing front building line and ground floor projection, on balance, given the constraints of the site and lack of other locations for bin storage, along with the number of intended occupiers, this is not considered to be significantly harmful enough as to refuse.

In terms of the change of use, this is a substantial building with the potential for 22 bedrooms and 22 separate occupants in its current form. Fairfield Road and the nearby connecting streets contain a mix of residential uses including single dwellings, large flatted accommodation, and the recently constructed new block of retirement flats to the north of the site. Given that this is an established residential area, and that there are not known to be any other licensable HMOs within 100m of the site, there is not considered to be any harm to the

aims of policies HO19 and QD02 of the Thanet Local Plan, or those contained within the Broadstairs and St Peter's Neighbourhood Development Plan. The Thanet Local Plan aims to maintain a mixed and settled community and it is unlikely given the above, that the proposal would cause harm to this.

## **Trees**

Paragraph 136 of the NPPF sets out that trees make an important contribution to the character and quality of urban environments, and can also help mitigate and adapt to climate change. Planning policies and decisions should ensure that new streets are tree-lined, that opportunities are taken to incorporate trees elsewhere in developments (such as parks and community orchards), that appropriate measures are in place to secure the long-term maintenance of newly-planted trees, and that existing trees are retained wherever possible.

Policy QD02 sets out that all new development should promote or reinforce local character and be sustainable. For external spaces this means features such as trees, natural habitats and surfaces that contribute positively to the quality and character of an area should be retained, enhanced, and protected where appropriate. Trees and other planting should be incorporated appropriate to both the scale of buildings and the space available, to provide opportunities for increasing biodiversity interest and improving connectivity between nature conservation sites where appropriate. Policy BSP3 of the Broadstairs and St Peter's Neighbourhood Development Plan sets out that proposals for new development which would have an adverse impact on protected trees and other significant trees in the Plan area will not be supported.

It is noted that there are a number of protected trees to the south and west of the site. The applicant confirmed during a previous site visit that two protected Sycamore trees to the south would be removed to make way for parking space and that this was intended to be the same for this scheme. An application has previously been approved for the felling of both (application TPO/TH/21/0069 refers), subject to four replacement trees being provided within the vicinity of the site. As a result there would be no objection to their loss and four trees are proposed to replace these. The submitted plans indicate the location of the four trees. Although three would be to the rear of the site, it is appreciated that in terms of space and maintaining the health of future trees, this would be an appropriate location.

At this time there is no indication that any significant building works would be required within the immediate root protection area of any other protected trees, which save for one on the entrance to the road, are largely set within grouped areas behind brick walls or are less accessible for vehicles.

## **Living Conditions**

Paragraph 123 of the NPPF states that planning decisions should promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions. Paragraph 135 states that decisions should create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for future users. Policy QD02 of the Thanet Local Plan outlines that new development should be compatible with neighbouring

buildings and spaces, and should be inclusive in its design for all users. It should improve people's quality of life by creating safe and accessible environments and promote public safety and security. Policy QD03 outlines that new development must not lead to unacceptable living conditions through overlooking, noise, vibrations, light pollution, overshadowing, loss of natural light or a sense of enclosure. Policy HO19 sets out that proposals for HMOs will be permitted where the development:

- 1) does not give rise to an unacceptable impact on the living conditions of neighbouring residents through noise or general disturbance;
- 2) does not result in an intensification or concentration of such uses which is detrimental to the amenity and character of the neighbourhood
- 3) provides suitable arrangements for car parking, or adequate on-street parking is available within the vicinity of the site and
- 4) provides suitable arrangements for the storage and collection of waste

New development should be of an appropriate size and layout to facilitate comfortable living conditions in accordance with policy QD04 and should provide for clothes drying facilities and waste disposal. Policy GI04 outlines that new residential development will make provision for appropriate amenity green space and equipped play areas.

The Council has a document entitled 'Amenity Guidelines for Houses in Multiple Occupation' which is available from the Private Sector Housing department. This document sets the scene for HMOs within the area and states:

Houses in multiple occupation ("HMOs") vary widely in size, provision and layout, and are often occupied by those who have limited housing choices. While some HMOs may be of a high specification catering for certain markets, such as young professionals, many HMOs are occupied by vulnerable persons who have complex health and social care needs. Whatever the nature of occupation, it is important that HMO occupants are provided with safe and suitably-sized accommodation with adequate provision for amenities.

The document goes on to set out some expected standards to safeguard the amenity of future occupants. It sets out the minimum expected room sizes and for HMOs where there is a communal living room and use of a shared kitchen, single rooms are expected to be no less than 7sq.m in floor area, and double rooms no less than 11sq.m. The guidance goes on to set out that each shared living room should be no smaller than 11sq.m.

The proposal is for 21 rooms, with 20 single occupants, and one double room. A number of shared living areas are proposed. Each room would meet the required standards in terms of size, and benefit from light, outlook, and ventilation.

In terms of kitchen facilities one shared kitchen should be provided for every five occupiers, no more than one floor distant, and within reasonable distance of the units of accommodation the shared kitchen is intended to serve. Each shared kitchen must be of adequate size and layout to allow the number of occupiers sharing the facility to store, prepare and cook food. Shared kitchens should be no smaller than 7sq.m. For 22 occupiers there would be a need to provide 4.5 kitchens. The proposal is for 4 shared kitchens, with one kitchenette in Room 4. The Council's Licensing Team have raised no objections to this configuration, the layout or size of any of the proposed kitchens and these are, therefore, considered to be acceptable.

A number of separate laundry rooms and facilities would be provided across both floors which would support a reasonable standard of living, and all rooms would have some private and personal washing facilities. Shared bathrooms are proposed across both floors and would be placed at reasonable intervals between bedrooms.

Bin storage is proposed to the front of the site and provides sufficient capacity for the number of rooms proposed, screened, and within 15 metres of the highway, in accordance with the requirements of Policy QD03 of the Thanet Local Plan.

No information has been provided as to whether there would be any communal or private garden space associated with the units. In an email the applicant's agent confirmed that the existing small pockets of garden space around the site "... are likely to be closed in part and managed by the property owner, otherwise there is the potential for privacy issues with access to bedroom windows etc". There would be no family sized units across the building, but there would be a large number of occupiers who would be expected to have reasonable access to amenity space. The site is in close proximity to two public parks and Viking Bay. On balance, given the arrangement of units and limited external space, along with the sustainable location of the site, it would not be practicable to require a shared garden space here.

Policy QD04 of the Thanet Local Plan requires new development to meet the water efficiency standard of 110 litres per person per day.

In terms of any impact on neighbouring living conditions, no external alterations are proposed to the host building. It is proposed to erect a bin store of around 12.1m in length, 2.7m in width and 1.8m high along the southern boundary adjacent to No.s 14 and 15 Fairfield Park. Given that this is not dissimilar to residential fence heights and boundary treatments, and would sit at the rear beyond neighbouring dwellings, the works are not considered harmful.

In terms of the change of use it is likely that the current nursing home generates a certain amount of comings and goings from staff and visitors, even if residents do not come and go very often. Currently up to 22 rooms are available across the building with visitors likely, staff, and resident movements. The property immediately to the north of the site appears to be in use as flatted accommodation, with records indicating 30 flats. To the south are single residential dwellings, and to the east a school. There is expected to be a lot of movement in this location already and it is recognised that the proposal could see a larger increase with the potential for disturbance to neighbouring occupiers. The Council's internal Licensing and Environmental Health Teams have commented on the application and have not raised any objections. A condition is recommended in terms of noise transmission internally however no concerns have been raised as to neighbour impact.

Whilst the HMO can accommodate up to 22 unrelated people across 21 rooms, there is no reason to assume that the occupants would cause more noise and disturbance or anti-social behaviour than people living in the property as a single household. Should noise nuisance become a problem here there is separate environmental legislation to deal with this.

A number of objections received relate to a fear of crime and the intended users of the site. There is no automatic presumption that individuals living in an HMO will be more likely to cause antisocial behaviour or commit crimes. There is environmental legislation, licensing regulations, as well as other bodies that would deal with such matters if they arise.

The use of existing residential space, with no alterations to existing external windows and doors, is not likely to lead to any new harm in terms of overlooking or loss of privacy.

### **Flood Risk and Drainage**

Paragraph 159 of the NPPF states that new development should be planned for in ways that avoid increased vulnerability to the range of impacts arising from climate change. When new development is brought forward in areas which are vulnerable, care should be taken to ensure that risks can be managed through suitable adaptation measures, including through the planning of green infrastructure; and can help to reduce greenhouse gas emissions, such as through its location, orientation and design.

Paragraph 165 sets out that inappropriate development in areas at risk of flooding should be avoided by directing development away from those areas at highest risk. Where development is necessary in such areas, the development should be made safe for its lifetime without increasing flood risk elsewhere.

Policy CC01 of the Thanet Local Plan sets out that new development in an area identified as being at risk of flooding and falling within Flood Zones 2 and 3, will only be permitted if it can be demonstrated that it satisfies the Sequential Test and, where required, the Exception Test as set out in the NPPF. Development proposals in these areas shall be accompanied by a Flood Risk Assessment, including developments over 1 hectare in Flood Zone 1, which should address flood risk from all sources of flooding including surface and groundwater flooding. Any development that takes place in a flood risk area will be expected to incorporate flood resilient measures.

Policy CC02 sets out that new development is required to manage surface water resulting from the development using sustainable drainage systems (SuDs) wherever possible. Sites identified as a Tidally Sensitive Area (as identified in surface water management plans) will need to incorporate Sustainable Drainage Methods and a maintenance schedule where appropriate, at the design stage of a planning application, and a Flood Risk Assessment will be required before planning permission can be granted.

The only new built form on the site is proposed to an area already laid to hardstanding (bin store) and therefore is not likely to significantly increase the risk of flooding in this location.

The site sits within a groundwater protection area. Policy SE04 of the Thanet Local Plan sets out that in these locations proposals will only be permitted where there is no risk of contamination to groundwater sources. Any risks must be mitigated and proposals for sustainable drainage systems involving infiltration must be assessed and discussed with the Environment Agency. There are no proposed changes in terms of impact to groundwater protection as part of this application.

## Ecology and Biodiversity

Paragraph 180 of the NPPF sets out that planning decisions should contribute to and enhance the natural and local environment by:

- a) protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils (in a manner commensurate with their statutory status or identified quality in the development plan);
- b) recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services - including the economic and other benefits of the best and most versatile agricultural land, and of trees and woodland;
- c) maintaining the character of the undeveloped coast, while improving public access to it where appropriate;
- d) minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures;
- e) preventing new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of soil, air, water or noise pollution or land instability. Development should, wherever possible, help to improve local environmental conditions such as air and water quality, taking into account relevant information such as river basin management plans; and
- f) remediating and mitigating despoiled, degraded, derelict, contaminated and unstable land, where appropriate.

Paragraph 186 goes on to say that:

When determining planning applications, local planning authorities should apply the following principles:

- a) if significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused;
- b) development on land within or outside a Site of Special Scientific Interest, and which is likely to have an adverse effect on it (either individually or in combination with other developments), should not normally be permitted. The only exception is where the benefits of the development in the location proposed clearly outweigh both its likely impact on the features of the site that make it of special scientific interest, and any broader impacts on the national network of Sites of Special Scientific Interest;
- c) development resulting in the loss or deterioration of irreplaceable habitats (such as ancient woodland and ancient or veteran trees) should be refused, unless there are wholly exceptional reasons<sup>63</sup> and a suitable compensation strategy exists; and
- d) development whose primary objective is to conserve or enhance biodiversity should be supported; while opportunities to improve biodiversity in and around developments should be integrated as part of their design, especially where this can secure measurable net gains for biodiversity or enhance public access to nature where this is appropriate.

Policy SP30 of the Thanet Local Plan sets out that development proposals will be required to make a positive contribution to the conservation, enhancement and management of biodiversity and geodiversity assets resulting in a net gain for biodiversity assets through the restoration / enhancement of existing habitats, the creation of wildlife habitats, the creation of

linkages between sites to create local and regional ecological networks, the enhancement of significant features of nature conservation value, the protection and enhancement of valued soils, and by providing mitigating against the loss of farmland bird habitats. It goes on to set out that for sites where important biodiversity assets, including protected species and habitats including SPA functional land, or other notable species, may be affected, an ecological assessment will be required to assess the impact of the proposed development on the relevant species or habitats. Planning permission will not be granted for development if it results in significant harm to biodiversity and geodiversity assets, which cannot be adequately mitigated or as a last resort compensated for, to the satisfaction of the appropriate authority.

This application has been submitted as an exemption to the biodiversity net gain requirements introduced in February and April this year. There are no external changes to the building, however there are some minor alterations to the front of the site in terms of landscaping, parking and the addition of a bin store. This is an area mostly laid to hardstanding. The loss here would be small and unlikely to result in any significant harm to local wildlife.

### **Planning Obligations**

Natural England has previously advised that the level of population increase predicted in Thanet should be considered likely to have a significant effect on the interest features for which the Thanet Coast and Sandwich Bay Special Protection Area (SPA) and RAMSAR have been identified. Thanet District Council produced the 'The Strategic Access Management and Monitoring Plan (SAMM)' to deal with these matters, which focuses on the impacts of recreational activities on the Thanet section of the Thanet Coast and Sandwich Bay Special Protection Area (SPA). The studies indicate that recreational disturbance is a potential cause of the decline in bird numbers in the SPA. To enable the Council to be satisfied that proposed residential development will avoid a likely significant effect on the designated sites (due to an increase in recreation) Policy SP29 of the Thanet Local Plan requires a financial contribution for all housing developments to contribute to the district wide mitigation strategy. This mitigation has meant that the Council accords with the Habitat Regulations.

In this instance there would not be any increase in available habitable space or numbers of occupiers, and therefore no mitigation is considered necessary.

Kent County Council have requested the following contributions:

Primary and secondary education - Not applicable  
Community Learning - £718.41  
Integrated Children's Services - Not applicable  
Library Service - £1,315.23  
Social Care - £3,798.48  
Waste - £1,092.00

This request has been made as it is considered by KCC, in application of their July 2023 guidance, with HMOs treated when in excess of 10 individuals living independently as

dwelling are by the county in their requests (10 or more units generating requests for contributions). The applicant has agreed to the contributions and therefore a unilateral undertaking will be required to be submitted securing the contributions.

## **Highways**

Paragraph 108 of the NPPF requires that transport issues be considered at the earliest stages of plan-making and development proposals and requires that opportunities to promote walking, cycling and public transport are identified and pursued. Paragraph 115 of the NPPF sets out that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

Policy SP43 outlines that the Council will work with developers to manage travel demand by promoting and facilitating walking, cycling and the use of public transport. Policy QD02 outlines that new development proposals should incorporate a high degree of permeability for pedestrians and cyclists and provide safe and satisfactory access for pedestrians, public transport and other vehicles. Policy TP03 outlines that development should include cycle parking facilities. Policy TP06 outlines that proposals for development will be expected to make satisfactory provision for the parking of vehicles. Suitable levels of provision are considered in relation to individual proposals, taking into account the type of development proposed, the location, accessibility, availability of opportunities for public transport, likely accumulation of parking and design considerations. Proposals should also include provision for disabled parking.

Overall the site is considered to be sustainably located, in close proximity to public transport networks and essential services. It is proposed to provide 6 parking spaces and 2 visitor spaces, along with 4 electrical vehicle charging points. Parking at the site is currently informal, immediately adjacent to the front wall, and there is space for around 6 cars. A number of objections have been received surrounding highway safety and parking pressure as a result of the development. Consequently the applicant was asked to provide both a parking survey and swept path analysis for refuse vehicles.

Kent County Council (KCC) is the lead highway authority for this area and has commented on the submitted documents. Whilst members of the public raised concerns about the use of the Lambeth methodology in conducting the survey, KCC have confirmed that this is the standard methodology. Whilst they criticised some of the assumptions made, overall they were satisfied that the estimated need for private cars would equate to 10.2, and that based on the assumption that there would be a total of 7 spaces provided on-site (they discounted one space as being too small), this would displace 3 cars to the public highway, and this number was considered capable of being accommodated within the surrounding streets. The applicant amended the parking bay in question and can now provide 8 spaces, displacing up to 2 cars, and again, this would be able to be accommodated on-street.

KCC did however raise concerns that reliance on local authority refuse collection would require sufficient turning and stopping places, and that the swept path analysis provided for a 13m truck showed that there would be a need to access Fairfield Park. Given the existing curvature of the road here and narrowness of it, KCC have considered that parking



restrictions would be needed to allow for these movements for any waste collection vehicle, and that yellow lines should be provided/extended from the existing entryway onto Fairfield Park, round the bend for up to 10m on both sides. The provision of double yellow lines requires a separate process via a Traffic Regulation Order (TRO). The applicant has agreed to covenant that they will use their best endeavours to initiate this process and this will be secured via a unilateral undertaking. As a result there is not considered likely to be any harm in terms of highway safety or parking in the immediate area.

In addition secure cycle storage is proposed with sufficient space to serve all proposed rooms.

Given the above, the works are considered to be acceptable and to comply with the aims of policies SP43, QD02, TP03 and TP06 of the Thanet Local Plan and the guidance contained within the NPPF.

### **Other Matters**

Objections have been received surrounding concerns about incompatible future occupants and the impact on local people, as well as pollution from cars. It cannot be known with any certainty prior to granting planning permission who the future occupants will be for any residential development, including HMOs. The Council has a public sector equality duty to ensure that in exercising its functions that it has due regard to any protected characteristics of individuals. It also has a duty as part of the Local Plan to plan positively to meet the needs of all residents and demographics. In terms of pollution from cars, there is no evidence before the LPA that the cars specifically intended to be parked at this site would cause any significant harm above any other car.

### **Conclusion**

Overall the works proposed are not considered likely to result in any harm to the character of the area, being within the built up part of the urban area. There is no presumption that the change of use will be any more likely to result in increased noise and disturbance or to result in increased crime, however should this occur there are separate legislative controls for this. The overall layout and room sizes, along with facilities proposed, are considered to offer a reasonable standard of accommodation for future occupiers, and KCC consider there to be sufficient parking, with the site being in a sustainable location.

There is a requirement for financial contributions in this case, which will be secured by a legal agreement, in addition to requirements to seek a traffic regulation order. Therefore overall, the works are considered to comply with the aims of the Thanet Local Plan and the NPPF and it is recommended that the application be deferred and delegated for approval subject to the submission of a signed legal agreement securing the outlined contributions and initiating the TRO process, and safeguarding conditions.

### **Case Officer**

Vicky Kendell-Bryant

TITLE: F/TH/24/0302

Project Kent House Nursing Home Fairfield Road BROADSTAIRS Kent CT10 2JY

