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03 June 2024

Planning Department  
Canterbury City Council  
Council Offices  
Military Road  
Canterbury  
CT1 1YW

Dear Sir / Madam,

**DRAFT CANTERBURY DISTRICT LOCAL PLAN TO 2040 REPRESENTATIONS IN SUPPORT OF LAND OFF THANET WAY, WHITSTABLE.**

This representations letter is submitted in response to Canterbury City Council's consultation regarding the Draft Canterbury District Local Plan 2040.

Aspire LPP is a specialist care home delivery company providing new purpose-built, best-in-class care homes across the country. Aspire has a strong record of delivery across Boroughs in Kent, having delivered in Ashford, Medway, Thanet and Swale.

Aspire LPP submitted a planning application<sup>1</sup> for a new care home on Land off Thanet Way, Whitstable which was refused planning permission in March 2024. The site represents an entirely deliverable and highly sustainable location for development within the settlement boundary of Whitstable with good links to public transport options. The reasons for refusal relate to the loss of open space, or Green Infrastructure as the Local Plan to 2040 seeks to classify it, alongside other technical reasons for refusal that are easily resolvable with the supplying of additional detail and a S106 legal agreement to secure planning obligations. Evidence has been provided and confirmed as acceptable by the Council that no other suitable sites exist to accommodate a care home, and that the need is immediate and unmet. As such, it should be allocated for the delivery of a care home in the Local Plan to 2040.

**Need for care homes and policy approach (DS5)**

The ageing population and fast growing demand for housing for the elderly across the UK is well documented. The National Planning Practice Guidance (PPG) states *"The need to provide housing for older people is critical. People are living longer lives and the proportion of older people in the population is increasing. In mid-2016 there were 1.6 million people aged 85 and over; by mid-2041 this is projected to double to 3.2 million. Offering older people a better choice of accommodation to suit their changing needs can help them live independently for longer, feel more connected to their*

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<sup>1</sup> Ref: CA/23/02115

*communities and help reduce costs to the social care and health systems. Therefore, an understanding of how the ageing population affects housing needs is something to be considered from the early stages of plan-making through to decision-taking."*

National Planning Policy Framework (NPPF) paragraph 60 sets out the importance of having a sufficient amount and variety of land coming forward to meet the needs of groups with specific housing requirements. It goes on to state, in paragraph 63, that the size, type and tenure of housing needed for different groups in the community should be assessed and reflected in planning policies (including, but not limited to, those who require affordable housing; families with children; older people (including those who require retirement housing, housing-with-care and care homes); students; people with disabilities; service families; travellers; people who rent their homes and people wishing to commission or build their own homes. The inclusion of care homes within this list is a new addition in the December 2023 version NPPF and reflects central Government's recognition of the paramount importance of this issue in plan-making.

The PPG sets out ways in which plan-making should approach the critical need for new care home beds. Paragraph 006<sup>2</sup> states *"Plan-making authorities should set clear policies to address the housing needs of groups with particular needs such as older and disabled people. These policies can set out how the plan-making authority will consider proposals for the different types of housing that these groups are likely to require. They could also provide indicative figures or a range for the number of units of specialist housing for older people needed across the plan area throughout the plan period."* Paragraph 013<sup>3</sup> goes on to *"Allocating sites can provide greater certainty for developers and encourage the provision of sites in suitable locations. This may be appropriate where there is an identified unmet need for specialist housing."*

The importance of local plan policies aligning with the requirements of the NPPF and PPG cannot be understated. In determining an appeal in 2021<sup>4</sup>, the Planning Inspectorate found that policies which do not go far enough in quantifying and reflecting the need for care homes, for example through including need figures or allocations to meet the need, is sufficient to engage the tilted balance regardless of whether the Council can demonstrate a five year housing land supply or has good housing delivery test results. It is therefore clear that a generic permissive policy without sufficient detail regarding the scale of the need or a positive plan for how the need will be met through allocations is not in conformity with the NPPF and PPG.

Population projections for Canterbury indicate a substantial amount of growth in the older age ranges over the plan period. The Canterbury City Council Housing Needs Assessment (HNA) (Domus, September 2021) confirms that for the 60+ age group, the ONS-14 scenario estimates population growth of approximately +16,850 by 2040, representing almost 70% of total projected growth. It goes on to identify the need for a minimum of 1,150 additional care home beds between 2020 and 2040, with potentially as many as 1,460 beds needed<sup>5</sup>. This equates to need for between 57.5 and 73 care beds each and every year.

This need does not however make its way into draft policy in the Local Plan to 2040. Policy DS5 – Specialist housing provision is the Council's policy for assessing planning applications relating to care homes. It is a generically worded policy supporting the provision of care homes where there is an identified need and where the care home would be sustainably located within a settlement

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<sup>2</sup> PPG paragraph: 006 Reference ID: 63-006-20190626 Revision date: 26 June 2019

<sup>3</sup> PPG paragraph: 013 Reference ID: 63-013-20190626 Revision date: 26 June 2019

<sup>4</sup> Appeal Decision APP/K3415/W/20/3264280 paragraphs 57 – 64.

<sup>5</sup> Canterbury City Council Housing Needs Assessment (Domus, September 2021) Table 12.

boundary with easy access to public transport. There is no inclusion of the scale of the need within the policy wording or supporting text. The Local Plan 2040 also does not allocate sufficient sites to meet the need for care home beds in full. The following draft allocations include the provision of a care home:

- Site 3: Land at Hillborough, Herne Bay – 80 bed care home; and
- Site 4: Herne Bay Golf Course – 60 bed care home.

These allocations account for just 140 beds against a need of between 1,150 and 1,460 beds over the plan period, accounting for between 12.2%-9.5% of the need. The Local Plan to 2040 strategy is therefore reliant on windfall sites coming forwards on sites that accord with policy DS5, sustainably located within settlement boundaries.

Data provided by Healthcare Property Consultants (HPC) confirms that this approach has not been successful. It has not allowed for the delivery of the number care beds needed to take keep pace with the increasing demand. Since the publication of the HNA in September 2021, the Council has seen a net delivery of just 42 care beds when accounting for closures. Against an annual need for between 57.5-73 beds, 172.5-219 should have been delivered.

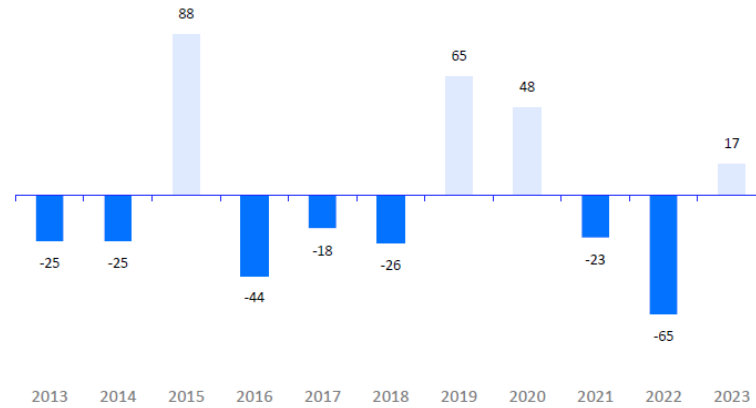
## 5.4 Market Movement

Whilst the Care Quality Commission data in Section 5.1 provides a snapshot in time, it is also useful to look at the pattern of provision over recent years in terms of new facilities and closures. The two tables below identify such activity across the District over the decade from January 2013 to date.

| Home Closures          |            |
|------------------------|------------|
| St George              | 18         |
| Age UK Herne Bay       | 7          |
| St Benedicts           | 25         |
| Ashmore House          | 9          |
| Mont Calm Sturry       | 16         |
| Rockrose               | 7          |
| Parsonage Lodge        | 14         |
| Beacon Hill Lodge      | 30         |
| Resthaven              | 18         |
| Pilgrims Lodge         | 26         |
| St. John               | 18         |
| Barham House           | 23         |
| Elliott House          | 65         |
| Connors House          | 47         |
| <b>Total Reg. Beds</b> | <b>323</b> |

| New Developments       |            |
|------------------------|------------|
| Chaucer House          | 60         |
| Meadow View            | 60         |
| Harrier Lodge          | 65         |
| Herne Place            | 66         |
| Lark View              | 64         |
| <b>Total Reg. Beds</b> | <b>315</b> |

The following chart identifies the annual market movement in terms of registered beds over the past decade:



Source: Care Quality Commission

It is therefore clear that the net delivery of care home beds is falling far short of the increasing need and that the windfall approach is not working. In the officer's report for the refused planning application on this site, officers agreed that there is an unmet need for care homes and confirmed that it was demonstrated that no other suitable sites exist to accommodate the proposal<sup>6</sup>. In this context, it is clear that care homes simply will not be delivered if the approach set out in the draft Local Plan to 2040 is followed. Allocations must be provided for care homes, including on this site.

Despite policy DS5 supporting care homes in settlement boundaries in sustainable locations, a number of other policy designations apply to such sites the effect of which is unduly restricting the ability to deliver the care beds that are critically needed. The Council must provide more clarity as to the scale of the need for care homes and certainty for delivery by identifying locations where the required care homes can be delivered via allocations including on this site.

### **Policy DS19 - Habitats, landscapes and sites of local importance**

The draft Local Plan to 2040 seeks to change the designation of the site from open space to green infrastructure. Criterion 6 of this policy is the relevant wording, which states: *"Within the designated green infrastructure spaces, as defined on the policies map, or sites provided as biodiversity net gain or safeguarded for biodiversity net gain through a Local Nature Recovery Strategy, only proposals that protect or enhance these spaces and their function will be permitted."*

This policy designation replaces the site's previous designation as open space under policy OS9. It is, however, far less positively worded and does not recognise that development which may result in harm to the function of the green infrastructure area could be acceptable, for example where the benefits outweigh the harms. More of the exception criteria from the adopted policy OS9 should find its way into this new policy DS5 in order to be a positively worded policy. This is an important approach to enable to the delivery of the required growth, in particular the critical need for care homes, given it has been demonstrated that there are no other suitable sites that can accommodate a care home.

The site forms a piece of grassed land in private ownership set behind a substantial existing and mature line of landscaping. The land is not open to the public and it is agreed with the Council that it does not fulfil a recreational role. The consideration relevant to this site is its openness, however it is contended that due to the level of existing screening and lack of visibility into the site, the openness is not appreciable from any publicly accessible viewpoints and as such its value is low.

Notwithstanding, the fact remains that there is an immediate and growing unmet need for care homes and it has been demonstrated that there are no alternative suitable sites available to deliver care homes. The Council must therefore allocate enough sites to meet the need for care homes in full because a windfall approach will not deliver the beds required. This site is in a highly sustainable location within the settlement boundary on a parcel of land with limited green infrastructure value. It should be allocated for the delivery of a new care home.

### **Other reasons for refusal**

The other matters raised by the Council in the decision notice for the planning application are listed below with commentary regarding the resolution below each:

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<sup>6</sup> CA/23/02115 officer's report paragraph 41.

2) The application is not accompanied by sufficient information to demonstrate that the proposed development would not result in a net loss of biodiversity, in conflict with policy LB9 of the Canterbury District Local Plan 2017 and the NPPF.

This is a technical point that is easily resolvable with the presentation of a detailed biodiversity net gain assessment within the DEFRA metric. This work is currently underway and will be forthcoming in the next few weeks. In any event, off-site credits are available to offset any shortfall and this can be controlled by the wording of an allocation.

3) The application is not accompanied by sufficient information to demonstrate that the proposed development would not lead to an adverse flood risk in the future, in conflict with policy CC11 of the Canterbury District Local plan 2017 and the NPPF.

This is a technical point raised by KCC as the lead local flood authority in their consultation response for the planning application. It requires further modelling work to confirm that the drainage strategy as designed can accommodate flows in a 2, 30 and 100 year climate change scenarios. The design as proposed can accommodate this, and the information demonstrating such will be forthcoming in the next few weeks. This is therefore not an impediment to the delivery of a care home on this site.

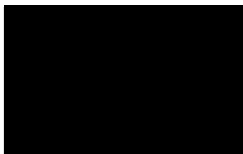
4) The site is not of a sufficient size to accommodate the necessary open space requirements for the development, and no financial contributions towards off-site open space have been secured to offset the shortfall. The proposal would therefore fail to be in accordance with Policy OS11 of the Canterbury District Local Plan 2017.

The Council did not enter into discussions regarding the preparation of a legal agreement to secure the relevant planning obligations because it was intending to refuse the planning application. However a legal agreement can easily be prepared to resolve this matter and this is not an impediment to the delivery of a care home on this site.

It is therefore clear that the only matter that must be balanced against the delivery of a care home is the green infrastructure designation, which has low value and it has been demonstrated that there is an unmet need for care homes and no other suitable sites to accommodate one. It is therefore clear that the site is entirely deliverable and should be allocated for the delivery of a care home.

Aspire LPP would welcome engagement with the Council regarding an allocation for a care home on this site.

Yours faithfully,



**Ryan Nicholls** BA (Hons) MA MRTPI  
Associate Planning Director