

**Canterbury City Council Regulation 19 - Proposed Draft Local Plan
Submission**

**Representations in support of Land East of Bullockstone Road,
Herne Bay, CT6 7NR for allocation for a care home (C2 Use Class)**

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1.0 Introduction

- 1.1. These representations are submitted in relation to Canterbury City Council's Regulation 19 Draft Local Plan (March 2026) which is undergoing consultation between 23 March 2026 and 18 May 2026.
- 1.2. The Council's evidence base (July 2025) identifies a need for approximately 561 additional older persons' care beds by 2043. This requirement is driven by a significant demographic shift, with the population aged 75 and over projected to increase by around 66%. As a result, the net need for specialist older persons' accommodation is expected to rise by approximately 117% over the same period. This evidence, alongside the drive within national planning policy to plan for older persons' accommodation, clearly highlights the urgent need to identify suitable sites for specialist older persons' accommodation to meet identified needs and ensure the delivery of a more balanced and responsive housing strategy.
- 1.3. It is within this context that we provide support in relation to the proposed allocation of Land East of Bullockstone Road, Herne Bay, CT6 7NR ("the Site"), but encourages the Council to increase the flexibility of the draft allocation and specifically recognise its optimal use as a care-led (Use Class C2) development. This would better respond to identified demographic needs and make a meaningful contribution to the delivery of specialist accommodation for older persons within the district, ultimately helping to ensure that the plan is found sound.

Summary of Requested Modifications

- 1.4. To ensure that the Local Plan is found sound, these representations request the following modifications:
 - Policy HB8 should be amended to allow the Site to come forward for either C3 residential development or specialist older persons' accommodation, including Use Class C2 care home provision.
 - Policy DS2 should be amended to ensure that older persons' housing is also supported on sites smaller than 300 dwellings.
 - Policy DS5 should be amended to support specialist older persons' accommodation on sites located within or adjacent to settlement boundaries, where they are sustainably located and accessible.
 - Policy DS25 should be amended so that major development is required to deliver the statutory 10% Biodiversity Net Gain requirement, rather than a mandatory 20% requirement.

2.0 Planning Policy and Care Need Context

National Planning Policy Framework and National Planning Practice Guidance

- 2.1. The National Planning Policy Framework (NPPF) is a material consideration in preparing the Local Plan and should be read as a whole. It provides the national policy framework against which the emerging Local Plan will be assessed, including through the tests of soundness.
- 2.2. At the heart of the NPPF is the presumption in favour of sustainable development. For plan-making, paragraph 11 requires plans to promote a sustainable pattern of development that meets the area's development needs, aligns growth and infrastructure, improves the environment, mitigates climate change, and adapts to its effects. Strategic policies should, at a minimum, provide for objectively assessed needs for housing and other uses, unless specific NPPF policies provide a strong reason to restrict the overall scale, type, or distribution of development, or if any adverse impacts would significantly and demonstrably outweigh the benefits.
- 2.3. Paragraph 15 confirms that the planning system should be genuinely plan-led, with succinct, up-to-date plans that provide a positive vision for the future of each area, a framework for meeting housing needs, and a basis for addressing wider economic, social and environmental priorities. Paragraph 16 further requires plans to be prepared positively, in a way that is aspirational but deliverable, and to contain policies that are clearly written and unambiguous.
- 2.4. The importance of making sufficient provision for development needs is reinforced by paragraph 20, which requires strategic policies to set out an overall strategy for the pattern, scale and design quality of places and to make sufficient provision for homes, infrastructure, community facilities, and the conservation and enhancement of the natural, built and historic environment. Paragraph 23 similarly requires strategic policies to provide a clear strategy for bringing forward sufficient land, and at a sufficient rate, to address objectively assessed needs over the plan period.
- 2.5. The preparation of Local Plan policies must also be supported by a robust and proportionate evidence base. Paragraph 32 states that policies should be underpinned by relevant and up-to-date evidence, which is adequate and proportionate, focused on supporting and justifying the policies concerned, and takes account of relevant market signals.
- 2.6. Paragraph 36 sets out the tests against which Local Plans are examined. To be found sound, a plan must be:
 - **Positively prepared** — providing a strategy which, as a minimum, seeks to meet the area's objectively assessed needs;
 - **Justified** — an appropriate strategy, taking into account reasonable alternatives, and based on proportionate evidence;
 - **Effective** — deliverable over the plan period; and

- **Consistent with national policy** — enabling the delivery of sustainable development in accordance with the NPPF and other statements of national planning policy.
- 2.7. Taken together, these provisions require the emerging Local Plan to be positively prepared, evidence-led and sufficiently flexible to meet the full range of identified development needs over the plan period. This includes ensuring that the Plan does not simply identify need in the evidence base, but provides an effective policy framework to enable suitable and deliverable sites to come forward to meet that need. Where there is an evidenced requirement for specialist forms of accommodation, including older persons' housing and care provision, the Plan should respond positively through clear, effective and deliverable policies and allocations. As such, this representation provides suggestions to the Council to ensure that meets the tests of soundness by being positively prepared, justified, effective and consistent with national policy.

Site Delivery Requirements

- 2.8. The NPPF requires local planning authorities to identify a sufficient supply and mix of sites to meet identified needs over the plan period. Paragraph 72 states that strategic policy-making authorities should have a clear understanding of the land available in their area by preparing a strategic housing land availability assessment. From this, planning policies should identify a sufficient supply and mix of sites, taking into account their availability, suitability and likely economic viability. Furthermore, Paragraph 72 requires planning policies to identify specific, deliverable sites for the first five years following the intended date of adoption (of which the Land to the East of Bullockstone Road is capable of providing). This is important to ensure that the Local Plan can deliver identified needs in a timely and effective manner.
- 2.9. Paragraph 73 recognises that small and medium-sized sites can make an important contribution to meeting an area's housing requirements and are often built out relatively quickly. The NPPF therefore encourages local planning authorities to identify a good mix of sites, including smaller sites, through the development plan process. This supports a balanced approach to delivery and reduces over-reliance on larger strategic sites, which can be subject to longer lead-in times and infrastructure dependencies.

Older persons' accommodation needs

- 2.10. Chapter 5 of the NPPF seeks to significantly boost the supply of homes. Paragraph 61 states that sufficient amounts and varieties of land should be made available where needed, and that the needs of groups with specific housing requirements should be addressed, including an appropriate mix of housing types for the local community. Paragraph 63 is relevant, as it requires the size, type, and tenure of housing needed for different groups in the community to be assessed and reflected in planning policies. This explicitly includes older people, including those who require care homes.

- 2.11. The National Planning Practice Guidance (NPPG) also provides specific guidance on planning for the housing needs of older and disabled people. It confirms that the need to provide housing for older people is critical, noting that people are living longer and that the proportion of older people within the population is increasing. The PPG recognises that providing older people with a better choice of accommodation can help them live independently for longer, remain connected to their communities, and reduce pressure on health and social care systems.
- 2.12. The NPPG makes clear that the implications of an ageing population should be considered from the early stages of plan-making through to decision-taking. Paragraph 003 states that, for plan-making purposes, strategic policy-making authorities need to determine the needs of both the existing older population and those approaching or reaching retirement over the plan period.
- 2.13. Paragraph 006 further requires plan-making authorities to set clear policies to address the housing needs of groups with particular requirements, including older and disabled people. Such policies should explain how proposals for different types of specialist housing will be considered, reflecting the range of accommodation models likely to be required by these groups.
- 2.14. Paragraph 012 is particularly relevant, as it confirms that plans need to provide for specialist housing for older people where a need exists. Paragraph 013 also confirms that it is for the plan-making authority to decide whether to allocate specific sites for specialist housing for older people. However, it notes that allocating sites can provide greater certainty for developers and help encourage the provision of specialist housing in suitable locations, particularly where there is an identified unmet need.

Canterbury City Council Context

- 2.15. The Regulation 19 Draft Canterbury District Local Plan (2042/43) published on 18th March 2026 sets out the Council's proposed planning strategy for the district over the period to 2042/43. The Plan is intended to supersede the Canterbury District Local Plan (2017) and the Herne Bay Area Action Plan (2010), and the Regulation 19 consultation focuses on the legal compliance and soundness of the Plan, including whether it is positively prepared, justified, effective, and consistent with national policy.
- 2.16. This representation relates specifically to draft Policies HB8, DS2, DS5, and DS25.

Care Home Need, Delivery and Qualitative Supply

The Regulation 19 Draft Local Plan and evidence base

- 2.17. We note that the Regulation 19 Draft Local Plan includes larger allocations that reference older persons' housing. These include Policy C10 – Land at Merton Park, Policy C15 – Land south of Littlebourne Road, Policy C16 – Land south of Bokesbourne Lane, Policy C18 – Wincheap Commercial Area, Policy W4 – Land at Brooklands Farm, and Policy R9 – Land off The Hill, Littlebourne.

- 2.18. However, these allocations do not provide certainty that the specific forms or scales of older persons' accommodation identified in the evidence base will be delivered, nor do they necessarily secure the delivery of care home bedspaces. The wording generally refers to "older persons housing" as an umbrella term that could include a range of typologies, such as age-exclusive housing, sheltered housing, extra care housing, housing with care, or care home provision. These different typologies have materially different land, operational, viability and delivery requirements. Without clearer policy flexibility and site-specific support for care home provision, there is a risk that the market will deliver the forms of older persons' housing that are most commercially attractive or easiest to integrate within larger residential schemes, rather than the forms of accommodation for which the need is greatest.
- 2.19. This risk is particularly important given the findings of the Canterbury Housing Needs Assessment Update (July 2025). The assessment indicates that the population aged 75 and over is projected to increase from 18,138 in 2023 to 26,168 by 2043, representing a 66% increase. It also identifies that the net need for specialist older persons' housing is projected to increase from 1,315 units in 2023 to 2,856 units by 2043, even after taking account of existing and pipeline supply. The assessment identifies a specific need for 561 net additional older persons' care beds by 2043, comprising 56% nursing beds and 44% residential care beds.
- 2.20. The Housing Needs Assessment makes it clear that the majority of demand for older persons' housing should be addressed through strategic site allocations and flexible policy approaches that can respond to changing demographic circumstances. It further recommends that the Local Plan should, where possible, identify and allocate suitable sites, specifically for older persons' housing schemes, and that an exceptions or windfall policy should be included to enable older persons' housing schemes to come forward on non-allocated sites subject to appropriate criteria.
- 2.21. This position is also reflected in the Draft Housing Strategy 2026–2030, which identifies significant net additional needs for older persons' accommodation by 2043, including nursing and residential care beds. The Draft Housing Strategy confirms that the need to address specialist housing for older persons is critical, , that there will be a net additional need for residential care and nursing home beds by 2038, and that the delivery of specialist older persons' housing has wider health, wellbeing and housing market benefits, including the release of family housing.
- 2.22. Appendix 6 of the Regulation 19 Draft Local Plan confirms that older persons' accommodation is included as part of the cumulative housing trajectory. It identifies 396 older persons' permissions and 380 allocations for older persons' housing over the plan period, for a combined total of 776 units/bedspaces within the trajectory. However, this should be viewed against the scale and nature of the need identified in the Housing Needs Assessment, including a net need for 2,856 specialist older persons' housing units by 2043 and 561 net additional care beds. The trajectory therefore does not demonstrate that the full range of older persons'

accommodation needs will be met, particularly the substantial need for housing with care and care home bedspaces.

Additional evidence

- 2.23. In addition to the district-wide evidence contained within the Canterbury Housing Needs Assessment Update (July 2025), further evidence from recent appeal decisions and sector-specific care home needs assessments reinforces the scale and urgency of care home need within Canterbury District.
- 2.24. In appeal reference APP/J2210/W/24/3351458, the Inspector gave significant weight to evidence on registered care accommodation need and found that the care home needs assessment before the appeal presented a compelling case in respect of both district-wide and more localised need. The Inspector also recognised that the need for older persons' accommodation in the district is critical, having regard to the ageing population and the existing shortfall in suitable care accommodation.
- 2.25. The evidence presented in that appeal identified a substantial shortfall in ensuite care home bedrooms, with demand increasing over time as the population ages. This is consistent with the Council's own evidence base, which identifies a need for additional care home bedspaces over the plan period. It also demonstrates that the issue is not simply one of general older persons' housing, but of securing modern, purpose-built care home accommodation capable of meeting current and future operational, care and market standards.
- 2.26. There is also a clear distinction between theoretical supply and deliverable supply. Whilst there are sites within Canterbury District with planning permission or emerging proposals for care home development, there can be no certainty that all such schemes will be approved and subsequently implemented. As just one example of such delivery constraints, some permitted or proposed schemes are affected by nutrient neutrality constraints, in which the lack of available credits and the commercial or technical challenges associated with on-site mitigation can delay or prevent delivery. This highlights the importance of supporting care home proposals on suitable sites that are less constrained and capable of coming forward in the short term (such as the Land to the East of Bullockstone Road).
- 2.27. Recent delivery trends also demonstrate that care home provision has not kept pace with identified need. Evidence of care home closures and openings across the district indicates that a number of registered beds have been lost over recent years, with new provision not being delivered at the rate required to address the identified shortfall as shown in Table 1 overleaf. In Herne Bay specifically, the local care home market has experienced a reduction in registered bedspaces, further emphasising the need for new purpose-built provision in this part of the district.

Home Name	Town	Total beds
Closures		
St John Home	Whitstable	18
St George	Whitstable	18
St Benedicts	Herne Bay	25
Age UK Herne Bay	Herne Bay	7
Ashmore House	Herne Bay	9
Mont Calm Sturry	Canterbury	16
Rockrose	Herne Bay	7
Parsonage Lodge	Herne Bay	14
Beacon Hill Lodge	Herne Bay	30
Connors House	Canterbury	47
Elliott House	Herne Bay	65
Barham House Nursing Home	Canterbury	23
Pilgrims Lodge	Canterbury	26
Resthaven	Herne Bay	18
Openings		
Whitstable House	Whitstable	101
Lark View Care Home	Canterbury	64
Herne Place Care Home	Herne Bay	66
Harrier Lodge	Whitstable	65
Meadow View Residential Care Home	Canterbury	60
Chaucer House	Canterbury	60

Table 1: Source CQC via Carterwood Analytics (2025)

- 2.28. It is also important to consider the quality, and not simply the quantity, of existing care home accommodation. Modern care home provision is expected to provide private ensuite wet rooms, appropriate communal spaces, infection-control benefits, operational efficiency, and high standards of resident dignity and care. A proportion of the existing care home stock within the district is older, smaller in scale and not purpose-built to modern standards. Smaller care homes, particularly those with fewer than 40 beds, may also face greater operational and energy-efficiency challenges and are more vulnerable to exiting the market.
- 2.29. Accordingly, reliance on historic permissions, general older persons' housing allocations or existing care home stock is unlikely to provide sufficient certainty

that the identified need for modern care home bedspaces will be met. The Local Plan should therefore provide clear and flexible policy support for deliverable care home proposals on suitable sites. In this context, Land to the East of Bullockstone Road provides a clear opportunity to deliver a purpose-built care home with up to 75 bedrooms within the plan period, directly responding to both the quantitative and qualitative need for care accommodation in Herne Bay and the wider district.

- 2.30. Whilst we support the spirit of the Council's allocations and inclusion of some older persons' housing requirements, we encourage the Council to prepare more positively for older persons' housing, including for specific types and scales and at smaller sites, such as at the Land East of Bullockstone Road.

3.0 Draft Policy HB8 – Land to the East of Bullockstone Road

- 3.1. Draft Policy HB8 allocates Land to the east of Bullockstone Road for residential development, which has been promoted through the Council's Strategic Land Availability Assessment (SLAA) under reference SLAA356 (and previously SLA004 and SLA005).
- 3.2. The draft policy states that planning permission will be granted for development that provides approximately 28 new dwellings, including affordable housing, accessible housing, and an appropriate housing mix, in accordance with Policies DS1 and DS2. The policy also requires proportionate contributions to community infrastructure, open space provision, high-quality design, coordination with neighbouring sites, noise mitigation in relation to the nearby A299, protection and enhancement of boundary trees, and open space in the western part of the site over the area affected by the gas pressure pipeline.
- 3.3. The allocation of the Site is supported in principle. However, these representations seek to ensure that the allocation is sufficiently flexible to support the delivery of specialist older persons' accommodation, including a purpose-built care home within Use Class C2. The Site can accommodate a care home of up to 75 bedrooms. This would represent an appropriate and efficient use of the land, while directly responding to the Council's evidence base and recommendations, which identifies a need to allocated specific sites to accommodate additional care home bedspaces and specialist older persons' accommodation over the plan period.

Site Context

- 3.4. The Site is located on the eastern side of Bullockstone Road, to the south of Herne Bay and north of the A299. The wider SLAA356 / draft Policy HB8 allocation extends to approximately 1.31 hectares. The care home proposal would be sited on approximately 0.67 hectares of land on the southern portion of the allocation. This would allow the remaining portion of the Site to still come forward for C3 dwellings. Appendix 1 provides an illustrative plan showing the broad locations of proposed development at the whole site proposed to be allocated by draft Policy HB8.
- 3.5. The Site is broadly rectangular in shape and comprises a mix of open grassed land, currently used for grazing, together with a number of existing structures and storage containers located primarily along the northern and southern boundaries. The land falls gently from Bullockstone Road towards the east. Mature oak trees are present along the western boundary, adjacent to Bullockstone Road, and would be capable of being retained and integrated into the design of any future scheme.
- 3.6. The Site is well-contained within the existing built context. It is bounded by, or located in close proximity to, residential development to the west, north and east, including the recently completed Green Lane development to the east and new residential development at Owls Hatch Road to the south-west. The Site is

therefore not an isolated parcel of open countryside, but forms part of a wider area already influenced by established and emerging residential development.

- 3.7. The Site is not publicly accessible and is not crossed by any public footpaths or bridleways. It is also not subject to any fundamental constraints that would prevent development, including high-grade agricultural land, Flood Zones 2 or 3, designated heritage assets, nature conservation designations, mineral safeguarding constraints or water recycling area constraints.
- 3.8. Overall, the Site represents a logical and well-contained opportunity for specialist older persons' accommodation. Its scale, accessibility and relationship with surrounding development make it suitable for a purpose-built care home, subject to detailed design, landscaping, drainage and access considerations being addressed through a future planning application.

Suitability

- 3.9. The Site is within the Herne Bay Urban Area, which the Draft Local Plan identifies as one of the district's main Urban Areas and a focus for development. The Council's spatial strategy therefore supports new development on suitable sites within Herne Bay, reflecting its role as one of the district's most sustainable settlements.
- 3.10. The Site is well-related to existing and emerging development. It is adjoined by built development to the west, north and east, including recent residential development at Green Lane and wider strategic development in the south of Herne Bay. The Site is therefore not isolated, but is a contained site within an area already influenced by established and emerging residential development.
- 3.11. The SLAA confirms that the Site benefits from good accessibility to a range of services and facilities. Within a 15-minute walk, the Site provides access to key services, including a nursery, bus stop, secondary school, and place of worship. Accessibility is further enhanced within a 15-minute cycling catchment and a 5-minute drive, which provide access to a broader range of key, strategic and additional services, including a community hall, GP surgery, primary school, train station, convenience store, existing employment areas, Herne Bay town centre, a hospital, local centre, dentist, post office, public house, recreation ground and veterinary surgery, demonstrating that the Site is well-related to existing services and facilities and is suitable for specialist older persons' accommodation in accessibility terms.
- 3.12. The Council's Development Strategy Topic Paper confirms that although the Site was previously identified as unsuitable in the SLAA due to its inclusion within a wider Existing Open Space designation, the Council has reviewed the function of that designation through the Natural Environment and Open Space Topic Paper (2024 and updated 2026).
- 3.13. This review recognises that the Site forms part of a larger green infrastructure area (Site reference: 137), which plays a role in linking surrounding strategic allocations, including Strategic Site 4 (Herne Bay Golf Course) and Strategic Site 5 (Strode Farm), alongside the A299 corridor. The Council's own assessment concludes that

the parcel of land comprising SLAA356 includes previously developed (brownfield) elements and does not contribute meaningfully to the overall function of the wider green infrastructure network. The Site is enclosed by built development to the west, north and east, and its release would not undermine the integrity or continuity of the wider designated open space, which would retain a coherent boundary to the south.

- 3.14. As such, the land covered by Policy HB8 is no longer proposed to be allocated as Existing Open Space. We wholly support the Site being removed from the Open Space designation.
- 3.15. The Topic Paper also confirms that no objections were raised to this change in assessment outcome through the Regulation 18 Consultation in 2025.
- 3.16. In terms of other technical matters:
- **Highways and access** - An existing access from Bullockstone Road would be utilised and upgraded to serve the proposed development for both vehicles and pedestrians. Any future planning application would be supported by appropriate highways evidence demonstrating that safe and suitable access can be achieved, including adequate visibility along Bullockstone Road for vehicles entering and leaving the Site. An application will also include the provision of a new pedestrian footway to connect with existing pedestrian routes to the north and south of Bullockstone Road, which would be of benefit to the care home staff and visitors (as well as the existing surrounding community). Pre-application engagement with Kent County Council Highways is also being progressed. There is no reason to conclude that development of the Site would result in an unacceptable impact on highway safety or a severe residual cumulative impact on the local highway network. The Site is therefore capable of being developed in accordance with paragraph 116 of the National Planning Policy Framework.
 - **Flood risk and drainage** - The Site lies within Flood Zone 1 and does not have any surface water flood risk constraints. Drainage connections are available within the adjacent residential development, and there are no known concerns regarding the ability to achieve appropriate drainage connections. Any future planning application for a care home development would be supported by a Flood Risk Assessment and Drainage Strategy. On this basis, there is no reason to conclude that drainage or flood risk matters would prevent the delivery of development on the Site, in accordance with paragraph 175 of the NPPF and draft Policies DS23 and DS24.
 - **Trees, landscaping and ecology** - Existing vegetation is largely confined to the boundaries of the Site and would be retained and enhanced as part of any future development proposals, particularly along the southern, western and eastern boundaries. This existing landscape structure provides an opportunity to integrate the development sensitively into its surroundings while maintaining a strong landscaped edge. There is sufficient space within

the Site to reinforce the northern and western boundaries through additional planting. This would include a mix of native species of varying heights and structures to provide a robust natural boundary, improve visual containment and contribute towards biodiversity net gain. Any future planning application would be supported by a detailed landscaping strategy, a tree survey and Arboricultural Impact Assessment, and the necessary ecological surveys and Biodiversity Net Gain Assessment.

- **Design and layout** - taking account of the Site's context and constraints, the proposals present an opportunity to deliver a high-quality, two-storey care home set within an enhanced landscape framework. The development would be capable of assimilating well with the existing character and pattern of development along Bullockstone Road. A successful design solution can be achieved on the Site. A well-designed care home would sit comfortably within the surrounding townscape, respond positively to the established character of Bullockstone Road, and provide a distinctive but appropriate form of specialist accommodation. A care home in the southern portion of the Site would also allow residential dwellings (Use Class C3) or other uses to come forward to the north, so would not prejudice the intention of the Site allocation.
- 3.17. Engagement has already been undertaken with the Council, and all feedback is capable of being incorporated into final proposals.
- 3.18. We are pleased to see that the Council's Strategic Land Availability Assessment (February 2026) also concludes that the Site is suitable for development.

Availability

- 3.19. The Site has been actively promoted through the Local Plan process under SLAA reference SLAA356 (previously SLA004 and SLA005) and is now proposed for allocation under draft Policy HB8.
- 3.20. There are no ownership, legal or land assembly constraints that would prevent the Site from coming forward. The southern portion of the Site is under option by Recreo (Herne Bay) Ltd and is available for development immediately following the grant of the necessary planning consents. A formal planning application will be progressed for a purpose-built care home on the Site and is undertaking the necessary technical work and surveys to support the submission, alongside a full suite of application plans and supporting documents.
- 3.21. On this basis, the Site is available for development and is capable of contributing towards the delivery of identified specialist older persons' accommodation needs within the next five years (subject to proactive engagement from the Council during the course of a planning application), and certainly within the plan period.

Achievability

- 3.22. The Site is achievable for development. It is a modestly sized, well-contained parcel of land and is capable of accommodating an up to 75-bedroom care home without

reliance on major strategic infrastructure or complex land assembly. This supports the timely delivery of development when compared with larger strategic allocations, which can be subject to longer lead-in times, infrastructure dependencies and market absorption issues.

- 3.23. The Council's evidence base confirms that, while the Sustainability Appraisal identified some significant and minor negative impacts, these were considered alongside the SLAA and, on balance, the majority of impacts could be addressed through mitigation and design. The Site has therefore been proposed for allocation in the Regulation 19 Draft Local Plan.
- 3.24. There are no known viability or technical impediments that would prevent the delivery of development at the Site. We are pleased that the Council has confirmed in its Strategic Land Availability Assessment (February 2026) that there no access, viability, or delivery factors have been identified, and so the Site is achievable.
- 3.25. The proposal would also benefit from an identified operational need now and in the future, with the Council's evidence base identifying a requirement for additional care home bedspaces and specialist older persons' accommodation over the plan period. The Site is therefore achievable and capable of delivering specialist older persons' accommodation within the plan period.
- 3.26. The Site would be deliverable within years 1-5 of the plan period (subject to proactive engagement from the Council during the course of a planning application). It has already been subject to site assessments and technical work through the local plan process, which is continuing whilst preparing a planning application; it is relatively unconstrained; and the proposed development is of a modest scale so can come forward at a shorter timescale when compared to larger allocations which are associated greater delays and would unlikely address Canterbury Council's housing shortfall in the short-medium term.
- 3.27. In accordance with the National Planning Policy Framework definition, the Site is deliverable as it is suitable, available and achievable for development.

Draft Policy HB8 suggestions

- 3.28. The current wording of draft Policy HB8 is unnecessarily restrictive, as it refers only to residential development of approximately 28 dwellings and does not expressly allow for specialist older persons' accommodation or Use Class C2 care home provision.
- 3.29. This is a significant omission given the Council's own evidence base. As set out above, the Housing Needs Assessment identifies a clear and substantial need for specialist older persons' accommodation and care home bedspaces over the plan period. The southern part of the Site is capable of accommodating a purpose-built care home (of up to 75 bedrooms) and is well-placed to contribute towards this identified need. A care home use would be consistent with the overall purpose of Policy DS5, the Council's evidence base, and the wider Local Plan objective of delivering the right type of homes in the right places to support healthy and sustainable communities.

- 3.30. As an indication, when applying the ratio set out in the Housing Delivery Test Measurement Rulebook (2024), a 75-bedroom care home would be the equivalent of delivering 39 dwellings to contribute to housing land supply. Additional dwellings could also be delivered on the northern part of the Site when a developer comes forward to deliver that part of the proposed allocation.
- 3.31. It is therefore requested that Policy HB8 be amended to provide sufficient flexibility for the Site to come forward for either C3 residential development or specialist older persons' accommodation, including Use Class C2 residential care home provision. This would not undermine the allocation. Rather, it would make the policy more positively prepared, justified and effective by enabling the Site to respond to a clearly evidenced need.
- 3.32. We also note that part 3b of the draft policy requires '*open space in the western part of the site over the area covered by the gas pressure pipeline*'. This is overly restrictive. Firstly, in the context of a care home scheme, the requirement for open space should be applied proportionately and should not be interpreted as requiring formal public open space across the allocation. A care home would instead provide high-quality private amenity space and landscaped gardens which are suitable for residents (who would have varying levels of acuity care needs), reflecting the operational and amenity needs of the proposed use. Secondly, the layout would also have appropriate regard to the gas pressure pipeline, including maintaining access for inspection and maintenance where required. Investigations have already commenced in relation to the gas pressure pipeline to ensure the deliverability of a future development of this nature.
- 3.33. To ensure that Policy HB8 is positively prepared, justified, effective and consistent with national policy, it is requested that the policy be amended to expressly support specialist older persons' accommodation, including Use Class C2 care home provision, with suggested wording as follows:

Policy HB8 – Land to the east of Bullockstone Road

Site HB8 is allocated for residential development and/or specialist older persons' accommodation, including Use Class C2 care home provision. Planning permission will be granted for development which meets the following criteria:

1. Development Mix

Across the site, the development mix will include either:

- a. Approximately 28 new dwellings, including affordable housing, accessible housing and an appropriate housing mix in line with Policies DS1 and DS2; and/or*
- b. Specialist older persons' accommodation, including a purpose-built care home within Use Class C2, where this would help address an identified need in accordance with Policy DS5; and*
- c. Proportionate contributions to community infrastructure in line with Policy DS15, having regard to the nature and impacts of the proposed use.*

- d. Proportionate open space either in line with Policy DS28 for residential development, or appropriate to the end-users requirements for a care use.*

2. Design and Layout

The design and layout of the site should:

- a. Provide a high-quality built environment in line with Policy DS13;*
- b. Be coordinated with proposals for neighbouring sites, including Herne Bay Golf Club (Site 4, Policy CF1), where relevant; and*
- c. Mitigate and/or minimise adverse noise impacts from the nearby A299.*

3. Landscape and Green Infrastructure

The green and blue infrastructure strategy for the site should:

- a. Protect and enhance the existing trees on the northern and eastern boundary of the site, in line with Policy DS25;*
- b. Where specialist older persons' accommodation or care home provision is proposed, provide appropriate private amenity space and landscaping which is appropriate for residents; and*
- c. Ensure that the design and layout has appropriate regard to the gas pressure pipeline, including maintaining access for inspection and maintenance where required, subject to technical investigation and consultation with the relevant infrastructure operator.*

4. Access and Transportation

The access and transport strategy for the site should:

- a. Provide appropriate walking and cycling connections to the existing network, including Herne Bay Golf Course (Site 4, Policy CF1), where proportionate and relevant to the proposed use.*

4.0 Development Management Policies

Policy DS2 – Housing Mix

- 4.1. Policy DS2 requires new housing developments to provide sustainable mixed communities, including a mix of housing types and sizes to meet community needs. It sets out district-wide market and affordable housing mix requirements, while allowing alternative mixes where robust local evidence, site-specific circumstances, or the nature of the proposal justify a different approach.
- 4.2. Of particular relevance, Policy DS2 requires larger developments to consider whether there is an identified need that could be addressed proportionately on-site. It also states that proposals for 300 or more homes should provide a minimum of 10% of homes as older persons' housing, with the type of provision based on robust evidence of local needs.
- 4.3. Policy DS2 seeks to ensure that new residential development provides sustainable mixed communities, including a range of housing types and sizes to meet community needs. The supporting text to Policy DS2 recognises that the evidence base (explained in Chapter 2) identifies a clear need for a range of housing types and sizes, and specifically highlights the provision of older persons' housing as a key issue. The supporting text confirms that the Local Plan seeks to ensure that new residential developments integrate older persons' housing provision within their sites.
- 4.4. This approach is reflected in Policy DS2(5)(b), which requires proposals for 300 or more homes to provide a minimum of 10% of the homes as older persons' housing, with the type of provision to be based on robust evidence of local needs. The principle of requiring larger residential schemes to make provision for older persons' housing is supported. However, reliance on this mechanism alone is unlikely to provide sufficient certainty that the identified need for specialist older persons' accommodation, and in particular care home bedspaces, will be met over the plan period (and particularly within the first five years, of which the Land to the East of Bullockstone Road has the capability of).
- 4.5. Accordingly, while Policy DS2 is supported in principle, it does not provide sufficient certainty that the Plan will meet the identified need for specialist older persons' accommodation. The requirement for larger schemes to provide 10% older persons' housing is useful, but it is not enough on its own. It does not guarantee delivery of the right typology, nor does it adequately address the identified need for care home provision. To ensure the Plan is positively prepared, justified and effective, the Local Plan should provide greater flexibility for suitable allocated sites to come forward for specialist older persons' accommodation, including Use Class C2 care home provision.
- 4.6. In this context, the proposed amendment to Policy HB8 – Land to the east of Bullockstone Road is necessary and justified. The Site is capable of accommodating a purpose-built care home with up to 75 bedrooms and would directly contribute

to meeting the identified need for additional care home bedspaces. Amending Policy HB8 to expressly support specialist older persons' accommodation and Use Class C2 care home provision would strengthen the Plan's ability to meet identified needs and ensure that delivery is not reliant solely on larger residential allocations or generalised policy wording.

- 4.7. We also suggest that Policy DS2 is amended to include an additional criterion in relation to older persons housing, to ensure consistency with the wider evidence base and national planning policy:

Older persons housing will also be supported on sites smaller than 300 homes, subject to Policy DS5 and specific allocation requirements.

Policy DS5 – Specialist Housing Provision

- 4.8. The supporting text to Policy DS5 reflects the evidence base explained in Chapter 2. The policy provides clear support for specialist older persons' housing (including care homes and nursing amongst other types), including through new-build development, where proposals help address an identified need. Such proposals are supported where they are sustainably located with easy access to public transport, or where the site is allocated for residential development in the Plan and located within an Urban Area.
- 4.9. The general approach of Policy DS5 is supported. It provides a positive policy framework for the delivery of specialist older persons' accommodation and appropriately recognises the importance of responding to identified need. This is consistent with the supporting text to the policy, which confirms a substantial need for older persons' housing in the district and that the Local Plan seeks to support the delivery of additional provision over the plan period.
- 4.10. However, while Policy DS5 is supported in principle, the wording of criterion 1(a) should be amended to provide greater flexibility. In particular, the policy should also support suitable sites that are well-related to settlements but may lie adjacent to, rather than strictly within, a settlement boundary. This would better reflect the locational and operational requirements of specialist older persons' accommodation, which often requires sites of a suitable scale, accessibility, layout and environmental quality. It would also ensure that ever-evolving and increasing needs can be met outside of currently allocated sites (none of which are specifically for care accommodation) align more closely with the Housing Needs Assessment recommendation for flexible policy approaches to meet the identified need.
- 4.11. Accordingly, it is requested that Policy DS5(1)(a) is amended as follows:
- a. The proposal is sustainably located within or adjacent to a settlement boundary (which could also be on an allocated site) and has good access to public transport, services and facilities; or*
- 4.12. This amendment would ensure that Policy DS5 remains positively prepared, justified and effective, while retaining appropriate safeguards by requiring proposals to be sustainably located and accessible.

Policy DS25 – Supporting Biodiversity Recovery

- 4.13. We welcome the draft Plan's ambition to seek to conserve, protect and enhance the districts' ecology. However, we have considerable concerns regarding the proposed wording of draft Policy DS25(3)(b) which goes above and beyond statutory requirements.
- 4.14. The draft policy requires major developments to deliver 20% BNG, exceeding the statutory 10% requirement which is not considered sufficiently justified, effective, or consistent with national policy (or legislation).
- 4.15. Such an uplift should only be introduced where it is supported by robust local evidence demonstrating that it is necessary, justified and deliverable across the range of major development sites expected to come forward over the plan period.
- 4.16. The Council's viability evidence appears to test the 20% requirement as a policy assumption, rather than providing a clear planning or ecological justification for an additional 10% local requirement across all major developments. In other words, the evidence may indicate that the Council has chosen to test 20% BNG, but it does not clearly justify requiring 20% rather than the statutory 10%.
- 4.17. There are also practical delivery concerns. The ability of a site to deliver BNG is highly site-specific and depends on existing baseline habitat value, site size, land take, layout, drainage, landscaping, tree retention, open space requirements and other policy constraints. Requiring 20% BNG on all major developments could result in reduced developable area, layout inefficiencies, increased reliance on off-site provision and additional costs.
- 4.18. This is particularly important because the market for off-site biodiversity units remains relatively immature. There is ongoing uncertainty around the cost, availability, location and type of biodiversity units required to satisfy additional BNG obligations. A mandatory 20% requirement could therefore increase uncertainty at the application stage, prolong negotiations, delay the grant of planning permissions and ultimately affect the delivery of sites allocated through the Local Plan.
- 4.19. The Council's viability evidence also needs to be understood in the context of cumulative policy costs. Major developments will already be required to address a range of policy obligations, including affordable housing, infrastructure contributions, sustainable drainage, energy standards, design requirements, open space, transport mitigation and other site-specific matters. Adding a further 10% local BNG requirement, over and above the statutory baseline, risks placing additional pressure on viability and delivery.
- 4.20. The NPPF makes it clear that plans should set out the contributions expected from development, but such policies should not undermine the plan's deliverability. National Planning Policy Guidance Paragraph 006 Reference ID: 74-006-20240214 also makes it clear that plan-makers may not set a BNG requirement beyond the

10% statutory objective unless it is justified with evidence of a local need for a higher percentage, local opportunities for a higher percentage and any impacts on viability for development. The draft Plan does not provide any of this evidence. In this context, the statutory 10% BNG requirement already provides a clear and nationally consistent mechanism for securing biodiversity enhancement. Requiring 20% BNG goes beyond national policy and has not been sufficiently justified by the evidence base.

- 4.21. Thus, we consider that the requirement beyond the statutory 10% net gain as required by Environment Act is unreasonable, will impede development, and is likely to have significant repercussions for housing delivery across the districts. Publications such as the Home Builders Federation's Biodiversity Net Gain: One Year On (April 2025) also recognise this.
- 4.22. Accordingly, Policy DS25(3)(b) should be amended as follows:
- b. Major developments must deliver 10% Biodiversity Net Gain in accordance with national legislation, calculated using the Statutory Biodiversity Metric and having regard to any relevant national guidance.*
- 4.23. This would ensure that the policy remains justified, effective, viable and consistent with national policy (and legislation), while still securing meaningful biodiversity enhancements through the statutory BNG regime.

5.0 Conclusion

- 5.1. These representations support the principle of allocating Land east of Bullockstone Road in Herne Bay under draft Policy HB8 as we agree with the Council's evidence base that the Site is suitable, available and achievable for development.
- 5.2. It is well-contained, well-related to existing and emerging development, accessible to a range of local services and facilities, and is not affected by any fundamental planning or technical constraints that would prevent delivery. Matters relating to highways, drainage, trees, landscaping, design, noise mitigation, biodiversity and the gas pressure pipeline can be appropriately addressed through the detailed design and planning application process.
- 5.3. However, the current wording of draft Policy HB8 is narrow in limiting the allocation to approximately 28 dwellings. The Council's own evidence base identifies a clear and substantial need for specialist older persons' accommodation and care home bedspaces over the plan period, including a need for approximately 561 additional care home beds by 2043. The Site is capable of accommodating a purpose-built care home with up to 75 bedrooms (plus additional residential dwellings or other uses on the northern part of the allocation) and would therefore make a meaningful and deliverable contribution towards meeting that identified need, as well as contributing to housing land supply.
- 5.4. The delivery of a care home on the Site would also align with national policy and guidance, which require Local Plans to address the needs of older people. It would further support the objectives of draft Policy DS5 (subject to the suggested amendments), which provides a positive framework for specialist housing provision where proposals address an identified need and are sustainably located.
- 5.5. In this context, it is requested that draft Policy HB8 be amended to expressly support specialist older persons' accommodation, including Use Class C2 care home provision. This amendment would not undermine the allocation; rather, it would make the policy better prepared, more justified, more effective, and more consistent with national policy by enabling the Site to respond flexibly to a clearly evidenced local need.
- 5.6. These representations also request targeted amendments to draft Policies, DS2, DS5 and DS25. Policy DS2 should be clear that older persons' housing on smaller sites is also supported. Policy DS5 should be amended to provide greater flexibility for suitable sites located within or adjacent to settlement boundaries, where they are sustainably located and accessible. Policy DS25 should be amended so that major development is required to meet the statutory 10% Biodiversity Net Gain requirement.
- 5.7. Overall, the suggested amendments would strengthen the soundness of the Regulation 19 Draft Local Plan by ensuring that it provides a clear, flexible and deliverable framework for meeting identified specialist older persons' accommodation needs.

Appendix 1

Indicative plan to show broad locations of residential (Use Class C2 and C3) land uses within the site proposed to be allocated under draft Policy HB8.

