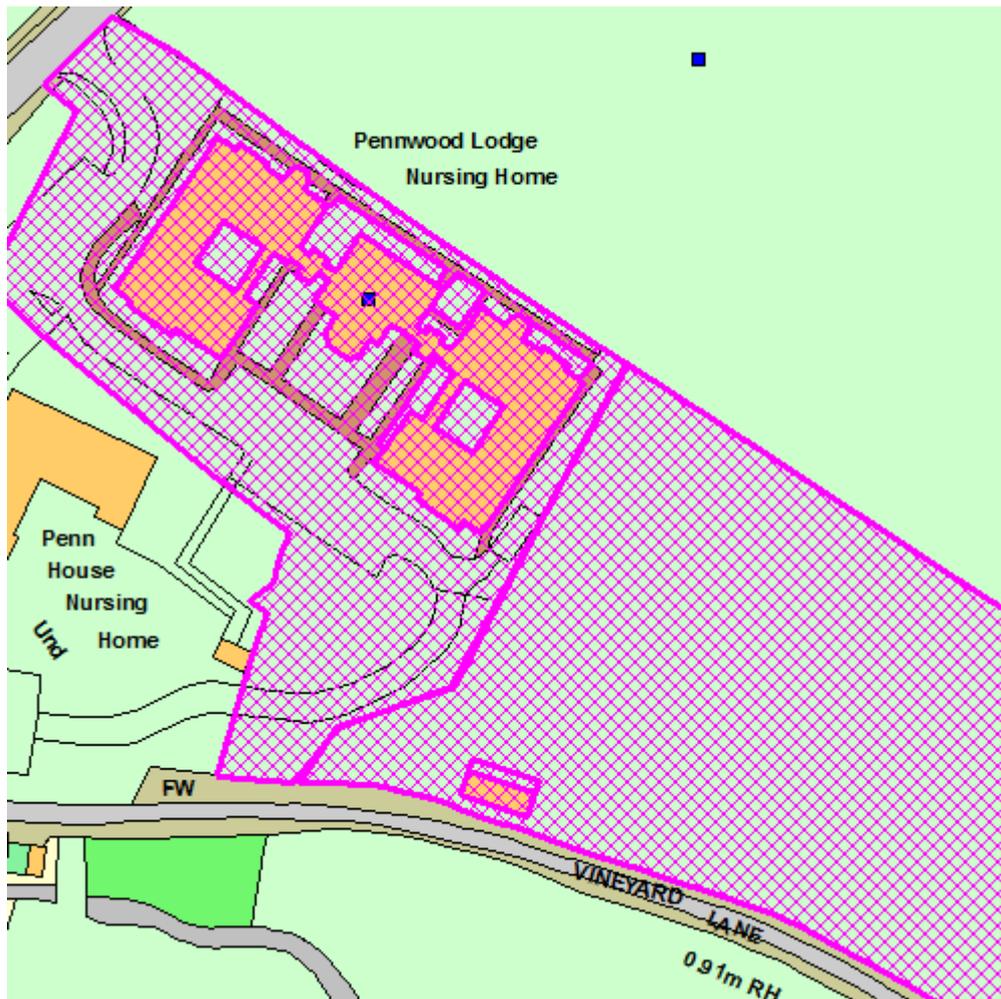




Development Control Committee Schedule 20/03/2018

Item No:	01
Application No.	S.17/1231/FUL
Site No.	
Site Address	Penn Wood Lodge, Wotton Road, Kingswood, Wotton-Under-Edge
Town/Parish	Wotton Under Edge Town Council
Grid Reference	374816,192257
Application Type	Full Planning Application
Proposal	New build replacement elderly residential care home over two storeys with part basement.
Recommendation	Refusal
Call in Request	Parish Council





Development Control Committee Schedule 20/03/2018

Applicant's Details	Mr Gordon Asher HC-One Ltd, Southgate House, Archer St, Darlington, DL3 6AH
Agent's Details	Mr Tony Greenhalgh Quadrant ABS Ltd, 26 Oxford St, Liverpool, L69 7WX
Case Officer	John Chaplin
Application Validated	04.07.2017
CONSULTEES	
Comments Received	Parish / Town Kingswood Parish Council Environmental Health (E) Kingswood Parish Council Development Coordination (E) Flood Resilience Land Drainage Planning Strategy Manager (E) Archaeology Dept (E) Biodiversity Officer
Not Yet Received	Arboricultural Officer (E) Contaminated Land Officer (E) Conservation South Team
Constraints	Affecting the Setting of a Conservation Area Within 50m of Listed Building Neighbourhood Plan Single Tree Preservation Order Points
OFFICER'S REPORT	

MAIN ISSUES

- o Principle of development
- o Design and appearance
- o Residential Amenity
- o Highways
- o Landscape impact
- o Archaeology and Heritage Assets
- o Ecology
- o Flood risk
- o Obligations

DESCRIPTION OF SITE

The application site includes the existing Penn Wood Lodge Care Home and the adjacent overgrown field to the East. The existing care home (60 beds) is a two storey building split into 2 wings and is only partly occupied. The field is currently unused overgrown grassland



Development Control Committee Schedule 20/03/2018

with trees and hedging to the North, East and South boundaries with agricultural fields beyond. The site has an existing shared access with the adjacent Care Home (Kingswood Care Centre) on the Wotton Road. A field access is evident along Vineyard Lane.

The site is located in the countryside outside the development limit of Kingswood and Wotton. Whilst the site is within the parish boundary of Wotton, the site is adjacent to the boundary and relates to Kingswood village.

PROPOSAL

New build replacement elderly residential care home over two storeys with part basement.

REVISED DETAILS

Revised site layout and landscaping plans received on 26 and 28 February 2018

Revised transport statement and supporting highway drawings received on 15 January 2018 and 28 February 2018

Additional ecological survey received on 19 October 2017

Revised site layout and landscape plan showing parking provision received on 29 September 2017

MATERIALS

Roof: Recon slate

Walls: Cotswold stone

Fenestration: Cream coloured hardwood and aluminium

REPRESENTATIONS

Statutory Consultees:

Wotton Town Council: support but wish to make comments

There are concerns over the safety of the walking access route to the village centre of Kingwood via narrow Vineyard Lane and then along a busy main road with poor & narrow footpaths. Also the main entrance to the site is unsuitable regarding vehicle splays with poor visibility and narrow access/turning for construction vehicles, and needs widening/improving.

Revised Wotton Town Council: Support with changes to highway.

Kingswood Parish Council: Commented on the application and made the following comments:

Concerns raised in relation to highways issues,

The proposed footpath on Vineyard Lane.

The proposed crossing on Wotton Road.

The current difficulties with the pinch-point on Wotton Road and the width of the pavement. This is causing concerns for the safety of existing pedestrian and future especially as the users are of a vulnerable category being children and elderly or disabled residents of the care home.

The visibility splays and the access to the site.

Current highway conditions relating to this site not being enforced.

Number of parking spaces on the site.



Development Control Committee Schedule 20/03/2018

The uncertainty of the use of the existing site when the new home is built. Could the proposed sheltered housing not form part of this application?

The Parish Council believe that there may be some solutions to the concerns raised and that these need to be looked into. In particular the proposed application needs to conform to the policies within the Kingswood Neighbourhood Development Plan where both the nursing home and Wotton Road are specifically mentioned.

KPC would like the development to be assessed in line with its adopted Neighbourhood Development Plan (NDP) which deals specifically with highways matters in relation to Wotton Road.

Revised Kingswood Parish Council:

Concern regarding traffic count missing commuting traffic and school pm traffic (including buses).

Site entrance should be widened to avoid vehicles waiting in highway.

Seek a contribution to manage speed on Wotton Rd (ANPR camera).

Further comment to be reported.

GCC as Local Lead Flood Authority: No objection subject to conditions

GCC Archaeology: Low potential for archaeological remains no further investigation or recording required.

GCC Minerals & Waste: Waste Minimisation Statement required

GCC Highways: Recommend conditions

SDC Environmental Health: Recommend conditions

SDC Biodiversity Officer: No ecological constraints

Public:

4 Support comments received - Meets a growing need for high quality care. New appropriate and upgraded facilities are badly needed for dementia sufferers in the local area. Provide employment opportunities. Intention to integrate facility into the community. Minimal visual intrusion.

1 Objection received - not maintained its boundary with Vineyard Lane. Will increase traffic on Vineyard Lane and Wotton Road. Highway safety concerns including the Vineyard Lane junction. Increase flood risk. Lack of clarity of construction plan to avoid damage to adjacent properties.

An Objection also received from the adjacent Care home - Impact on the residential amenities during construction, generates addition traffic and highways safety concerns.

NATIONAL AND LOCAL PLANNING POLICIES

National Planning Policy Framework.

Available to view at:

<https://www.gov.uk/government/publications/national-planning-policy-framework--2>



Development Control Committee Schedule 20/03/2018

The draft revised National Planning Policy Framework and supporting documents was published on 5 March 2018. This is currently out for consultation and being a draft is subject to change so can only be given very limited weight.

Available to view at:

<https://www.gov.uk/government/consultations/draft-revised-national-planning-policy-framework>

The draft revised NPPF places a strong emphasis on housing delivery but also encourages greater flexibility with higher densities, use of brownfield land as well as promoting economic growth. It maintains strong protection of the natural environment and heritage assets and also reinforces the plan-led approach of the system.

It is currently anticipated the Government will publish a final revised NPPF before mid summer.

Planning (Listed Buildings and Conservation Areas) Act 1990

Section 66(1) & Section 72(1).

Stroud District Local Plan adopted 2015.

Policies together with the preamble text and associated supplementary planning documents are available to view on the Councils website:

www.stroud.gov.uk/localplan

Local Plan policies considered for this application include:

- CP1 - Presumption in favour of sustainable development.
- CP2 - Strategic growth and development locations.
- CP3 - Settlement Hierarchy.
- CP7 - Lifetime communities.
- CP8 - New housing development.
- CP13 - Demand management and sustainable travel measures.
- CP14 - High quality sustainable development.
- CP15 - A quality living and working countryside.

- ES1 - Sustainable construction and design.
- ES2 - Renewable or low carbon energy generation.
- ES3 - Maintaining quality of life within our environmental limits.
- ES4 - Water resources, quality and flood risk.
- ES5 - Air quality.
- ES6 - Providing for biodiversity and geodiversity.
- ES7 - Landscape character.
- ES8 - Trees, hedgerows and woodlands.
- ES10 - Valuing our historic environment and assets.

The proposal should also be considered against the guidance laid out in SPG Stroud District Landscape Assessment and SPD Planning Obligations (2017).



Development Control Committee Schedule 20/03/2018

Whilst the site is outside the Kingswood Parish it is located adjacent to the boundary at the entrance to the village. Regard is therefore required to the Kingswood NDP which has been through referendum and has been adopted as part of the development plan. It makes specific reference to highway along the Wotton Road.

The application has a number of considerations which both cover the principle of development and the details of the proposed scheme which will be considered in turn below:

PRINCIPLE OF DEVELOPMENT

This proposal is for a new build 80 bed C2 use class care home located on the field to the side of the existing care home. The agent has outlined that the proposal will replace the existing facility with a phase 2 (not part of this application) to provide extra care apartments on the site of the existing care home. This phase 2 is not part of the application so cannot be given weight or consideration at this stage.

Discussions have taken place with the agent regarding the possible use of planning condition or obligation to restrict the use/mothball the existing care home once the new facility is open. However, having given this consideration any such agreement or condition would not be fair or reasonable and not met the tests set out in paragraph 204-206 of the NPPF and the CIL regulations. The proposal therefore has to be considered based on a cumulative, worst case scenario with the possibility of both the existing (60 bed) and proposed (80) care home operating. This is particularly relevant to the highway assessment which will be addressed in the highway section below.

The Stroud District Local Plan adopted November 2015 and Kingswood NDP 2017 form the Development Plan for the area. There is a presumption in favour of sustainable development as applied locally through the policies contained within the Local Plan which should be given full weight, in accordance with paragraphs 12 and 15 of the NPPF. Consequently, decision makers should approve proposals that accord with the Local Plan without delay, but should refuse proposed development that conflicts with the Local Plan, unless material considerations indicate otherwise.

Policy CP3 of the Local Plan sets out the district wide planning strategy. The settlement hierarchy directs significant and modest levels of housing growth to higher order settlements with a good range of services and facilities. Settlements such as Kingswood are expected to provide for lesser levels of growth due to their limited level of facilities, although the application site lies outside, but adjacent to the defined settlement.

The proposal is a major scheme which will significantly increase care home provision in the village. To respond to such concerns, the applicants have carried out a sequential assessment of sites and have concluded that no suitable undeveloped sites exist within higher order settlements of Wotton-under-Edge, Cam or Dursley. However, the assessment does not consider the greenfield Local Plan strategic allocation at North East Cam nor does it consider brownfield sites which are to be preferred. Whilst it is understood that relocating existing residents from Kingswood to other areas of the District might cause distress, there is nothing in the proposal to limit future residents to existing residents and in any case the new proposal includes 20 additional bedspaces, presumably available for those currently living



Development Control Committee Schedule 20/03/2018

outside of Kingswood. Whilst the cost of purchasing an alternative site might increase project costs, there is no evidence that this would cause such a scheme to become unviable.

New residential accommodation should be located within settlement development limits in accordance with Policy CP2. The existing care home at Penn Wood Lodge is located outside of settlement limits and the proposed new care home would also be outside settlement development limits on a greenfield site.

Outside of settlement development limits, uses are restricted to a range of uses appropriate to a countryside location to avoid car use. The proposal does not satisfy any of the types of development considered appropriate within the countryside as set out in Policy CP15. The policy allows exceptions for example affordable housing to meet a local need, but there are no indications from the proposal that the accommodation will either be affordable or that it will meet a local need. Although the development may include some facilities which might be made available for local residents, these do not appear to involve essential community facilities.

The purposes of settlement development limits are to protect the quality of the countryside, to direct development to appropriate and sustainable locations, to ensure that new development is sympathetic in scale and location to the form and character of settlements, and to prevent the uncontrolled expansion of settlements.

Similarly, the Kingswood NDP supports further residential development within the same settlement development limits as the Local Plan development is not permitted outside these defined limits. In addition, development which would result in the loss of open land that contributes to the form and character of the village will not be permitted. More detailed landscape and conservation policies similarly seek to maintain the existing relationships between landscape and built development and the setting of the conservation area.

The proposed development is a significant scale and is positioned behind the existing care home away from the settlement edge, closing the visual relationship between the edge of the conservation area and open countryside and significantly extending development north of the brook.

The specific impacts of the scheme on the landscape and nearby heritage assets is address below but the principle of development in this location would be contrary to the purposes of settlement development limits.

The Local Plan supports the development of additional care home accommodation in the District to meet a requirement for 950 additional completed bed spaces for the period 2013-2031.

The agent has put forward that this identified need is not being met with only a net gain of 9 beds against this target. However, this figure is incorrect and 109 net bed spaces have been completed since 2013. It is however, true to say at this rate (27 beds per year) only 483 bed spaces will be completed against the 950 target. However, to predict with any certainty that there will be a shortfall in 18 years time on the basis of 4 years of completions is not particularly compelling. The current completions rate relates only to relatively small



Development Control Committee Schedule 20/03/2018

extensions and the argument does not acknowledge the potential for the major Local Plan allocations at Hunts Grove, West of Stonehouse, North East Cam and Sharpness to deliver against this target.

It is recognised that the proposal does contribute to achieving the target and the weight of need will increase over time if a shortfall in provision extends. However, Kingswood is not responsible for providing all the care provision for the district or address the elderly housing need.

Whilst this has to be weight in the planning balance, at this time early stage in the plan period, including ahead of the early review, it is not feel this would provide an overriding reason to grant permission contrary to the Local Plan and Kingswood NDP.

The applicant is proposing the communal faculties within the proposed care home will be open to the public which could potentially provide support for social cohesion. However, with the primary safety and focus being the frail residents and the rural location restricting access and it is unclear how effect this would be. Indeed locations more within settlements may offer more social cohesion having better facilities, connections and more local need and avoid a feel of isolation in a rural area.

DESIGN AND APPEARANCE

The proposed scheme seeks to provide a two storey building (with an additional basement area for services like the kitchen and laundry). This has been arranged in a cruciform/cross form with communal areas located to the centre of the building.

The form of the building does reduce the appearance of scale and massing as the each wing screens views of the whole building and the gable forms breaking up, to a degree, the long elevations. However, the proposal still remains a large functional building extending the width and length of the site.

The modern size and form of the existing care home is noted and also helps screen the site from the main Wotton Road. Natural stone has been outlined and it is considered that appropriate materials could be controlled via condition.

With the 'in principle' concern regarding the scheme, detailed design discussions have not taken place to allow the scheme to better reflect the Kingswood context of the site. On its own the design and quality of the provision for residents would provide a high quality environment and amenity however the site specific and principle of development in this rural location are not outweighed by the provision.

RESIDENTIAL AMENITY

The adjacent care home has raised concerns about the impact on the amenities of its residents and guests both during the construction but also on going following occupation of the proposal.

The impact on local residents during the construction phase is appreciated and there will be some disruption as with any development project. However, Environmental Health has not



Development Control Committee Schedule 20/03/2018

raised any specific issues that an appropriate construction method statement could not address. With the applicant's residents also still occupying the existing care home during the construction phase this adds some further reassurance that care and attention will be a priority for them as well as others. Therefore, whilst the comments are noted these can be adequately addressed via conditions controlling the working methods and an appropriate contractor.

Other local residents have also raised concern about the additional noise and traffic on Vineyard Lane. The site whilst bounding onto Vineyard Lane seeks to use the existing vehicular access onto Wotton Road. The proposed is also located a significant distance from nearby residential properties and the adjacent care home. Whilst the building is large this separation distance and the boundary treatment/landscaping would mitigate any limited impact in terms of overbearing or loss of privacy.

Whilst the potential sensitive nature of elderly and frail local residents, particularly of the adjacent care home is noted, it is considered that the scheme would not result in such material harm on the amenities currently enjoyed to warrant a reason for refusal.

HIGHWAYS

Following a meeting with the applicant/agent, Councillors, Kingswood Parish and Wotton Town Councils and highways officers a revised transport assessment and supporting highways information have been submitted.

GCC Highways are now satisfied that given the scale and nature of the development, they do not regard the impact as significant in accordance with the NPPF and recommend no highway objection subject conditions.

The Kingswood NDP specifically highlights the Wotton Road entrance to the village as a problem area with a lack of adequate pavements or cycle provision. To help address the lack of connectivity created by the rural location different forms of connection has been investigated.

Whilst the technical walking distance to the village as highlighted by the highways officer is noted, to provide a safe and satisfactory connection for elderly and possibly infirm residents to access facilities in the village and for local residents to access the care home to make use of the new facilities and visit residents, a high standard of footway provision would be required. The nature of the use is such that a connection suitable for use for example by mobility scooters would be beneficial. However, there is not enough land, particularly at the pinch point entrance to the village within either the applicant's control or the highway land to provide this. Other connections from the site along Vineyard Lane to the village have also been considered but the restricted width, lack of street lights and its rural nature have made this inappropriate to promote its use. Whilst drop kerbs informal crossings have been proposed, the lack of a controlled crossing as outlined in the NDP, would make it difficult to provide suitable connection of this countryside location with Kingswood village.



Development Control Committee Schedule 20/03/2018

Whilst it is noted that the Highway Authority has not raised an objection on highway safety grounds, the limitations of the footpath result in a lack of a safe, satisfactory and suitable standard connection with the village highlights the unsustainable location which the Local Plan and NDP are seeking to achieve.

The local bus service and improvements to the bus stop along with the cycle storage and other measures outlined in the submitted travel plan are noted but do not overcome the fundamental concern regarding a countryside location.

Access & Visibility

Access to the site will be provided via the existing access onto Wotton Road which currently serves the existing 60 bed Penn Wood Lodge and the 42 bed Kingswood Lodge care homes. The proposal widens this access by 1100mm with a footway on one side. Dropped tactile pedestrian crossings both within the internal carriageway and across Wotton Road have been proposed to ensure safe and suitable access can be achieved for all.

Wotton Road is a class 2 highway subject to the sign posted 30mph speed limit restriction. New accesses or accesses subject to an increase in vehicular movements would need to demonstrate adequate levels of visibility. A speed survey was undertaken in support of this application, with the 85th percentile speeds being 40.9mph for northbound traffic and 40.3mph for southbound traffic. The survey was undertaken in dry conditions, therefore a wet weather reduction of 4kph (2.48mph) can be applied. As the mean vehicle speeds are above 37mph MfS2 visibility parameters of a 2s reaction time and 3.68m/s deceleration rate will be applied. These result in adjusted 85th percentile speeds of 38.4mph northbound and 37.8mph southbound which would require emerging visibility splays of 72.5m to the left (Kingswood direction) and 74.4m to the right (Wotton). The agent has demonstrated that the required emerging visibility is achievable within land under the applicants control or within highway land.

Although it has been demonstrated that the required visibility can be achieved the emerging visibility splay to the left can only be achieved when the extent is taken to the centreline of the carriageway with forward visibility available being lower than the desirable minimum. Due to this, the Highway Authority and Police have agreed to a double white lining scheme being introduced on the stretch of the carriageway between Vineyard Lane and the site access to prevent overtaking. This then allows the emerging visibility splay to the left to be taken to the centreline where the required forward visibility is regained and should enhance safety for existing traffic on Wotton Road.

Whilst the drawing does show that the full adjusted 85th percentile visibility splay particularly to the right (Wotton) 74.4m, this has only recently been achieved by the agent in consultation with the adjacent landowner trimming back the hedge. With the hedge being grown on third party land there is some question mark on whether the management contractors for the applicant would be able to maintain this as hedge cutting work in the public highway can only be carried out by either the owner of the hedge or the Local Highway Authority (via a Section 154 notice). However, with appropriate conditions that this be achieved prior to commencement, the Highways Officer is satisfied that a safe and suitable access can be provided into the proposed development site.



Development Control Committee Schedule 20/03/2018

Layout and Parking

Revised parking provision for both the existing and proposed care homes has been provided. For clarity the agent has put this forward to cover the existing and proposed use, providing 36 spaces for the existing and 32 proposed.

This level of parking provision is aimed at the proposed end user (the applicant) of this particular development; however consideration also needs to be given to the land use that is being applied for as there is no guarantee that the end user will not change in the future.

The Local Plan sets out the car parking standards for nursing home (C2) as 1/6 bed spaces + 1/employee (FTE). The Highway Officer calculates a requirement of 41 spaces for the proposal with the proposed parking falling slightly below (9 spaces) this requirement.

As the level of parking provision is below that recommended within the Local Plan consideration has been given to the implications of any potential overflow parking. Based on the calculated maximum parking demand from the surveyed existing care home there is estimated to be a maximum requirement for 36 spaces (to allow for shift changes) and potential visitors (staff will be spread over 21 shifts (14 day and 7 night shifts) seven days a week equating to 34FTE during the day at peak times with slightly fewer at night). However, with the size of the site it is considered that any additional vehicles can be accommodated for within the site and would not have a significantly adverse affect on highway safety.

The servicing area, including bin store is located between the existing and proposed care home buildings. It is understood that the current servicing arrangements will continue to take place in the same manor that they currently are, on a weekly basis with the proposed layout being appropriate for this. Access to the adjacent care home is also retained and it has been demonstrated with the submitted swept path analysis of a fire tender and a 9.5m refuse vehicle can pass a private car at the point of access/egress without conflict.

Sufficient cycle parking is also part of the scheme with the sustainable benefits of the care home's existing minibus also appreciated.

Trip Rates and impact on local network

Section 4 of the submitted Transport Statement has calculated the expected trip rates for the site based upon actual junction turning counts (video turning count) at the Penn Wood Lodge access and recorded traffic to/from the care home site. Although Penn Wood Lodge care home is currently operating at 75% capacity the current staff and visitor to bed ratio has been applied and added for the beds that are currently unoccupied to provide a robust analysis of the existing trip rates.

An Automatic Traffic Count (ATC) was also undertaken on Wotton Road north of the Penn Wood Lodge access to establish the existing traffic flows. Flow data determined a week day two-way average of 3783 vehicles daily. 479 of these in the AM peak and 308 in the PM peak.



Development Control Committee Schedule 20/03/2018

The submitted information identified that the peak PM trips generated by the care home do not coincide with the with the peak hours of the highway network due to staff working set shifts and visitors often being spread throughout the day.

The additional traffic would result in a greater impact upon the network in the AM peak where flows increase from approximately 479 to 502. The additional movements would result in a 4.8% two-way impact increase upon Wotton Road during the AM peak, 2.8% during the PM peak with a 4.5% increase over the course of day.

GCC Highways as Local Highway Authority are satisfied that this level of additional traffic would not have a significant or severe impact on the local network.

ANPR Camera & Planning Obligations

With the local concern and Policies T3B and T4B of the Kingswood NDP, which seeks to reduce congestion and traffic speeds in the village centre and at key junctions, discussions have taken place with the agent/applicant and Kingswood Parish Council regarding a financial offer towards a proposed ANPR camera on Wotton Road.

Paragraph 204 of the National Planning Policy Framework and Regulation 122 of the Community Infrastructure Levy Regulations 2010 (as amended) set tests in respect of planning obligations such as this and when they are appropriate. Obligations should only be sought where they are Necessary to make the development acceptable in planning terms, Directly related to the development and Fairly and reasonably related in scale and kind to the development.

As outlined above the development will not have a significant impact on the highway network including at peak times with daily vehicle movements increased by only 4.5%. Although the development will have a small contribution towards the increase in traffic through the village it is not considered that the installation of an ANPR camera will address the existing congestion issues.

With the development only generating a limited impact on Wotton Road it is not necessary to require the developer to mitigate this existing issue. The installation of an ANPR camera will also not alter the classification or design speed nor does it provide a pedestrian priority scheme. GCC Highway have outlined that ANPR cameras are used as a data gathering tool and do not directly contribute to reducing vehicle speeds. The aim of the cameras is purely educational seeking to raise awareness of the dangers of speeding to then result in modified driving behaviours. There is no clear planning connection between the existing speeding issues throughout the village and the proposed development.

Whilst the potential benefits that an ANPR camera would have to the Kingswood community are appreciated and there is not an objection from GCC Highways to Kingswood Parish Council wanting to install it, a contribution fails the above tests of a planning obligation and therefore cannot be secured via a condition or legal agreement.



Development Control Committee Schedule 20/03/2018

LANDSCAPE IMPACT

It is noted that the site was identified in our recent landscape sensitivity assessment as being part of a wider parcel (K05) that is highly sensitivity to housing/employment development. Whilst the wider area considered by the landscape assessment was visible from higher ground at Wotton and various footpaths within the surrounding area, the application site is screened by tall trees, hedging and vegetation. This will be reduced in the winter months when the leaves are gone it does to a degree contain the site.

However, the urbanising affect of the large proposed building and the likely well maintained landscaping will result in the spread of development north beyond the defined policy boundary of the village but also the physical separation on the ground created by the brook and surrounding rural landscape.

ARCHAEOLOGY & HERITAGE ASSETS

The planning application is supported by reports on a geophysical survey and an archaeological field evaluation. The results of these investigations were negative, in that no significant remains were observed during the work. On that basis the County Archaeologist considers the application site to have a low potential for any archaeological remains and recommends no further archaeological investigation or recording.

The setting of nearby listed buildings, including Pennwood Lodge, Kingswood House and Park Mill Farm and the Kingswood Conservation Area also needs consideration as special regard is required to the desirability of preserving the Listed buildings or any features of special architectural or historic interest it possesses and the settings of these heritage assets including the conservation area.

Whilst the new building is large, the proposed location is set behind the existing built form of the care home and maintains the boundary landscaping. The site also does not provide any key views in or out of the Conservation Area. With this position the scheme will still result in the loss of the rural character of the field that contributes to the setting. However, with the degree of separation and the existing built form and vegetation helping mitigate the potential impact, any harm would be less than substantial.

In accordance with paragraph 134 of the NPPF, this less than substantial harm has to be weighed against the public benefits of the proposal in a standalone assessment. With the public benefit of providing a modern care home facility and the space and existing built form it is considered that whilst the wider setting may be slightly diminished this would not harm the significance of these nearby heritage assets. The benefit therefore outweigh the limited harm.

ECOLOGY

A number of ecological surveys for Phase 1 habitat, bats, Japanese knotweed and nesting birds, have been submitted in support the application. A further reptile report has been submitted.



Development Control Committee Schedule 20/03/2018

These reports outline that the site has a low-moderate ecological value, a low potential risk of supporting bat roosting and did not encounter any reptiles on site. Therefore, there are no ecological constraints which cannot be overcome with appropriate conditions controlling mitigation, enhancements and future management.

FLOOD RISK

The site is situated principally within Flood Zone 1 and GCC as LLFA have raised no objections to this application based upon the surface water management proposals for the site. The technical details of design and future maintenance can be controlled and agreed via conditions.

OBLIGATIONS

Due to viability issues the adopted CIL Charging Schedule excludes older persons housing from the residential category. Therefore, as a consequence the scheme is unlikely to be CIL liable.

PLANNING BALANCE & RECOMMENDATION

There is economic benefit arising from the construction of this sizable development and the ongoing maintenance and repair. Direct employment is also a benefit with jobs created in health and care to support the needs of residents with potential for some additional custom for local businesses, however this may be limited by the rural location.

Acknowledgement of the growing demand for elderly care within the district, including those with dementia, as opposed to other forms of provision also has to be given. However, as outlined at paragraph 162 of the NPPF, Local Plans should take into account the need for social care, and there are opportunities to address this more widely within the Core Policies of the Local Plan and at the early review which has already started.

The highway mitigation including the improved bus stop and drop kerb informal crossings are noted and whilst they mitigate the highway impact of the scheme and would provide a degree of benefit to other users this only provides a likely above neutral benefit.

The provision of care is a public benefit and should be given weight, however, there is no evidence of a particular local demand for this level and scale of provision given the existing and adjacent care homes. It has also not been demonstrated that this demand could not be met from another site in accordance with the Local Plan, the benefit of the proposal therefore cannot be given greater weight.

The development plan is the starting point when considering planning applications and with neither the Local Plan nor NDP being out of date they therefore carry full weight when considering the proposal. The application site is located in a countryside location outside the settlement boundary defined in both the Local Plan and NDP and does not involve an appropriate rural development. It is therefore contrary to Policies CP2 and CP15 of the Local Plan and Policies SL1 and SL2 of the NDP.



Development Control Committee Schedule 20/03/2018

It is acknowledged that Kingswood is an accessible 3rd tier settlement with Wotton being nearby. However, it is identified for lesser levels of development within the settlement. A substandard footpath link to the village does not make ideal connections to the village. Moreover, this is not a 'lesser' development. Whilst the wider landscape impact maybe limited by the vegetation, the scheme does still represent an urbanising impact spreading North beyond the brook and village boundary.

Whilst the potential social and economic benefits weigh in favour of the scheme, they do not outweigh the conflict with the development plan.

The NPPF outlines a plan-led system with planning applications being determined in accordance with the development plan unless other materials consideration indicate otherwise. As outlined above, in this regard the development would be contrary to the Development Plan when taken as a whole because it is located in a poorly connected rural location outside the settlement limit of a lower tier village and does not fall within the categories of development allowed in a rural area and would lead to significant car use.

The presumption in favour of determination in accordance with the development plan is not out weighted by the benefits. As such the proposal does not represent sustainable development and is recommended for refusal.

HUMAN RIGHTS

In compiling this recommendation we have given full consideration to all aspects of the Human Rights Act 1998 in relation to the applicant and/or the occupiers of any neighbouring or affected properties. In particular regard has been had to Article 8 of the ECHR (Right to Respect for private and family life) and the requirement to ensure that any interference with the right in this Article is both permissible and proportionate. On analysing the issues raised by the application no particular matters, other than those referred to in this report, warranted any different action to that recommended.